

# **TAI POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai O Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendations Report**

#### **Part 2- District Wide Matters - Ngā Kaupapa ā-Rohe Whānui**

#### **Energy - Te Pūngao**

#### **Infrastructure - Te Tūāhanga**

#### **Transport - Te Tūnuku**

**Hearing Dates: 27, 28 November 2023 and 15 February 2024 (via Internet)**

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#### **HEARING PANEL**

Dean Chrystal (Chair)

Sharon McGarry

Maria Bartlett

Paul Rogers

Anton Becker

## Recommendations Report of the Proposed Te Tai O Poutini Plan Hearings Panel

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### PART A – INTRODUCTORY MATTERS

#### 1. PRELIMINARY MATTERS

##### 1.1. Introduction

1. Our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on all chapters of the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the three chapters: Energy - Te Pūngao (**ENG**), Infrastructure - Te Tūāhanga (**INF**), and Transport - Te Tūnuku (**TRN**) in the Energy, Infrastructure, and Transport section in Part 2 - District Wide Matters - Te Wāhanga 2 - Ngā Kaupapa ā-Rohe Whānui of the pTTPP. The TRN Chapter is to be read in conjunction with Appendix One: Transport and Performance Standards of the pTTPP.
3. This Report contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the ENG, INF and TRN Chapters of Part 2 of the Plan.
4. The Section 32 Report<sup>1</sup> provided an evaluation of the options for the management of ENG, INF, and TRN through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research and basis for the pTTPP provisions, consultation, information and analysis undertaken) and evaluation of the options.
5. The Section 42A Report<sup>2</sup>(‘s42A Report’) was prepared and co-authored by Ms Grace Forno and Ms Melissa McGrath, Planners with Barkers & Associates, acting as the Reporting Officers. The s42A Report was circulated before the hearing. It analysed submissions and further submissions received and recommended changes to the notified plan provisions, with Appendix 1 showing the notified plan provisions with recommended deletions shown as ~~strikethrough~~ and additions shown in **bold and underlined** text. Appendix 2 provided a summary of the decision requested and the Reporting Officers’ recommendation to accept/accept in part/reject each individual submission point and further submission point.
6. The s42A Report stated that responding to every submission point was inefficient due to the large number of submissions received. Therefore, a ‘thematic response’ had been taken by grouping submission points and providing responses and recommendations on key issues. It provided an analysis of the requested relief sought and made recommendations on changes sought in relation to key issues. It also included recommendations on definitions in the pTTPP relating to the ENG, INF and TRN Chapters.
7. The s42A Report did not provide summaries of all submission points and further submission points received in a table, or record the number received. The recommended changes to the

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1 Te Tai o Poutini Plan – Section 32 Evaluation Report Two Energy, Infrastructure and Transport Te Pūngao, Te Te Tūāhanga, me Te Tūnuku Report 2

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- notified provisions in Appendix 1 were not footnoted to the submission point or further submission points accepted.
8. Following the circulation of the original s42A Report, the Reporting Officers received instructions to undertake prehearing meetings with submitters to resolve outstanding matters early. A s42A Addendum Report (dated 23 November 2023) was circulated following these prehearing meetings, providing details of further recommended amendments in response to matters raised in evidence, including pre-hearing meeting notes (as Attachment 1) and recommended amendments to the Plan provisions (as Attachment 2). Attachment 2 included the original recommended s42A Report amendments, and additional amendments in response to the pre-hearing and submitter evidence shown in purple underlined text. Recommended corrections to the s42A Report recommendations were also shown in green text.
  9. During the hearing, the Panel requested annotation of the original s42A Report to cross-reference updated positions, including changes to recommendations on Plan provisions. This Annotated s42A Report (dated 28 November 2023) also included an updated version of the notified plan provisions of the ENG Chapter, with the original s42A Report recommendations shown as tracked changes, further text changes resulting from prehearing conferencing (shown in purple) and corrected errors (shown in green).
  10. Following adjournment of the hearing, the Panel directed expert witness conferencing (**EWC**) between the parties' planning experts, which occurred on 19 December 2023 and 18 January 2024. Following this, a Joint Witness Statement (**JWS**) dated 26 January 2024 was issued, and the Reporting Officers subsequently circulated a Position Statement dated 8 February 2024. Attachment 2 of the Position Statement showed all recommended changes to the notified provisions, including the original s42A Report, Annotated s42A Report and additional changes since EWC shown in yellow highlight with underlining and deletions in yellow highlight and strikethrough.
  11. Ms Pull for Ngai Tahu circulated a position statement paper on 2 February 2024, and the reporting officers met online with her on Friday, 26 January 2024. The officer's position statement addressed both the position paper and the online meeting.
  12. The Panel reconvened the hearing by internet connection on 15 February 2024, before which we circulated written questions.
  13. The Reporting Officers' Right of Reply Report (dated 8 March 2024) responded to the Panel's questions and outstanding matters relating to submissions and evidence presented at the hearing, including at the JWS. The Reply Report included the Reporting Officers' final recommendations for amendments to the Plan provisions in a tracked change version as Attachment 1, and a clean version for the recommended provisions as Attachment 2. Attachment 1 utilised bold and underlined text for additions and strikethrough for deletions. No coloured text was used to assist in identifying the origins of the change. The Reporting Officers' recommended amendments to the Plan provisions were not footnoted to identify the submission points relied on for the amendment.
  14. The complete list of s42A Reports and their sequence is as follows:

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- (a) Section 42A Report Part 2- District Wide Matters - ENG, INF, TRN dated 13 October 2023 - Grace Forno and Melissa McGrath (Reporting Officers);
  - (b) Section 42A Addendum Report dated 23 November 2023 - Reporting Officers. ('Addendum Report');
  - (c) Section 42A Annotated Report dated 28 November 2023 - Reporting Officer, (Annotated Report);
  - (d) Section 42A '*Position Statement*' Section 42A Report dated 8 February 2024 - Reporting Officers; and
  - (e) Section 42A Right of Reply Report dated 8 March 2024 – Reporting Officers ('Reply Report').
15. The Panel collectively refers to the above reports as 'the s42A Reports'.
16. At the hearing, the Reporting Officers presented a Planning Summary Statement noting that after considering all written evidence, some recommended wording amendments to the Plan provisions had changed. The Reporting Officers advised that these recommended changes were detailed in the s42A Addendum Report, and unless otherwise stated, the Reporting Officers' recommendations in the s42A still stood.
17. The matters raised by submitters were grouped in the s42A Report for each of the three Chapters ENG, INF and TRN as follows:
  - (a) General/Whole Section;
  - (b) Definitions;
  - (c) Section Overview;
  - (d) Objective;
  - (e) Policies;
  - (f) Standards/Rules: and for TRN;
  - (g) Appendix One: Transport Performance Standards; and
  - (h) Associated Planning Maps.
18. However, before addressing submissions on the three chapters, the s42A Report provided an overview of submissions received broadly on all three chapters and identified three key issues - general issues, the definition of '*Critical Infrastructure*', and subdivision Rule SUB-R8.
19. This Recommendation Report follows the same structure as the s42A Report. It summarises the issues raised in submissions and further submissions; the s42A Report, Annotated Report, Addendum Report and Position Statement analyses and recommendations; submitter statements and evidence (including the JWS); and the Reporting Officers' right of reply

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- evidence before providing the Panel’s evaluation and recommendations. The Panel’s recommendations address each of the three chapters separately.
20. This Recommendation Report should be read with the s42A Reports listed in paragraph 14 above and the recommended tracked change version of the notified Plan provisions attached as Appendix 1 to this Report.
  21. Appendix 1 of this Recommendation Report records the Panel’s recommended amendments to the notified pTTPP provisions as tracked changes, with additions in **bold and underlining** and deletions shown with a ~~striketrough~~. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan shown in Appendix 1 of this Report, the tracked change version of the Plan shown in Appendix 1 of this Report prevails.
  22. This Recommendation Report contains the reasons for the Panel’s recommendations. These are comprised of either adopting the Reporting Officers’ reasoning and recommendation or the specific reasoning and recommendation of the Panel in response to a submission point or a further submission point.
  23. Where the Panel recommends the pTTPP provisions should remain as notified, it is because:
    - (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to retain the provision as notified in the Reports listed in paragraph 14 above; or
    - (b) The Panel recommends retaining the provision as notified for reasons set out in this Recommendation Report.
  24. Where there is a recommended change to a notified provision in the pTTPP, it is because:
    - (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to change the notified provisions; or
    - (b) The Panel recommends a change to a provision for reasons set out in this Recommendation Report in response to a submission point or further submission point; or
    - (c) A consequential change has been necessary following on from a decision in either (a) or (b).
  25. Where there may be a different recommendation between the s42A Reports set out in paragraph 14 above (i.e., the recommendation of the Reporting Officers has changed in response to the evidence/statements of submitters), unless the Panel’s recommendation specifically adopts the reasoning and recommendation of the s42A Report or later reports, the reasoning and recommendation in the Reply Report has been adopted and it must be taken to prevail.
  26. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submission points and further submission points to give effect to the RMA, NZCPS, National Policy Statements and/or RPS, but are still within the scope of the relief sought, this Recommendation Report records the Panel’s reasoning and recommendation.

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27. If any changes are recommended to the provisions (since the Section 32A Report or any Reporting Officers' section 32AA evaluation was completed), a further evaluation, if required, under section 32AA of the RMA, has been undertaken by the Panel. This Recommendation Report refers to any such circumstances in sufficient detail to demonstrate that further evaluation was undertaken.
28. Where the Panel recommends accepting the Reporting Officers' recommendation or a submission point and/or further submission point to change a notified pTTPP provision, the Panel also accepts the Reporting Officers' and/or submitters' accompanying s32 and/or s32AA evaluation, included with the evidence/statement, without repeating the evaluation.
29. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations and the tracked changes to the notified Plan provisions (Appendix 1 of this Report), record any such minor amendments.
30. Appendix 1 records each change with a footnote to a submission point or further submission point, or Clause 16 of the First Schedule of the RMA.

### **1.2. Terminology in this Report**

31. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
BEL	Buller Electricity Limited
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
ENG	Energy Chapter
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
HNZPT	Heritage New Zealand Pouhere Taonga
INF	Infrastructure Chapter
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone

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NZ Energy	New Zealand Energy Limited
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESSHDW	National Environment Standards for Sources of Human Drinking Water 2007
NESCF	National Environmental Standard for Commercial Forestry
NESTF	National Environmental Standards for Telecommunications Facilities 2016
NFL	Natural Features and Landscapes
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
NZEC 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NZDF	New Zealand Defence Force
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape

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Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai o Poutini Plan
RLTP	Regional Land Transport Plan 2021 – 2031
Planning standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement 2020
RTC	West Coast Regional Transport Committee
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
TRN	Transport Chapter
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited

### 1.3. Hearing Arrangements

32. The hearings into the submissions and further submissions received on the ENG, INF and TRN Chapters were held on 27 and 28 November 2023 at the West Coast Regional Council's offices in Paroa, and remotely by internet connection on 15 February 2024.

### 1.4. Procedural Steps and Issues

33. There were no procedural issues.

### 1.5. Appearances

#### Section 42A the Reporting Officers

- Ms Melissa McGrath, Planner with Barkers & Associates
- Ms Grace Forno, Planner with Barkers & Associates

#### Manawa Energy Limited

- Ms Nicola Foran, Environmental Policy Manager
- Ms Stephine Styles, Planner with Boffa Miskell Limited

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### **Bathurst Resources Limited (Bathurst) and BT Mining Limited (BT)**

- Mr Joshua Leckie, Counsel

### **Ms Frida Inta for herself and the Buller Conservation Group (BCG)**

### **Mr Paul Finlay**

### **Mr Peter Langford (via internet connection)**

### **Mr Martin Kennedy**

### **Ms Kair Lippiatt**

### **Buller Electricity Limited (BEL) – Mr Mark Lile, Planner with Landmark Lile Ltd (via internet connection)**

### **Westpower Limited**

- Mr Roger Griffiths, General Manager - Generation and Technology with Westpower
- Ms Sylvia, Technical Administrator with Westpower
- Mr Martin Kennedy, Planner

### **Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and Forty South ('the Telecommunications Companies')**

- Mr Chris Horne, Resource Management Consultant with Incite Limited
- Mr Graeme McCarrison, Environment and Planning Manager with Spark
- Mr Colin Clune, Resource Management Manager with Forty South
- Mr Andrew Kantor, Environmental Planning and Engagement Manager with Chorus

### **New Zealand Transport Agency Waka Kotahi (NZTA Waka Kotahi)**

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering with WSP New Zealand Ltd (via internet connection)

### **New Zealand Energy Limited (NZEL)**

- Mr David Inch
- Mr Peter Mulvihill

### **Transpower New Zealand Limited**

- Ms Pauline Whittney, Planner with Boffa Miskell Ltd
- Ms Rebecca Eng, Technical Lead – Policy with Transpower
- Mr Jordan Shortland-Witehira, Engineer with Transpower

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### **Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu')**

- Ms Katherine Viskovic, Counsel

- Ms Rachael Pull, Senior Environmental Advisor with Te Rūnanga o Ngāi Tahu

**Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)** – Ms Nicky Snoyink for (via internet connection)

**Ms Inger Perkins** for Herenga ā Nuku, the Outdoor Access Commission (via internet connection)

**KiwiRail Holdings Limited** – Ms Michelle Grinlinton-Hancock, RMA Team Leader with KiwiRail

## 1.6. Overview of submitter evidence and statements received

34. Legal submissions were received from:

(a) Mr Joshua Leckie for Bathurst Resource Limited and BT Mining Limited (*'Bathurst'*) (dated 13 November 2023);

(b) Ms Alex Booker for Birchfield Mines Limited, Papahaua Resources Limited, and Rocky Mining Limited. Tiga Minerals and Metals Limited, WMS Group (HQ) Limited, and WMS Land Company Limited (dated 13 November 2023); and

(c) Ms Sarah Scott for Poutini Ngai Tahu.

35. Before the hearing, we received a tabled statement or evidence from:

(a) West Coast Regional Council (**WCRC**) dated 30 October 2023;

(b) KiwiRail Holdings Limited (**'KiwiRail'**) dated 3 November 2023;

(c) The New Zealand Defence Force (**NZDF**) dated 24 November 2023; and

(d) **Forest & Bird** dated 28 November 2023.

36. The Reporting Officers tabled a Planning Summary Statement at the commencement of the hearing on 27 November 2023.

37. For those appearing at the hearing, the following evidence and statements were received:

(a) Ms Nicola Foran, Environmental Policy Manager for Manawa (dated 30 October 2023);

(b) Ms Stephine Styles, Planner for Manawa (dated 30 October 2023);

(c) Ms Frida Inta for BCG and herself (dated 27 November 2023);

(d) Mr Paul Findlay for himself (27 November 2023);

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- (e) Mr Martin Kennedy, Planner for Westpower (dated 29 October 2023);
- (f) Mr Mark Lile, Planner for BEL (dated 30 October 2023);
- (g) Mr Chris Horne, Planner for the Telecommunication Companies (dated 27 October 2023);
- (h) Mr Graeme McCarrison, Mr Andrew Kantor Chorus and Mr Colin Clune – Joint Statement of Evidence (dated 27 October 2023);
- (i) Mr Stuart Pearson, Senior Planner for NZTA Waka Kotahi (dated 3 November 2023);
- (j) Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering for NZTA Waka Kotahi (dated 3 November 2023);
- (k) Ms Pauline Whitney, Planner for Transpower (dated 30 October 2023);
- (l) Ms Rebecca Eng, Technical Lead – Policy for Transpower (dated 30 October 2023);
- (m) Mr Jordan Shortland-Witehira, Engineer for Transpower (dated 30 October 2023);
- (n) Ms Rachael Pull, Senior Environmental Advisor for Poutini Ngāi Tahu (dated 30 October 2023);
- (o) Ms Inger Perkins for Herenga ā Nuku Aotearoa the Outdoor Access Commission (dated 28 November 2023);
- (p) Ms Michelle Grinlinton-Hancock, RMA Team Lead for KiwiRail (dated 3 November 2023); and
- (q) Ms Nicky Snoyink for Forest & Bird (dated 28 November 2023).

### **1.7. Site Visit**

- 38. The Panel undertook site visits throughout the pTTPP process, including those relevant to this hearing.

### **1.8. Objective and Policy Language**

- 39. Throughout the hearings, the Panel discussed with Reporting Officers, submitters and witnesses the appropriateness of language within the objectives and policies in all three chapters. The Panel examined the use of *'minimise'* throughout the ENG, INF, and TRN objectives and policies, and whether *'manage'* or *'avoid, remedy and mitigate'* would be more appropriate and provide greater flexibility. The Panel also considered using the words *'incompatible'* and when to use *'enable'* and *'provide'* throughout the hearing. To maintain some order in our recommendations, the Panel discusses using such terms below, considering the specific objectives and policies affected. For completeness, the Panel notes that the Reporting Officers' Reply Report at section 3.0 (pages 3-6), provides their final recommendations relating to the use of such terms.

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### **PART B - STATUTORY REQUIREMENTS AND DOCUMENTS**

#### **2. RMA STATUTORY REQUIREMENTS AND DOCUMENTS TO BE CONSIDERED**

40. Energy, Infrastructure, and Transport are one of seven sections located in Part 2—District-Wide Matters—Te Wāhanga 2—Ngā Kaupapa ā-Rohe Whānui. The section contains three chapters with objectives, policies, and rules for ENG, INF, and TRN that apply across the districts.
41. The Section 32 Report outlined the relevant statutory considerations applicable to Energy, Infrastructure, and Transport Activities and the relationships between the sections of the RMA and higher-order documents that the Panel must give effect to in making our recommendations. It also provided a section 32 evaluation of the pTTPP provisions for the three chapters.
42. The s42A Report highlighted relevant sections 6, 7 and 8 matters of the RMA, and provided details on the following higher-order statutory documents and relevant documents:
  - National Policy Statement for Renewable Energy Generation 2011 (**NPSREG**);
  - National Policy Statement for Electricity Transmission 2008 (**NPSET**);
  - New Zealand Coastal Policy Statement 2010 (**NZCPS**);
  - National Policy Statement for Freshwater Management 2020 (**NPSFM**);
  - National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
  - National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
  - National Policy Statement for Urban Development 2020 (**NPSUD**);
  - Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (**NESETA**);
  - Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2016 (**NESTF**);
  - Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**);
  - Iwi Management Plans, Mana Whakahono a Rohe; and
  - West Coast Regional Policy Statement 2020 (**RPS**).
43. The Reporting Officers referred the Panel to the Regional Land Transport Plan 2021-2031 (**RLTP**), a plan in which local and regional authorities, the Department of Conservation (**DOC**),

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and NZTA Waka Kotahi work together to identify and prioritise investment in the land transport network; and Te Whanaketanga Te Tai Poutini West Coast 2050 Strategy. Te Whanaketanga is a collaborative document developed by Development West Coast, the West Coast Councils and Poutini Ngāi Tahu. It sets out key strategic directions for the West Coast around economic development, regional identity and stronger communities.

44. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.
45. The New Zealand Planning Standards mandatory direction 7.5 requires provisions relating to ENG, INF and TRN that are not specific to the '*Special Purpose zones*' chapter or sections must be located in one or more chapters under the heading '*Energy, Infrastructure and transport*'; and may include statements about the status of transport corridors, noise related metrics and noise measurement methods, and the management of reverse sensitivity effects. Mandatory direction 7.6 requires that the ENG, INF and TRN chapters include cross-references to any energy, infrastructure and transport provisions in a Special Purpose Zones chapter or sections. Mandatory direction 7.7 requires that zone chapters include cross-references to relevant provisions under the energy, infrastructure and transport heading. Mandatory direction 7.8 requires that all chapters must be included alphabetically. The Panel is satisfied that the pTTPP structure is consistent with this National Direction.
46. In written legal submissions dated 13 October 2023, Ms de Latour (Wynn Williams) addressed the general approach to considering changes to district plans. The Panel agrees with those submissions and applies the approach outlined concerning the ENG, INF and TRN chapter provisions.

## **PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS**

### **3. DEFINITIONS - CRITICAL INFRASTRUCTURE**

47. The pTTPP Strategic Direction Chapter objectives for Connections and Resilience recognise the strategic importance of energy, infrastructure, and transport resources to the West Coast.
48. The Strategic Direction in Part 2, combined with objectives within the relevant topic chapters, ensures that they provide a coherent, overarching strategic direction and state the intended outcomes for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies is enabled in other pTTPP chapters consistent with the strategic objectives.
49. The Connections and Resilience section of the pTTPP Strategic Direction Chapter contained four objectives, three of which reference critical infrastructure. ‘Critical infrastructure’ is defined in the pTTPP as follows –

*the rail network, state highways, special-purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.*

50. Section 2.2 of the Strategic Direction of the s42A Report discussed use of the term ‘critical infrastructure’ and submissions received regarding the appropriateness of the term ‘critical infrastructure’ concerning the Strategic Direction Chapter. It noted that any proposed amendments to this definition would result in consequential amendments throughout the pTTPP.
51. The Strategic Direction s42A Report recommended using the term ‘critical infrastructure’ in all objectives in the Connections and Resilience section. However, it stated -

*I am aware that there are a range of submissions on the definition of Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, I would support this addition as a consequential amendment.*

#### **Submissions and Further Submissions**

52. The s42A Report identified six submission points and one further submission point<sup>3</sup> supporting the definition of ‘Critical Infrastructure’ as notified.
53. Manawa (S438.003, S430.007, and S438.024) sought to replace the ‘Critical Infrastructure’ definition with ‘Regionally Significant Infrastructure’ (RSI) based on the RPS definition. Transpower (FS10.005), RNZ (FS141.001 and FS141.006), Westpower (FS222), WMS Group (HQ) Limited and WMS Land Company Limited (FS231.004) and Buller District Council (BDC) (FS149.068) supported submission S438.024 and sought to use RSI utilising the RPS definition.

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<sup>3</sup> S442.001, S450.001, S440.01, S451.006, S478.063, S663.001 and FS149.008

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54. NZDF (FS31)<sup>4</sup> opposed submission points S438.003, S438.024, and S608.006 because the pTTPP definition of ‘Critical Infrastructure’ includes defence facilities and the RPS definition of RSI does not include NZDF facilities.
55. KiwiRail (S476.001) and Grey District Council (GDC) (FS1.271) supported the definition of ‘Critical Infrastructure’; however, they sought to include radiocommunication networks as provided for in the RPS.
56. WCRC (S488.005) sought to amend the ‘Critical Infrastructure’ definition to include ‘environmental monitoring facilities’ and ‘natural hazard mitigation’.
57. BDC (S538.010), Forest & Bird (FS34.063), and GDC (FS1.411) sought that ‘ports’ be provided for in the definition of ‘Critical Infrastructure’.
58. Federated Farmers of New Zealand (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of ‘Critical Infrastructure’, in particular, a description of ‘Critical Infrastructure’ with a non-exhaustive list of types of critical infrastructure, being “those necessary facilities, services and installations which are critical or of significance to either the West Coast or New Zealand”.
59. Forest & Bird (S560.061) sought the definition of ‘Critical Infrastructure’ be reworded so that it is limited to specific entities and infrastructure that deliver a service operated by a ‘lifeline utility’ (as defined in the Civil Defence Emergency Management Act 2002), because the current wording was considered to be too broad and could capture infrastructure which is not ‘critical’. NZDF (FS31.005) opposed Forest & Bird’s submission because the definition of a lifeline utility under the Civil Defence Emergency Management Act 2002 does not include NZDF facilities and NZDF facilities are included under the pTTPP definition of ‘Critical Infrastructure’.
60. Poutini Ngāi Tahu (S620.028) generally supported the notified definition for ‘Critical Infrastructure’ but also sought to clarify the meaning of ‘special purpose roads’ within the defined term ‘Critical Infrastructure’.

### **Section 42A Reports**

61. The s42A Report noted the recommendations of the Strategic Direction s42A Report and considered the submission and further submission points received regarding the ENG, INF, and TRN provisions. It recommended adopting the RPS definition of RSI and accepting the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS.
62. The RPS defines RSI as follows -

*Regionally significant infrastructure means:*

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<sup>4</sup> FS31.002, FS31.003, FS31.004

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- (a) *The National Grid (as defined by the Electricity Industry Act 2010);*
  - (b) *Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;*
  - (c) *Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;*
  - (d) *Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;*
  - (e) *The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;*
  - (f) *The regional rail networks;*
  - (g) *The Westport, Greymouth, and Hokitika airports;*
  - (h) *The Regional Council seawalls, stop banks and erosion protection works;*
  - (i) *Telecommunications and radio communications facilities;*
  - (j) *Public or community sewage treatment plants and associated reticulation and disposal systems;*
  - (k) *Public water supply intakes, treatment plants and distribution systems;*
  - (l) *Public or community drainage systems, including stormwater systems;*
  - (m) *The ports of Westport, Greymouth and Jackson Bay; and*
  - (n) *Public or community solid waste storage and disposal facilities*
63. The s42A Report did not support amending the RSI definition to include defence facilities because no major defence facilities are on the West Coast. It is considered that the underlying zone would provide for future defence facilities and that the amendment sought by the NZDF was inconsistent with the RPS. It recommended that NZDF's further submission points be rejected.
64. The s42A Report agreed with the relief sought by WCRC (S488.005), KiwiRail (S476.001), BDC (S538.010), Forest & Bird (FS34.063) and GDC (FS1.411) to delete the definition of 'Critical Infrastructure' and replace it a new definition of 'Regionally Significant Infrastructure,' based on the RPS definition; and recommended accepting these submission and further submission points.
65. The s42A Report noted Federated Farmers of New Zealand ('Federated Farmers') (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of 'Critical Infrastructure' but considered the recommended deletion of the definition of 'Critical Infrastructure' and replacement with RSI rendered these submission points redundant.

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Similarly, it considered the Forest & Bird (S560.061) and Poutini Ngāi Tahu (S620.028) submission points were no longer applicable given the recommended use of RSI.

66. In response to a question from the Panel, the Reporting Officers considered, that within the scope of the ENG, INF and TRN provisions, the use of RSI did not broaden the scope of activities enabled.
67. In response to Mr Kennedy's evidence regarding S457.00, the s42A Addendum recommended rejecting the submission to retain the definition of 'Critical Infrastructure'.

### **Hearing and submitter evidence, including the JWS.**

68. Legal submissions<sup>5</sup> from Ms Viskovic (and Ms Sarah Scott), for Poutini Ngāi Tahu, addressed replacing the definition of 'Critical Infrastructure' with the RPS definition of RSI. While generally supporting the change to align with the RPS definition of RSI, they considered there was little in the way of supporting analysis to support the change. They raised concern that the change recommended had the potential to significantly extend the application of enabling provisions that apply to critical infrastructure such as SASM-P13, ECO-P7 and Rules ECO-R1, NFL-R3, NFL-R9 and SUB-R4. They also submitted that there should not be different infrastructure definitions within the pTTPP, enabling plan users to easily identify the provisions that apply to any given type of infrastructure.
69. Ms Pull, for Poutini Ngāi Tahu, considered replacing the notified definition of 'Critical Infrastructure' with RSI would broaden the range of activities included and provided a table<sup>6</sup> of a comparison of the two definitions showing that RSI was broader in its reach. She was critical the s42A Report did not detail the impact of this change on the wider plan or within the ENG Chapter. She was concerned the change to RSI could impact on the Sites of Significance to Māori (SASM) Chapter and that no assessment had been undertaken by the Reporting Officers. She noted that some RSI would be managed by designations but that some may not; and that some are managed by a requiring authority and some may not be. She highlighted that there were rules in the SASM Chapter that refer to similar terms to RSI such as 'Network Utility Structures' and that confusion could arise from the use of multiple terms. While she acknowledged the use of RSI in the RPS, she considered the pTTPP did not have to use the same term. She proposed that the definition of 'Critical Infrastructure' should be expanded to include some of the features of both RSI or s8 of the Infrastructure Funding and Financing Act 2020, subject to the impacts of any such change being considered on a plan wide basis.
70. Ms Pull highlighted that the RMA definition of 'Infrastructure' was very broad and distinguished lifeline infrastructure from other infrastructure.
71. In expert conferencing, Ms Pull requested to limit RSI to statutory agencies or requiring authorities because of concern that other entities other than statutory authorities could utilise the RSI definition to use enabling provisions with limited or no oversight applied.

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<sup>5</sup> Dated 13 November 2023 paragraphs 3.1- 3.3

<sup>6</sup> Rachael Pull Statement of Evidence dated 30 October 2023 Table 1 page 11

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72. The JWS records Ms Pull's agreement to replace the definition of '*Critical Infrastructure*' with RSI on the condition that implications of the change are assessed on a plan wide basis and considered throughout the hearings on other chapters of the Plan. However, Ms Pull sought to restrict the scope of RSI to three waters infrastructure, and wastewater storage and disposal facilities managed by the Council to ensure long term effects on the community are managed. The JWS also records that Ms Pull sought clarity as to which roads are 'special purpose roads' and was advised by the Reporting Officers that these are roads subject to NZTA funding.
73. The JWS records Manawa and WCRC's planning experts expressed concern at limiting RSI to statutory agencies and requiring authorities, given that Manawa is not a requiring authority and the need to deal with waste in emergency situations. In response, Ms Pull noted that with an exclusion, Manawa's activities would still fit under the normal infrastructure provisions but not the most enabling RSI provisions.
74. The JWS records that Mr Horne, on behalf of the Telecommunications Companies, considered RSI clause (i) should include '*network and facilities*' to cover fibre and that the Reporting Officer did not oppose this.
75. NZDF's tabled written statement noted defence facilities were included within the pTTPP definition of '*Critical Infrastructure*' and that other district plans made provision for defence facilities (e.g. Selwyn District Council for the NZDF firing range and Burnham Military Camp).
76. Ms Snoyink, for Forest & Bird, considered simply replacing use of '*critical infrastructure*' with RSI in these three chapters, and consequently replacing the use of that term throughout the pTTPP, would increase the potential for conflict with other plan provisions and inconsistency with the NZCPS and Chapter 7 of the RPS. She noted the recommendation had not considered the full scope of infrastructure included under the RPS RSI definition and had not recognised that the RSI does not include all energy activities such as facilities generating less than 1 MW of electricity. Whereas the pTTPP definition of '*Energy Activity*' includes any energy generation, on any scale.
77. Ms Snoyink highlighted that the Reporting Officers had relied on the NPSET, the NPSREG and the RPS, regarding RSI, in considering provision wording for '*Energy Activities*'. She noted the pTTPP definition of '*Energy Activities*' was broad, and while not opposed to a broader definition, that the Chapter overview should clarify this and use terms, such as national grid, critical infrastructure, or renewable electricity generation, in appropriate circumstances. She noted Forest & Bird contend that not all energy infrastructure should be treated equally. A refinement in terminology was required, she said, to better align with the NZCPS and the RPS, while also aligning with the NPSET and NPSREG. She considered that treating all '*Energy Activities*' the same increases the potential for conflicts with the NZCPS and RPS, and that the plan also needs to address the different directions of the NPS.
78. Ms Snoyink was critical that Reporting Officers had not considered Chapter 7, Ecosystems and Indigenous Biological Diversity, of the RPS and noted the RPS overview for Chapter 6 on RSI clearly states that all relevant provisions of the RPS must be considered when managing the adverse effects of RSI activities.

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79. Mr David Inch, for NZEL, highlighted that the RSI definition excluded community facilities generating less than 1 MW of electricity, such as those at Haast, Turnball Gorge, and Fox. He considered that resource consent should not be required for small community facilities providing essential services. He also noted that the use of backup generators should not be limited to 24 hours under Rule ENG-R9 and that under Rule INF-RX1, this was 48 hours.
80. Mr Kennedy, for Westpower, considered replacing the definition of '*Critical Infrastructure*' with RSI appropriate, but noted that this was a fundamental amendment to the pTTPP that needed to be understood. Ms Styles, for Manawa, and Ms Whitney, for Transpower, also supported the use of RSI and noted that its use and the use of 'infrastructure' and 'energy activities' required careful consideration throughout the Plan.

### Reporting Officers' Position Statement and Reply Evidence

81. The s42A Report recommendation was to adopt the RPS definition of RSI and accept the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS. In Reply, the Reporting Officers noted general agreement between expert witnesses participating in the EWC that the term '*Critical Infrastructure*' should be replaced with RSI, in general accordance with the RPS definition of RSI. They highlighted that the JWS recorded expert witnesses' differing opinions concerning appropriate further amendments to the RSI definition to refine it to a district level.
82. The Reporting Officers' Position Statement considered the RPS definition could be refined to a district level whilst giving effect to the RPS and recommended the following refinements of the RPS definition:
  - (a) Inclusion of '*Special Purpose Roads as identified on the planning maps*'; and
  - (b) Amendment of clause (l) to include '*telecommunication network and facilities*' to include the fibre network.
83. In Reply, the Reporting Officers remained of the view that defence facilities should not be included in the definition of RSI because there are no major defence facilities on the West Coast, and future defence facilities would be provided for by the underlying zone. Furthermore, the Reporting Officers considered that such an inclusion would be inconsistent with the RPS.
84. The Reporting Officers disagreed with Ms Pull's view of limiting RSI to statutory agencies or requiring authorities because many infrastructure providers are neither. They considered that such a restriction would result in the definition of RSI not giving effect to the RPS.
85. The Reporting Officers' recommended refinements to clauses (j), (k) (l) and (n) to remove '*community*' and add '*council owned*' to clarify that applicable infrastructure was public and council administered to remove ambiguity that a small-scale communal facility could be defined as regionally significant.
86. In addition, the Right of Reply of Ms Easton, the reporting officer in the Sites and Areas of Significance to Māori (SASM) hearing, records issues raised by the planners in that hearing, through their Joint Witness Statement, regarding the multiplicity of infrastructure definitions

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in the plan and the need to rationalise them for consistency. Ms Easton recorded that the planners as a whole identified a range of terms, including “critical infrastructure”, “infrastructure” (RMA definition), “network utility operator” (RMA definition), “lifeline utilities”, “network utilities”, “network infrastructure”, “network utility structures”, “public network utilities”, “reticulated network utility systems” and “temporary network utilities”, as well as terms supported in s42A Reports such as “regionally significant infrastructure” and “network utility infrastructure”. Ms Easton recommended looking holistically across the Plan to resolve the appropriate terminology in each instance.

### Hearing Panel’s Evaluation

87. The Panel considers that Ms Viskovic’s concerns regarding the lack of reasons to support the change from ‘*Critical Infrastructure*’ to RSI were addressed by the planning experts in EWC and recorded in the JWS, and that such a change has merit. Reasons included that there is an existing familiarity with the term RSI, given its use within the RPS; and its use would address concerns about ensuring consistency, avoiding ambiguity, and making the pTTPP easier to use.
88. The Panel examined whether the RPS definition of RSI was sufficient and whether it could be amended to reflect infrastructure at a district scale during the hearing. The Reporting Officers considered that the RPS definition of RSI could be refined at a district level in a manner that continued to give effect to the RPS policy outcomes. Refinements discussed during the hearing process included:
  - (a) inclusion of ‘*special purpose roads*’;
  - (b) inclusion of NZDF facilities;
  - (c) amendment to clause (i) to include ‘*Telecommunications network and facilities and radio communications facilities*’; and
  - (d) limiting of RSI to those managed by statutory agencies or requiring authorities.
89. Ongoing discussions during the hearing considered alternative refinements of the RSI definition to remove ambiguity, enable small-scale communal facilities to be included, and clarify whether infrastructure included should be public and council owned. Alternative language options were also discussed during the hearing, including infrastructure owned, leased, or administered by the Council.
90. The Panel acknowledge that the expert planning witnesses participating in the EWC generally agreed that the definition of ‘*Critical Infrastructure*’ should be replaced with the RPS definition of RSI but disagreed on whether further amendments to the RSI definition were necessary to refine it to a district level to address smaller scale infrastructure.
91. The Panel considers Ms Pull's request to restrict the definition of RSI to apply only to those managed by statutory agencies is inappropriate because public or community infrastructure providers may not be statutory agencies or requiring authorities. The Panel agree with the Reporting Officers that such a limitation would restrict the definition of RSI to the extent that it no longer gives effect to the outcomes sought by RPS provisions. The Panel agrees that to give effect to the RPS, the pTTPP definition of RSI does not need to copy the RPS wording

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- exactly, and we are satisfied the recommended amendments to the RSI definition gives effect to the RPS.
92. The Panel accepts the opinions of the expert planning witnesses that Ms Pull's request to limit the definition of RSI to those managed by statutory agencies or requiring authorities could present workability issues and impact on the use of facilities in emergency situations. The Panel accepts that non-statutory parties may manage important public or community services and facilities, and it does not follow that they will not comply with Plan provisions and/or conditions of consent in a manner different from a statutory agency.
  93. The Panel agrees with the Reporting Officers' recommendation to delete the pTTPP definition of 'Critical Infrastructure' and add a new definition of RSI based on the RPS definition for the reasons stated in the s42A Report and the Reply Report. The Panel agrees that the RPS definition of RSI can be refined at a district level while implementing the RPS policy outcomes.
  94. The Panel accepts the Reporting Officers' recommendation to replace '*community*' with '*council owned*' in clauses (j), (l) and (n); and to add '*council owned*' to clause (k) of the RSI definition to increase clarity and improving effectiveness.
  95. The Panel accepts the Reporting Officers' recommended amendment to clause (i) to add '*networks and facilities*' to clarify that the fibre network is included, as noted by Mr Horne in the JWS.
  96. The Panel agrees with the Reporting Officers that, for the reasons they put forward, there is no need to limit the definition of RSI to statutory agencies and requiring authorities.
  97. The Panel disagrees with the Reporting Officers that defence facilities should not be included because currently there are no facilities. We accept the NZDF request (S519.004) to include defence facilities based on the request to retain the definition of '*Critical Infrastructure*', as notified, because it includes defence facilities. We consider it appropriate to include all the activities covered in the definition of '*Critical Infrastructure*', regardless of what facilities currently exist. We agree that any new defence facilities would be subject to the relevant zone provisions but consider it should be subject to the provisions for RSI for its ongoing operation.
  98. In addition to these specific submission points and further submission points, the Panel considers the replacement of '*Critical Infrastructure*' with RSI within the context of each ENG, INF and TRN provision, where relevant. The Panel noted that concerns raised regarding the need for a plan-wide assessment of the implications of this change are considered in each of the Panel's recommendation reports on individual chapters of the pTTPP. However, the new RSI definition replaces the term '*Critical Infrastructure*' throughout the TTPP, as a consequential amendment.
  99. The Panel agrees with the recommendation of Ms Easton, reporting officer in the SASM hearing, that there should be consistent use of terminology across the plan and a reduction in the number of terms used to describe infrastructure, with corresponding definitions. Not all of the terms listed in her Reply Evidence for the SASM hearing are defined in the Plan. We have addressed these later in this recommendation.

### **Hearing Panel's Recommendations**

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100. The Panel recommends deleting the definition of ‘*Critical Infrastructure*’ from the Plan and adding a new definition for ‘*Regionally Significant Infrastructure*’, as set out below.

### **CRITICAL INFRASTRUCTURE**

**means:**

~~the rail network, state highways, special purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.<sup>7</sup>~~

### **REGIONALLY SIGNIFICANT INFRASTRUCTURE**

**means:**

- (a) The National Grid (as defined by the Electricity Industry Act 2010);
- (b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;
- (c) Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;
- (d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
- (e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;
- (f) The regional rail networks;
- (g) The Westport, Greymouth, and Hokitika airports;
- (h) The Regional Council seawalls, stop banks and erosion protection works;
- (i) Telecommunications networks and facilities and radio communications facilities;
- (j) Public or council owned sewage treatment plants and associated reticulation and disposal systems;
- (k) Public or council owned water supply intakes, treatment plants and distribution systems;

<sup>7</sup> Manawa Energy Limited S438.003 and S438.007

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- (l) Public or council owned drainage systems, including stormwater systems;
- (m) The ports of Westport, Greymouth and Jackson Bay;
- (n) Public or council owned solid waste storage and disposal facilities;
- (o) Special Purpose Roads as identified on the planning maps; and<sup>8</sup>
- (p) Defence Facilities<sup>9</sup>

## 4. ENERGY

### 4.1. Energy - General/Whole Chapter

#### Submissions and Further Submissions

101. The s42A Report identified 18 submission points and 13 further submission points<sup>10</sup> relating to general matters/whole ENG Chapter.
102. Three submission points and one further submission point<sup>11</sup> supported the ENG provisions as notified. DOC (S602.06) was neutral on the ENG Chapter as notified, as the provisions did not affect priority conservation values, biodiversity values or DOC interests.
103. Lynley Hargreaves (S481.025), supported by NZEL (FS127.023) sought to retain the ENG provisions supporting a low carbon lifestyle.
104. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190.037) sought to include objectives and policies supporting renewable energy generation development in the ENG.
105. Inger Perkins (S462.031) sought to include methods (other than rules) in the pTTPP that support installing clean energy at a micro-scale.
106. Forest & Bird (S560.441) sought the deletion of 'Strategic Objectives'. Westpower (FS222.0228) opposed the relief sought.
107. Forest & Bird (S560.125, S560.126, S560.127 and S560.128) sought to amend the discretionary matters to provide for biodiversity and other natural values. Westpower (FS222)<sup>12</sup> opposed this submission because it duplicated issues.

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<sup>8</sup> Manawa Energy Limited S438.003, S438.007 and S438.024

<sup>9</sup> Ministry of Defence 519.004

<sup>10</sup> S190.037, S190.037, S299.027, S481.025, S560.108, S560.125, S560.126, S560.127, S560.128, S560.129, S560.130, S560.442, S560.444, S560.439, S620.087, S620.088, S620.089, S620.090, FS34.026, FS127.025, FS222.0226, FS222.0227, FS222.0229, FS222.0233, FS222.0241, FS222.0242, FS222.0243, FS222.0244, FS222.0245, FS222.0246, FS230.067

<sup>11</sup> S181.001, S190.037, S581.012, FS34.018

<sup>12</sup> Westpower FS222.0241, FS222.0242, FS222.0243, FS222.0244

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108. Poutini Ngāi Tahu (S620.087, S629.088, S620.089 and S620.090) sought an additional matter of discretion for the restricted activity rules (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) as follows:

*The degree to which the proposed activity will cause significant adverse effects on Overlay chapter matters **and sites listed in Appendix 10.***

109. Transpower (S299.027) did not support the reference to other rules in the pTTPP in the overview of the ENG, submitting that it should stand alone. Poutini Ngāi Tahu (FS41.104) opposed this submission, submitting that the ENG should not be read in isolation from other portions of the pTTPP. They supported the cross-referencing approach used within the overviews of the pTTPP to clarify the relationship between chapters, particularly in relation to the SASM chapter and advice notes within rules. Forest & Bird (FS34.026) also opposed this submission because the relief sought was inconsistent with the NZCPS and RPS.
110. Paul Finlay (S408.001) sought to ensure that provision is made for the critical need for reliance on hydropower generation, particularly regarding resilience pre- and post-alpine fault rupture, and climate change-required irrigation.
111. John Walsh (S527.001) sought a planning map provision for the National Grid Lines overlay to be removed from 169 Alma Road, as they appeared to be no longer part of the National Grid and may limit future development of the relevant site. Transpower (FS110.051) supported this submission point as the Waimangaroa Westport (WMG-WPT-A) 100kv line will be divested and no longer owned or operated by Transpower, and a section of the Inangahua Westport B (IGH-WPT-B) 100kv line will be decommissioned and dismantled.
112. Manawa (S438.127) supported the inclusion of provisions related to renewable electricity generation/regionally significant infrastructure in each of the relevant zone chapters, including ENG. Westpower (FS222.0198) opposed this submission because the pTTPP clearly states – ‘Area Specific Provisions (Zone Chapters) do not apply to energy activities’, which relates to the entire chapter, not just the standards
113. Frank and Jo Dooley (S478.058) and Buller Electricity Limited (**BEL**) (S451.001) sought the corridor protection rules that relate to energy to be included within the zone chapters.

### **Section 42A Reports**

114. The s42A Report acknowledged Lynley Hargreave’s submission and considered that the pTTPP appropriately provided for a low-carbon lifestyle.
115. The s42A Report acknowledged the Te Mana Ora (Community and Public Health) of NPHS /Te Whatu Ora submission and considered that pTTPP appropriately supports renewable energy generation development.
116. Regarding Inger Perkins' submission, the s42A Report considered the installation of clean energy at a micro-scale was provided for within the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14. It was noted that these rules provide sufficient scope for micro-scale clean energy and that the submitter had provided insufficient rationale to justify the change requested.

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117. The s42A Report recommended rejecting the relief sought by Forest & Bird (S560.441) to delete '*Strategic Objectives*' because this amendment would be inconsistent with the entirety of the pTTPP.
118. The s42A Report recommended rejecting Forest & Bird's (S560)<sup>13</sup> requests to add new matters of discretion to provide for biodiversity and other natural values, which was supported in part by Poutini Ngāi Tahu's (FS41) further submissions. It accepted Westpower's (FS222) further submission that this would duplicate relevant matters and considered specifying chapters of the pTTPP would limit and restrict assessments when the pTTPP should be read in full. It noted the overview at the start of the ENG Chapter guides Plan users to read other chapters. It considered that this would be duplication as it was also included under specific standards.
119. In respect of Transpower's submission (S299.027), s42A Report agreed with Poutini Ngāi Tahu's further submission point that the pTTPP should be read as a whole document and not as chapters in isolation; and rejected the request to remove references to other rules in the pTTPP.
120. Regarding Paul Finlay (S408.001), the s42A Report considered that the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14, sufficiently provided for hydropower generation.
121. Regarding John Walsh (S527.001), the s42A Report noted Transpower's further submission in support and the formalisation of the designation relinquishment and recommended removing the overlay, as requested.
122. The s42A Report acknowledged Manawa's submission (S438.127) and Westpower's (FS222.0198) further submission, but did not recommend amending the current wording because it considered the current pTTPP wording addressed the intent of both submitters.
123. The s42A Report did not support the relief sought by Frank and Jo Dooley (S478.058) and BEL (S451.001) because parts of the pTTPP should not be read in isolation but as a whole document.
124. Regarding general matters, the Reporting Officers agreed with submitters that the notified ENG and INF provisions overlap. Therefore, amendments were recommended to ensure all aspects of Energy Activities are contained within the ENG chapter.

### **Hearing and Submitter Evidence**

125. Ms Foran's evidence, for Manawa, detailed Manawa's assets, interests and locations on the West Coast; and emphasised the importance of renewable electricity development to the country and the West Coast. She identified targets for renewable energy and reductions in greenhouse gas emissions, which have been enshrined in legislation. She highlighted the reviews of the NPS-REG, the NZ Infrastructure Commission, and the West Coast Energy Action Group, all of which she noted focus on significant increases in renewable electricity generation. She noted that for these targets and commitments to be met, rapid electrification

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<sup>13</sup> Royal Forest and Bird Protection Society S560.125, S560.126, S560.127, and S560.128

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of the economy, coupled with a coordinated policy response, including a district plan policy framework, is required.

126. Ms Styles, for Manawa, supported the approach provided in the pTTPP, whereby the ENG provisions are largely self-contained, and the INF provisions are unrelated to energy activities. She considered this approach an important step in simplifying the Plan provisions, avoiding unnecessary duplication in provisions, and supporting the enablement of renewable energy generation (REG).
127. Ms Styles expressed concern about the complexity of the ENG chapter and sought simplification. She noted several of Manawa’s submission points related to simplification and separation of issues but that the general approach had been retained with several clarifications provided within the recommendations in Appendix 1 to the s42A Report. She noted that the recommendations within the s42A Report appeared to be in conflict. She acknowledged the retention of the statements of clarification within the overview section and the zone chapters, noting that these must be retained to help simplify and clarify what rules applied to energy activities.
128. Mr Finlay, for NZEL, addressed the need for the pTTPP to provide hydro power generation on DOC and other lands, subject to reinstatement and bonding provisions. He provided details on the challenge of conveying West Coast water to the East Coast for irrigation, including power generation.
129. Ms Eng, for Transpower, confirmed that the Waimangaroa-Westport B transmission line, which traverses 169 Alma Road Westport, was currently being dismantled between the Waimangaroa Substation and Westport and that once complete the National Grid corridor provisions in the pTTPP would not apply. She advised that the Waimangaroa-Westport B transmission line between Orowaiti ‘Tee’ and Westport had been transferred to the ownership of BEL in June 2023 and was no longer part of the National Grid. Therefore, the corridor provisions of the PTTPP would not apply. She provided Appendix B showing the transmission lines traversing 169 Alma Road. She advised that Transpower would provide updated mapping and shape files to the Panel before the hearing on outstanding matters. The Panel understands this has now been provided.
130. Ms Whitney, for Transpower, considered the miscellaneous submission points (S299.027 and 299.028) relating to the need for the ENG Chapter provisions to be stand-alone were now considered to be resolved by the s42a recommendations. She confirmed Mr Walsh’s concerns relating to 169 Alma Road had also been resolved, as outlined in Ms Eng’s evidence.

### **Reporting Officer Reply Evidence**

131. The Reporting Officers’ Reply Report did not cover any additional response to ENG general matters.

### **Hearing Panel’s Evaluation**

132. The Panel considers the need for additional matters of discretion as requested by Forest & Bird in relation R-12, R13, R14, below.

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133. The Panel considers the Poutini Ngai Tahu request '*and sites listed in Appendix 10*' for R11-14 below.
134. The Panel is satisfied that the issues raised in the submission and further submission points concerning ENG general matters/whole chapter are addressed by the Reporting Officers' recommendations in the s42A Report.

### Hearing Panel's Recommendations

135. For the reason detailed in the 42A Report, the Panel recommends no changes to the ENG Chapter from submission and further submission points addressed as ENG general matters/whole chapter.

## 4.2. Energy- Definitions

### Submissions and Further Submissions

136. Details of the submission and further submission points and requested decisions are provided in the s42A Report, at paragraphs 136 to 159, and should be read in conjunction with this Report.

### Section 42A Reports

137. The s42A Report noted Transpower's support (S299)<sup>14</sup> for the retention of the definitions for '*Energy Activity*', '*Network Utility Operator*', '*Significant Electricity Distribution Line*', and '*Upgrading*', as notified; and Manawa's support (S438.009) for retaining the definitions of '*Energy Activity*' and amending '*Upgrading*' by adding '*Upgrading/upgrade*' (S438.019).
138. The s42A Report did not support adding '*Upgrade*' because it considered the current wording consistent with the NZ Planning Standards. However, the Addendum s42A Report accepted that the evidence of Ms Styles provided further reasoning and accepted the addition would improve implementation while not changing the meaning.
139. In relation to submission points from Frank and Jo Dooley supported (S478)<sup>15</sup>, the s42A Report noted the support for the definitions referenced in their submission and agreed that the term '*network utility operator*' should be consistently referenced throughout the pTTPP.
140. The s42A Report acknowledged Westpower (S547)<sup>16</sup> and BEL's (S451)<sup>17</sup> submission points supporting retention of definitions referenced in their submissions but noted they had recommended some amendments.
141. The s42A Report also acknowledged BEL (S451.016) and BDC's (S538.004) submission points to include a definition of '*Network Utility*'; and RNZ (FS141.004 and FS141.008) and KiwiRail's

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14 S299.004, S299.011, S299.015, S299.019

15 S478.069, S478.070, S478.071, S478.072

16 S547.021, S547.029, S547.034, S547.038, S547.040, S547.041

17 S451.005, S451.007, S451.009, S451.012, S451.013, S451.014, S451.015

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- (FS236.002) further submission points supporting a new definition, and Westpower's (FS222.046) opposing the BDC submission. The s42A Report supported the inclusion of a new definition for a 'Network Utility' to provide clarity and support the implementation of the provisions.
142. The s42A Report recommended accepting Westpower's (S547.02) request to amend the definition of 'Energy Activity' because the amendment clarified what is categorised as an energy activity. However, the Addendum s42A Report noted that a new rule was recommended to provide for customer connections as a permitted activity. It therefore recommended the definition of 'Energy Activity' be retained as notified.
  143. The s42A Report recommended rejecting Westpower's (S547.127) request to include a new definition of 'Major Dam' because the NZ Planning Standards do not specify definitions of dams or major dams, and other district plans do not specify such a definition.
  144. The s42A Report recommended rejecting Forest and Bird's (S560.063 and S560.107) submission points to delete the definition of 'Energy Activity' or amend the definition to be specific to the National Grid, or electricity transmission, distribution and REG activities, because it would be inconsistent with the NPS-REG. It is recommended to accept Westpower's (FS222.0225) and BDC's (FS149.061) further submission points opposing these submissions.
  145. The s42A Report recommended rejecting Westpower's (S547.001) request to rationalise and ensure consistency of terms related to energy activities undertaken by Westpower due to a lack of technical evidence to demonstrate what the issue is. It recommended accepting the further submissions in opposition to this submission point (FS223.009 and FS224.009)
  146. The s42A Report recommended rejecting Forest and Bird's (S560.075 and S560.421) request to amend the 'Renewable Electricity Generation Activities' definition because it was inconsistent with the NPSREG.
  147. Regarding requests for new definitions<sup>18</sup> of 'Small and Community-Scale Distributed Electricity Generation', 'Large Scale', 'Minor Upgrade' and 'Regionally Significant Infrastructure', the s42A Report supported inclusion of the NPS-REG definition 'Small and Community-Scale Distributed Electricity Generation'. Still, it noted it did not provide a scale limit. It noted the pTTPP definition of 'Small Scale' in relation to energy means REG with a capacity no greater than 20kW and Reporting Officers considered that this capacity limit would ensure viable generation is provided for and encouraged. However, the Panel notes that this recommendation was later changed.
  148. The s42A Report considered the recommendation to amend the definition of 'Small Scale' consequentially triggered the need to amend the definition of 'Large Scale' to 'Large-Scale Distributed Electricity Generation' for consistency and to avoid discrepancies between the small, community-scale, and large-scale distributed energy electrician generation of 20 kW to 100 kW.

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<sup>18</sup> S438.002, S438.006, S438.012, S438.018, S438.046, S478.067, S560.129, FS141.007, FS149.0150, FS34.055, FS34.063, FS110.007, FS127.033, FS138.0010, FS222.0151, FS222.0172, FS222.0175, FS222.0176, FS222.0179, FS222.0180

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149. The s42A Addendum Report acknowledged the evidence of Ms Styles and Mr Kennedy but remained of the view that a definition of '*Small and Community-Scale Distributed Electricity Generation*' is required to improve interpretation; and recommended the NPSREG definition and relying on the effects-based rules and zone rules to manage effects.
150. The s42A Report recommended rejecting Westpower's (S547.043) request to amend the definition of '*Upgrading*' because the amendment sought did not provide further clarity and inappropriately focused the definition on electricity lines, and accepting RNZ's (FS141.009) opposition to this submission. Similarly, the s42A Report did not support Frank and Jo Dooley's (S478.075) and BEL's (S451.018) requests to amend the definition of '*Upgrading*' because they considered it limiting and more specific to energy infrastructure.
151. The s42A Addendum Report reconfirmed the recommendation to reject Westpower's (S547.043) request to amend the definition of '*Upgrading*'. It changed the Reporting Officers' recommendation from reject to accept in part Manawa (S438.022) and Westpower's (S547.004) request to add a new definition for '*minor upgrading*' because the amendments to the definition of '*Upgrading*' partly addressed these submission points.
152. The s42A Report recommended accepting Manawa's (S438.016) request to amend the definition of '*Non-Renewable Electricity Activities*' because its inclusion supports the definition of '*Energy Activity*' and provides clarification for Plan users.
153. The s42A Report recommended accepting Transpower's (S299.017) request to amend the '*Substation (Zone)*' definition to ensure it did not include substations directly connected to the National Grid. It considered that this clarifies the difference between the substation (zone) and the National Grid subdivision corridor and accepts in part Forest & Bird's (FS34.023) further submission in support of this submission. However, the s42A Addendum Report changed this recommendation after considering the pre-hearing meeting discussions and the evidence of Ms Whitney and Mr Kennedy. It recommended no amendment to the '*Substation (Zone)*' definition.
154. The s42A Report recommended accepting Transpower's (S299.008) request to amend the definition of '*National Grid*' to have the same meaning as provided in the NPSET to ensure the definition remains consistent with the NPSET without requiring a plan change if the NPSET definition is updated at any point during the life of the plan. It also accepted Transpower's (S299.009) request to amend the definition of the '*National Grid yard*' to include '*outer visible edge*'; the request (S299.01) to amend the definition of '*National Grid Subdivision Corridor*' to remove the reference to '*and distribution*'; and the request (S299.018) amend the definition of '*Transmission Lines*', which were all consistent with the NPSET.
155. The s42A Addendum Report agreed with Ms Whitney that the clarification of measurement of the setback included in the definition of '*National Grid Yard*' should also be included in the definition of '*National Grid Subdivision Corridor*'; and recommended accepting Transpower's submission S299.010.
156. The s42A Report recommended accepting Manawa's (S438.016) request to amend the '*Renewable Electricity Generation Activities*' definition to include '*earthworks, vegetation clearance*' as ancillary components and activities to make the provision consistent with the NPSREG.

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157. The s42A Report recommended rejecting Horticulture New Zealand ('Hort NZ') (S486.006) and Federated Farmers' (S524.023) requests to amend the definition of '*Significant Electricity Distribution Line*' to a voltage of 66 kV or greater because it would be inconsistent with the New Zealand Standards. It also rejected Hort NZ's (FS55.7) further submission in support of S524.023.
158. Westpower's request (S547.035) to amend the definition of '*Renewable Electricity Generation Activities*' to include reference to large-scale activities was recommended to be accepted in the s42A Report to provide clarity regarding the status of large-scale activities. However, it recommended rejecting the Westpower's request (S547.044) to add a new definition of '*Minor Upgrading*' for distribution lines and Forest & Bird's (S560.081) request for a new definition for '*Minor Upgrade*' because both propose to limit the extent of minor upgrading to specific activities, which is inconsistent with the pTTPP.

### **Hearing and Submitter Evidence/Statements**

#### ***Energy Activity***

159. Ms Styles, for Manawa, emphasised the importance of using terms clearly and accurately throughout the Plan, ensuring that these terms align with the higher-order documents and national direction. She focused on the defined term '*Energy Activity*', noting that it was used in many places within the ENG Chapter where its use was sometimes inaccurate, inappropriate, or misleading.
160. Ms Styles considered '*Energy Activity*' to be an umbrella term that was logically broad in scope. In her view, it encompassed all activities that generate renewable or non-renewable electricity, energy investigations, transmission, and distribution. She also noted that the term applied within the notified ENG Chapter and had implications that, in her view, had not been fully considered. She considered this had resulted in some of the activities included in the definition being treated equally and in an undifferentiated way. By way of example, she noted it was unclear that the planned direction for REG is to provide for or enable such activities but that such enablement is inappropriate for non-renewable electricity generation. Her view was that using an umbrella term is inappropriate and inconsistent with the direction of national policy.
161. Ms Styles emphasised that treating renewable and non-renewable energy activities in the same manner within the Plan does not support international or national commitments and national direction regarding the phasing out of non-renewable energy activities. She considered that the Plan needed to include a policy that clearly states the intent to avoid the development of non-renewable electricity generation activities on the West Coast and to facilitate the replacement of non-renewable energy sources (including the use of fossil fuels) in energy generation. Furthermore, she believed that this policy approach should be given effect by including an additional rule to make non-renewable electricity generation activities non-complying.

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162. Ms Styles noted that the Manawa issues relating to the use of terminology and the approach to non-renewables had been addressed in the s42A Report<sup>19</sup>. However, the requests were rejected. She questioned whether the Reporting Officers misunderstood the issue raised in the submissions, assumed that there is no need to address this issue clearly and in a directive manner, or had given insufficient consideration of the national direction context.
163. Ms Styles noted comments from other submitters and the Reporting Officers that there will always be a need for non-renewable energy sources. She expressed concern that this opinion had been given weight in the development of this Plan, and such an approach was contrary to the national directive to reduce fossil fuel use and replace it with renewable energy as a matter of urgency.
164. Ms Styles highlighted that district planning provisions do not cover restrictions on small-scale activities, such as burning wood or coal in a home heating device and are subject to Regional Council controls on home heating and discharges from the same under regional planning provisions. She noted these activities would not be captured by the rules included within the ENG Chapter and that temporary use of devices such as diesel-powered generators to deal with a power outage was provided for as temporary activities or through regional plan provisions. As for industrial activities, such as using coal for steam generation, she noted that this was not an issue relating to electricity generation, but rather part of an industrial process, managed by controls on the industrial process through air discharge regulations set by the Regional Council. She emphasised the issue at hand, for the pTTPP is whether electricity generation, such as a coal-fired power station, would, under the notified provisions, be treated like hydro, wind or solar.
165. Ms Styles emphasised that the pTTPP needs to be premised on a clear separation between renewable and non-renewable energy sources, with REG activities explicitly provided. She was concerned that there was no direction in the notified provisions to state that non-renewable energy should be treated differently from REG. She contended that this distinction would be appropriate to help provide clear outcome expectations, rather than leaving the perception that such activities are acceptable if their effects can be managed. She emphasised that the pTTPP needs to relate to the roles and responsibilities of District Councils, not Regional Council responsibilities, and to give effect to national direction.
166. Ms Inta presented on her own behalf and for Buller Conservation Group. She considered the definitions of '*Large scale*' and '*Small Scale*' should be reinstated because these were referenced many times in the pTTPP.
167. Mr Kennedy, for Westpower, referenced paragraph 141 of the s42A Report, which accepted in part Westpower's (S547.024) request to amend the definition of '*Energy Activity*' to provide more clarity of activities categorised under the term, including connecting and supplying electricity to consumers and energy activities related to infrastructure and assets. However, he noted no amendment in the s42A Report (or Appendix 1) to enable him to provide comment. He sought an amendment to the definition of the outcome sought in submissions.

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<sup>19</sup> Section 42A Report paragraph 166, paragraph 233, paragraph 177, paragraph 195, paragraph 202, paragraph 209.

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168. Mr Kennedy maintained that the terms used throughout the Plan needed to be rationalised and consistent to achieve the outcomes sought and acknowledged that the use of RSI would go some way towards this.
169. Ms Whitney, for Transpower, was agnostic about the all-encompassing nature of the definition of *'Energy Activities'* and noted support (\$299.004) for the definition as notified. Her main concern was ensuring that any rationale for the energy activity provisions relies solely on the NPSET, where the provision is specific to the National Grid, and the NPSET is not used as a policy instrument to seek or justify broader changes that are not National Grid-specific.
170. Ms Snoyink, for Forest & Bird, continued to express concerns that the s42A Report amendment to the definition of *'Energy Activity'* did not resolve the uncertainty in terms of which activities the definition is intended to capture, beyond those caught by the definition of RSI and renewable energy generation. Forest & Bird did not suggest alternative wording.

### ***Small Scale***

171. Ms Styles, after acknowledging the Reporting Officers accepted submissions to amend the definition of small scale to small and community scale, remained concerned that the definition would continue to apply an extremely small-scale threshold (20 kw capacity), without considering the effects or benefits of the same. She strongly preferred removing these definitions and associating references to capacity-based scales in the rules. She said that if the definition of small and community-scale activities is retained, her preference would be not to apply an arbitrary capacity limit.
172. Mr Kennedy noted that Westpower submitted that the definitions in the plan dealing with *'Small Scale'*, *'Community Scale'*, and *'Large-Scale'* should be retained. He acknowledged the Manawa submissions, which sought to change these terms to align them more consistently with the NPSREG. However, he believed that removing scale provisions, for example, 20 kw capacity and 100 kw capacity, would fundamentally change the regulatory regime they had proposed through the pTTPP's development. He disagreed with that approach, preferring the approach proposed in the notified pTTPP to be retained with a minor amendment to bring the terminology into line with the NPSREG.

### ***Large-Scale Distributed Electricity Generation***

173. The s42A Report recommended a consequential amendment to *'Large-Scale Distributed Electricity Generation'* was needed because of the recommended new definition of *'Small Scale'*.

### ***Substation (Zone)***

174. Mr Kennedy sought the definition of *'Substation (Zone)'* was retained given it had been established through consultation in developing the Plan. He considered that the recommended amendments would impact certain substations owned and operated by Westpower, directly connected to the National Grid, that NPSET or NESETA did not cover. He noted that the implications of this change on the local electricity distribution network had not been assessed.

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175. Ms Whitney noted that on review of the Transpower (S299.017) submission point, she preferred alternate relief that the definition be amended to apply to all substations. She accepted the s42A Addendum Report recommendation not to add a new sentence but also requested the deletion of 'sub-', as shown in paragraph 6.7 of her evidence.

### ***Upgrading and Minor Upgrading***

176. Ms Styles stated that the term '*upgrading*' should be amended to include '*upgrade*'. She argued that the two words are used interchangeably throughout the Chapter, and the single-word upgrade is used in many provisions. She considered it necessary to be clear that the two terms mean the same thing.
177. Additionally, she contended that the term '*Minor Upgrade*' needs clarification. She contended that including a definition for '*Minor Upgrading*' would ensure that activities that proceeded under that definition remain within clear parameters and would enable works to be undertaken to improve REG without undue consenting processes
178. Mr Kennedy's evidence on this definition noted that the amendment sought by Westpower was due to the proposed definition being inappropriate in enabling Westpower to provide for the community that it serves and to manage and operate its network. He maintained that the amendments should be included within the definition, particularly since they related to electricity lines.
179. Regarding '*Minor Upgrading*', Mr Kennedy was concerned that rejecting the Westpower submission would prevent the provisions from achieving some Westpower activities that could be undertaken as minor upgrading. He believed a definition of '*Minor Upgrading*' is needed, particularly for distribution lines.

### ***Infrastructure***

180. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.028) requests to add an advisory note to the definition of '*Infrastructure*', but that the submission point had been rejected in Appendix 1.

### ***Network Utility***

181. Mr Kennedy did not support a new definition for '*Network Utility*' (FS222.046) due to concern that an additional term for the same or similar activities would result in complexity and would not improve interpretation.

### ***Network Utility Operator***

182. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.031) request to add an advisory note to the definition of '*Network Utility Operator*,' However, the submission points had been rejected in Appendix 1.

### ***Major Dam***

183. Mr Kennedy disagreed with the conclusion in the s42A Report that no new definition is required for '*Major Dam*', given that it is used in the Plan, and it is unclear what was intended.

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He noted the National Planning Standards do not preclude a definition and therefore sought the new definition requested in the submission.

### **Reporting Officers' Reply Evidence**

#### ***Energy Activity***

184. Addressing the issue of whether the definition of '*Energy Activity*' encompasses both renewable and non-renewable energy, the Reporting Officers agreed that there was a lack of clarity in the ENG provisions regarding what constitutes an energy activity. The Reply recommendation reverted to the notified wording of the definition but recommended consequential amendments to provisions to list appropriate activities and remove the generic use of '*energy activities*'. They supported this by recommending the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity*'.

#### ***Small and community-scale renewable energy and large-scale renewable energy***

185. The Reply noted that in their notified form, the definitions of '*Small Scale*' and '*Large-scale*' for renewable energy sources included a capacity limit. It highlighted that many submissions sought to amend those capacity limits to increase or decrease. The Reporting Officers recorded that they were not technical experts concerning electricity generation and could not comment on what capacity level may or may not be appropriate.
186. The Reporting Officers referred their original recommendations in the s42A.<sup>20</sup> The report recommends that capacity figures be removed from both definitions and amended to be consistent with the NPSREG. The Reporting Officers retained this recommendation.

#### ***Upgrading/Upgrade or Upgrading***

187. The Reply noted that the notified plan interchangeably uses the terms '*upgrading*', '*upgrade*' and '*minor upgrade*.' The Reporting Officers disagreed with Mr Kennedy's evidence regarding alternative provisions for minor upgrading within the ENG because they considered his definitions would result in complexity.
188. The Reporting Officers remained of the view that their original recommendation was most preferred. They also did not support Westpower's amendments to the definition of upgrading to include additional clauses allowing the increase of voltage and an increase in character scale and intensity of the activity, because it would add further complexities. However, they reconfirmed support for Manawa's amendment to the definition of upgrading to include '*upgrade*' for clarity. They considered accepting this evidence would improve the plan's readability.

### **Hearing Panel's Evaluation**

189. The Panel has carefully considered the matters relating to the definition of '*Energy Activity*'. We note that the Reporting Officers final position was to retain the definition as notified but

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<sup>20</sup> s42A Report, page 43, paragraph 146

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make consequential amendments to provisions to list appropriate activities and remove the generic use of 'energy activities' and support this by the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity*'. We are therefore mindful of the level of scope provided to undertake such amendments. In this context we note that Forest & Bird (S560.063) sought to delete the definition of '*Energy Activity*' and that Manawa (S438.035) sought to amend all objectives and policies by removing reference to '*energy activities*' and replacing it with a reference to '*renewable electricity generation activities*'.

190. The Panel therefore accept that a consequence of deleting the definition of 'Energy Activity' could be for that wording it to be removed from the Plan altogether. We note however that the wording is used extensively throughout the Energy Chapter and in other chapters and its overall removal would potentially require a significant rewrite of the chapter and other wider amendments.
191. The Panel acknowledge that there is scope from the Manawa submission to introduce 'renewable electricity generation activities' as a definition and into the provisions and agree that is appropriate and would go some way towards resolving concerns. However, we do have concerns about making wide ranging "consequential amendments" to provisions based on retaining the definition of Energy Activity as notified. While there maybe some merit in those amendments, we consider that would be stretching the extent of scope too far.
192. The Panel therefore accepts the amendments to the definitions recommended by the Reporting Officers within the s42A Reports and the Reply Report, which includes retaining the definition of '*Energy Activity*' unamended. We consider the amendments proposed to definitions will ensure the Plan's language is consistent with higher order documents such as the NPSET and NESETA.
193. The Panel notes that Ms Whitney accepted the reporting officers' recommendation not to add an additional sentence to the definition of '*Substation (Zone)*', as Transpower initially sought in submissions. However, the Reply did not consider the alternative relief sought to delete '*sub*' from the definition, and this amendment was not shown in Appendix 1 of the Reply. The Panel accept the evidence of Ms Whitney and consider this alternative relief is appropriate.
194. The Panel notes in relation to the evidence of Ms Styles that we accepted the Reporting Officers recommendation to include a definition of '*minor upgrade*' in the Natural Features and Landscapes recommendation as follows:

*minor upgrade*

*means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity and scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.*

### **Hearing Panel's Recommendation**

195. For the reasons outlined above, and subject to consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are

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accepted or accepted in part and recommends the following changes to the definitions related to the Energy Chapter.

Term	Definition
INFRASTRUCTURE	<p>has the same meaning as in section 2 of the RMA (as set out below), means</p> <ul style="list-style-type: none"> <li>a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy;</li> <li>b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</li> <li>c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989;</li> <li>d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- <ul style="list-style-type: none"> <li>i. uses them in connection with the generation of electricity for the person's use; and</li> <li>ii. does not use them to generate any electricity for supply to any other person;</li> </ul> </li> <li>e. a water supply distribution system, including a system for irrigation;</li> <li>f. a drainage or sewerage system;</li> <li>g. structures for transport on land by cycleways, rail, roads, walkways, or any other means;</li> <li>h. facilities for the loading or unloading of cargo or passengers transported on land by any means;</li> <li>i. an airport as defined in section 2 of the Airport Authorities Act 1966;</li> <li>j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; <b>and</b></li> <li>k. <b><u>facilities for the loading or unloading of cargo or passengers carried by sea, including</u></b></li> </ul>

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	<p><b><u>a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</u></b><sup>21</sup></p> <p>i. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</p> <p><b>Note:</b> <b><u>Electricity activities are addressed in the Energy Chapter of the Plan.</u></b><sup>22</sup></p>
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
<b><u>LARGE SCALE DISTRIBUTED ELECTRICITY GENERATION</u></b>	means, <del>when applied to provisions in the Energy Chapter,</del> electricity generation activities utilising renewable energy sources <del>with a capacity of greater than 100kW</del> <b><u>which are not Small and Community Scale Electricity Generation Activities</u></b> <sup>23</sup> for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	<b><u>has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008</u></b> <sup>24</sup> <b><u>(as set out below)</u></b> means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission <del>and distribution</del> lines as follows (and

<sup>21</sup> Variation 1 to the pTTPP

<sup>22</sup> Consequential amendment Transpower S299.052

<sup>23</sup> Consequential amendment to Manawa Energy Limited S438.006 and S438.018

<sup>24</sup> Transpower S299.008

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	<p>illustrated in green below):</p> <ol style="list-style-type: none"> <li>14m for 66kV or 110kV transmission lines on single poles;</li> <li>16m for 110kV transmission lines on pi poles; and</li> <li>32m for 110kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers).</li> </ol> <p><b><u>The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u></b><sup>25</sup></p>
<p>NATIONAL GRID YARD</p>	<p>means as illustrated in red below:</p> <ol style="list-style-type: none"> <li>the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles;</li> <li>the area located 12m in any direction from the outer <b>visible</b><sup>26</sup> edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and</li> <li>the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers).</li> </ol> <p>The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p>
<p><b><u>NETWORK UTILITY</u></b></p>	<p><b><u>means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.</u></b><sup>27</sup></p>
<p><b><u>NON-RENEWABLE ELECTRICITY GENERATION</u></b></p>	<p><b><u>means the construction, operation and maintenance of structures associated with electricity generation</u></b></p>

<sup>25</sup> Transpower S299.010

<sup>26</sup> Transpower S299.009

<sup>27</sup> Buller District Council S538.004

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<b>ACTIVITY</b>	<b><u>from non-renewable energy sources.</u></b> <sup>28</sup>
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes, <b><u>along with large scale activities,</u></b> <sup>29</sup> small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, <b><u>earthworks, vegetation clearance,</u></b> <sup>30</sup> roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.
<b><u>SMALL AND COMMUNITY SCALE ELECTRICITY GENERATION</u></b>	<del>means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.</del>  <b><u>means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</u></b> <sup>31</sup>
SUBSTATION (ZONE)	means the ground-mounted equipment used to convert <del>sub</del> <sup>32</sup> transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
TRANSMISSION LINES	<b><u>has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).</u></b>  means:  a. the facilities and structures used for, or associated with, the overhead or

<sup>28</sup> Manawa Energy Limited S438.023  
<sup>29</sup> Westpower S547.035

<sup>30</sup> Manawa Energy Limited S438.016

<sup>31</sup> Manawa Energy Limited S438.006 and S438.018

<sup>32</sup> Transpower S299.017 alternate relief Evidence of Pauline Whitney, paragraph 6.7, page 9

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	<p>underground transmission of electricity in the national grid and:</p> <p>b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but</p> <p>c. does not include an electricity substation.<sup>33</sup></p>
<b><u>TELECOMMUNICATIONS KIOSK</u></b>	<b><u>means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.</u></b> <sup>34</sup>
<b><u>UPGRADING /UPGRADE</u></b>	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. ( <b><u>Upgrade has the same meaning</u></b> ) <sup>35</sup>

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<sup>33</sup> Transpower S299.018

<sup>34</sup> Buller District Council S538.007

<sup>35</sup> Manawa Energy Limited S438.019

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### 4.3. Energy Chapter Overview

#### Submissions and Further Submissions

196. There were nine submission and 21 further submission points<sup>36</sup> received in relation to the Overview. The submission points and further submission points are assessed in the s42A Report in paragraphs 161 to 167. The Panel has considered the relevant submissions and further submissions received; and adopts the summaries provided within the S42A report.

#### Section 42A Reports

197. The s42A Report agreed with Manawa (S438.035) and NZEL (FS127.024) to amend the Overview to reference the NPSREG correctly.
198. The s42A Report agreed with Hort NZ (S486.013), and Forest & Bird's (FS34.059) further submission point in support, that the requirement for the '*protection*' of RSI should be removed from the Plan because the NPSET seeks to '*recognise and provide*' for RSI. It noted the RPS does not specify the protection of RSI but provides for its ongoing development, operation, maintenance, and upgrading.
199. The s42A Report did not support the amendments sought by Westpower (S547),<sup>37</sup> supported by NZ Energy (FS177)<sup>38</sup>, to provide further context relating to the West Coast within the Plan because it considered sufficient context had already been provided and any further wording would be unnecessary given it is simply an Overview paragraph.
200. The s42A Report did not support Westpower (S547.070), supported by NZEL (FS127.053), to amend the reference to financial contributions by referencing energy, not infrastructure; and the request (S547.071) to remove the reference to '*activities on surface water*'. It stated the wording is intended to provide for infrastructure because infrastructure is what financial contributions pay for, not energy. It rejected the deletion of '*activities on surface water*' because the reference to surface water ensures that any activity proposed on surface water considers the relevant provisions of the pTTPP. The Annotated s42A Report and Addendum Report reconfirmed this position.
201. The s42A Report did not support Transpower's (S299.027 and S299.028) submission to have the ENG self-contained with no reference to other chapters, ensuring that the different chapters do not apply to the National Grid. It noted several further submissions opposed<sup>39</sup> that submission because it would fragment the pTTPP, which would affect its function and implementation; and agreed with the opposing further submissions that the Plan is intended to be read as a whole document. It supported Poutini Ngāi Tahu's further submission (FS41.039 and FS41.107) to retain cross-referencing because the Plan would be fragmented and could not provide for exclusions without it. Further, it stated exclusions can be

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<sup>36</sup> S299.028, S438.035, S438.047, S547.066, S547.067, S547.068, S547.069, S547.070, S547.071, FS110.015, FS451.09, FS486.013, FS560.107, FS560.437, FS560.438, FS34.027, FS34.044, FS34.059, FS41.39, FS41.50, FS127.025, FS127.024, FS127.049, FS127.050, FS127.051, FS127.052, FS127.053, FS230.068, FS230.0373, FS222.0225.

<sup>37</sup> S547.066, S547.067 and S547.068

<sup>38</sup> FS127.049, FS127.050 and FS127.051

<sup>39</sup> FS41.039, FS41.104, FS41.107, FS34.026, FS34.027

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appropriately provided where provisions do not apply to the National Grid. The Annotated s42A Report confirmed this position.

### Hearing and Submitter Evidence/Statements, including JWS

202. Ms Styles supported the approach provided in the pTTPP, stating that the ENG Chapter is self-contained, and the INF provisions and zone chapter rules do not relate to energy activities. She considered this approach an essential step in simplifying plan provisions and avoiding unnecessary duplication in provisions supporting REG enablement. However, she noted that some recommendations in the s42A Report appeared to conflict.
203. Ms Snoyink's statement for Forest & Bird noted that the s42A Addendum Report continued to include the word '*protection*' within the overview. She said that Forest & Bird considers any protection of RSI to be from reverse sensitivity effects, which is not the same as protection for an RMA s6 issue. Forest & Bird contended there is no mandate for the Council to protect RSI beyond reverse sensitivity, and the wording as to the extent of that protection should be more precise.
204. Mr Kennedy noted that Westpower supported the Overview in part but requested three amendments to reflect higher-order policy documents, the context of the West Coast, and the layout and interpretation of the ENG Chapter of the Plan. He disagreed with removing the word *Protection*, referencing Chapters 5 and 6 of the RPS, which provided specific recognition and *Protection* of RSI. He considered that recognition and protection should be retained in the pTTPP to give effect to the RPS.
205. Mr Kennedy addressed the Plan interpretation and clarification issues. He wanted to ensure that the INF Chapter, area-specific provisions, and zone chapters do not apply to energy activities. More particularly, his concern was the appropriate location within the Plan for such a direction. He sought the provision of an explanatory note to clarify the applicability of provisions that do not specifically reference activities. In particular, he pointed out that the Plan contained numerous terms that may apply to energy activities, so he considered the clarification he sought would better assist plan users and administrators.
206. Mr Kennedy also addressed energy activities on surface water. As we understood his evidence, he agreed that any energy activity proposed on surface water would require consideration of the other provisions of the pTTPP that applied to surface water activities.
207. Ms Pull in her evidence considered the Reporting Officers' approach to be inconsistent. She noted that the Reporting Officers supported cross-referencing in the overviews of the ENG and INF chapters, but not the TRN chapter. The Panel addresses this issue in the Transport section of this Report.

### Reporting Officers' Reply Evidence

208. After considering Mr Kennedy's requested wording for the Overview circulated after EWC, the Reporting Officers recommended the following amendments to the Overview:

*Energy activities, including ~~renewable~~ electricity generation, **electricity** transmission, and distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they require specific recognition and*

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*protection, as they are critical to the social, cultural and economic wellbeing of people and communities. **Operation, maintenance and repair of existing energy activities contribute to the resilience of the West Coast.***

209. Responding to Mr Kennedy's evidence relating to clarity of plan provisions, the Reporting Officers considered that the recommended amendments to the ENG Chapter provided sufficient clarity concerning energy activities, as defined within the provisions of the Chapter. The Reporting Officers also considered that the Overview clarified the relationship with the INF Chapter and that further clarification was a Plan integration matter, which was beyond the scope of this topic.
210. The Reporting Officers considered Mr Kennedy's request to insert additional paragraphs into the ENG Overview too lengthy and detailed for an overview. They noted that the Overview has no legal effect and highlighted that it is one of the longest in the pTTPP.
211. In their Position Statement and Reply Report, the Reporting Officers accepted that the Overview did not reference the importance of existing activities. Therefore, they recommended inserting a new sentence at the end of the first paragraph to remedy this, as Westpower requested. However, Mr Kennedy's request to include a reference to the West Coast context was not supported.
212. Responding to Westpower's submission regarding financial contributions, the Reporting Officers referred to the expert JWS (Annexure A, pages 9-10), where participants agreed that this concern could be resolved by deleting the last four words of the sentence, being, *which impact on infrastructure* that provides for financial contributions located at the end of the Overview section headed Financial Contributions.
213. Responding to Panel questions, the Reporting Officers agreed that cross-references to other national regulations and standards in the Overview could be removed to avoid duplication and support streamlining the Chapter.
214. The Reply did not specifically respond to Forest & Bird's hearing statement concerning their further submission point supporting Hort NZ's request to replace '*protection*' with '*recognise and provide for*' in the Overview. The Panel notes this was recommended to be deleted in the s42A Report<sup>40</sup> and is shown in a strikethrough in Appendix 1. However, this deletion was shown as a new addition with underlining in Attachment 1 of the Reply Report, which is incorrect. Notwithstanding this, the Panel have amended wording along the lines sought by Horticulture NZ.

### **Hearing Panel's Evaluation**

215. The Panel considers the wording of the Overview should use language consistent with RPS Chapter 6 for RSI, which seeks to enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regional and nationally significant infrastructure

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<sup>40</sup> S42A Paragraph 163 page 48

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(Objective 1). The policy language used is to ‘recognise’ and ‘provide for’ RSI; and RSI are to be ‘protected’ from reverse sensitivity effects from other activities.

216. The Panel disagrees with Mr Kennedy that the ‘protection’ of RSI is consistent with the provisions of the RPS given it is limited to ensuring RSI are protected from reverse sensitivity effects.
217. The Panel agree with Hort NZ and Forest & Bird that ‘recognition and protection’, as used in the first paragraph in the Overview is inconsistent with the outcomes sought by the RPS; and accepts these submission and further submission points. The Panel rejects Transpower’s (FS110.015) further submission point.
218. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

*As such they **need to be recognised and provided for** ~~require specific recognition and protection,~~ as they are critical to the social, cultural and economic wellbeing of people and communities.*

219. The NPSET seeks to ‘recognise’ the national significance of electricity transmission and directs that decision-makers ‘recognise and provide’ for transmission benefits and the effective operation, maintenance, upgrading, and development of the electricity transmission network.
220. The Panel also agrees with Hort NZ and Forest & Bird that ‘recognition and protection’, as used in the second paragraph of the Overview, is inconsistent with the outcomes sought by the NPSET.
221. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

*The National Policy Statement for Electricity Transmission ~~Activities~~ requires **that the National Grid is recognised and provided for** ~~specific recognition and protection of the National grid, with renewable electricity recognised in the National Policy Statement on Renewable Energy Generation.~~*

222. However, the Panel recommends adding ‘2008’ to the NPSET reference for accuracy and accepts the Reporting Officers’ recommended amendment to the REG part of the sentence, as requested by Westpower (S547.067).
223. The Panel considers it is appropriate to recommend a consequential amendment to the amendments sought by Hort NZ’s (S486.013) in paragraph 3 of the Overview to add ‘including its protection from reverse sensitivity effects’ to be consistent with the RPS.
224. The Panel accepts the Reporting Officers’ recommendation to add the last sentence to the second paragraph of the Overview but note that in Attachment 1 of the Reply Report it was missing ‘significance of renewable electricity’, as requested by Westpower (S547.068).

### Hearing Panel’s Recommendation

225. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are

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accepted or accepted in part, and recommends the following changes to the **Energy Overview:**

### Energy - Te Pūngao

#### Overview

~~Energy activities, including r~~ Renewable electricity generation, **electricity** transmission, **and** distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they **need to be recognised and provided for**, ~~require specific recognition and protection,~~<sup>41</sup> as they are critical to the social, cultural, and economic well-being of people and communities. **Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.**<sup>42</sup>

The National Policy Statement for Electricity Transmission ~~2008~~Activities requires **that the National Grid is recognised and provided for**. ~~specific recognition and protection of the National grid, with renewable electricity recognised in the~~<sup>43</sup> **The National Policy Statement on Renewable Energy Electricity**<sup>44</sup> Generation **recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.**<sup>45</sup>

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including **its protection from**<sup>46</sup> reverse sensitivity effects. ~~The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)~~ contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa.

Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the ~~Electricity (Hazards from Trees) Regulations 2003.~~

~~Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for Electricity Transmission Activities) apply.~~<sup>47</sup>

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

<sup>41</sup> Horticulture New Zealand S486.013

<sup>42</sup> Westpower Limited S547.068

<sup>43</sup> Horticulture New Zealand S486.013

<sup>44</sup> Manawa Energy Limited S438.035

<sup>45</sup> Westpower Limited S547.067

<sup>46</sup> Consequential amendment to Horticulture New Zealand S486.013

<sup>47</sup> RMA First Schedule Clause 16

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### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for energy activities, including:

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.<sup>48</sup>
- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

## 4.4. Energy Objectives

### Submissions and Further Submissions

226. The s42A Report at paragraph 168 identifies submission and further submission points<sup>49</sup> that supported the Energy Objectives collectively, and those submitters<sup>50</sup> that supported the ENG Objectives as notified.

#### **ENG-01**

227. Paragraphs 169-171 of the S42A detailed the submission and further submission points requesting amendments to ENG-01.

228. Manawa (S438.037), supported by NZEL (FS127.027), sought amendments to ENG-01 to provide greater clarity for Plan users and align ENG-01 with the NPSREG, specifically the NPSREG Objective and Policy A, by adding '*by providing for their development*'. Similar requests to add '*and recognise*' were made by Westpower (S547.074), Frank and Jo Dooley (S478.077), and BEL (S451.020), supported by NZEL (FS127.008).

229. Westpower (S547.074) sought to amend ENG-01 to recognise electricity's national benefits. For clarity, Westpower submitted that ENG-01 should be separated into two new Objectives.

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<sup>48</sup> Westpower S547.070

<sup>49</sup> S451.023, S478.080, S538.017, S547.073, S547.075, S547.077, S558.428, S566.428, S567.048, S574.428 and FS127.007

<sup>50</sup> S538, S558, S566, S567 and S574

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### ENG-02

230. The s42A Report identified submission and further submission points<sup>51</sup> relating to ENG-02. Te Mana Ora (Community and Public Health) of NPHS/Te Whatu Ora (S190) and Transpower (S299) support ENG-02 as notified.
231. Forest & Bird (S560.110) sought to delete or amend ENG-02 to ensure energy activities covered are limited to energy distribution, supply, and energy generation. In addition, Forest & Bird (S560.108) and Manawa (S438.037) sought 'minimise' be replaced with 'avoid, remedy or mitigate' under the ECO Chapter and District Wide Chapters of the Plan.
232. BEL (S451.021), supported by NZEL (FS127.009), and Frank and Jo Dooley (S478.078) sought to reword ENG-02 as follows:

*Have particular regard to the constraints imposed by the technical, locational, and operational requirements when seeking to avoid, remedy, or mitigate adverse effects on communities and the environment from an energy activities design and location.*

233. Westpower Limited (S547.076) sought to amend ENG-02 as follows:

*To recognise and provide for the technical, functional and operational, locational needs associated with the location and design of Energy Activities, including Critical Infrastructure, and to minimise the adverse effects of these activities on communities and the environment.*

### ENG-03

234. The s42A Report identified submission and further submission points<sup>52</sup> regarding ENG-03. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190) and Transpower (S299) support ENG-03 as notified.
235. Manawa (S438.038), supported by NZEL (FS127.029) sought to amend ENG-03 as follows:

*...upgrade of energy renewable electricity generation activities and...incompatible subdivision, use and development.*

236. BEL (S451.022), supported by Kāinga Ora (FS58.012) and NZEL (FS127.010), and Frank and Jo Dooley (S478.079) seek to amend ENG-03 to give effect to the RPS as follows:

*To ~~provide for~~ enable the development, operation, maintenance and upgrade of energy activities and to protect them from the adverse effects of incompatible subdivision and development.*

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51 S190.039, S299.030, S438.037, S451.021, S478.078, S547.076, S560.110, S560.445, S560.446, FS127.009, FS127.028

52 S190.040, S299.030, S438.038, S451.022, S478.079, S486.015, S524.033, S547.078, S560.111, S560.447, FS34.060, FS55.15, FS55.16, FS58.012, FS58.013, FS58.014, FS58.015, FS127.0010, FS127.029

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237. Hort NZ (S486.014), supported by Kāinga Ora (FS58.013) and Forest & Bird (FS34.060) Federated Farmers (S524.033), sought to amend ENG-O3 to remove the protection focus as follows:

*...upgrade of energy activities and ~~to protect them from~~ ensure they are not compromised by the adverse effects of incompatible subdivision, use and development.*

238. Forest & Bird submitted that ENG-O3 is too broad and should be limited to electricity generation, distribution and supply and renewable energy generation. The submitter requested to delete or amend ENG-O3 as follows:

*To provide for the development, operation, maintenance and upgrade of electricity generation, distribution and supply and renewable energy generation energy activities where adverse effects can be appropriately avoided, remedied or mitigated in accordance with the Natural Environment and District Wide Chapters of this Plan and to protect them from the adverse effects of incompatible subdivision and development.*

239. Forest & Bird noted this objective was a blanket enabling provision and does not address adverse effects. Kāinga Ora (FS58) supported this and considered that energy activities should appropriately avoid, remedy or mitigate adverse effects.

240. Westpower Limited (S547.078) sought a new objective and a reworded ENG-O3 as follows:

*To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including Infrastructure and Critical Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini.*

*To protect Energy Activities, including Critical Infrastructure, from the adverse effects of incompatible subdivision, use and development.*

241. Westpower considered ENG-O3 to combine two matters that should be addressed separately for clarity. Kāinga Ora (FS58.014) and Hort NZ (FS55.16) opposed this request as they considered the proposed amendments were overly restrictive.

### **ENG-04**

242. The s42A Report identified nine submission and further submission points<sup>53</sup> relating to ENG-O4.

243. BEL (S451.024), supported by further submissions by Kāinga Ora (FS58.017) and NZEL (FS127.011) and opposed by Transpower (FS127.011) and Frank and Jo Dooley (S478.081), sought to amend ENG-O4 to include 'incompatible' in relation to subdivision, use and development.

### **New Objective**

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53 S190.041, S299.032, S451.024, S478.081, S486.016, S524.034, FS58.017, FS58.018, FS58.019, FS110.016, FS127.00111

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244. BEL (S451.023), supported by NZEL (FS127) and opposed by Kāinga Ora (FS58.020), and Frank and Jo Dooley (S478.080) sought a new objective to implement the RPS, as follows:

*Energy activities, including their operation, maintenance, upgrading, or development, are protected from the adverse effects of incompatible subdivision and development.*

245. Westpower (S547.073), support by NZEL (FS127.055) sought a new objective to give effect to the RPS because there is no objective for coordinating the provision and use of energy activities at the time of subdivision and development, as follows:

*To ensure the efficient provision and use of Energy Activities, including Critical Infrastructure, for communities by coordinating the provision of Energy Activities with the subdivision, use and development.*

### Section 42A Reports

246. Concerning **ENG-01**, the s42A Report supported the amendment sought by Manawa because it would provide greater clarity for plan users and align with the NPSREG, specifically its Objective and Policy A.
247. The s42A Report partially supported Westpower's submission by agreeing to include 'national benefits' within ENG-O1 to be consistent with the RPS Chapter 6, Objective 1. However, it considered the separation of ENG-O1 and adding a new objective unnecessary, as it is provided under ENG-O4.
248. In relation to **ENG-02**, the s42A Report did not support Forest & Bird's submission to amend ENG-O2 to replace 'minimise' with 'avoid, remedy or mitigate' because it considered 'avoid, remedy or mitigate' is too general for an objective. Forest and Bird thought 'minimise' reflects that there are scenarios where it is not possible or practical to avoid, remedy or mitigate all effects of energy activities due to their technical, functional, operational and locational constraints. The Reporting Officers considered 'minimise' provides greater certainty and is consistent with the approach taken throughout pTTPP. It also did not support the balance of the amendment sought because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. Further, it noted that the ENG Overview guide states that other chapters are to be read in conjunction with the ENG, and it would be a duplication to include it under specific objectives and policies.
249. For the reasons provided in the preceding paragraph, the s42A Report did not support the request from BEL, Frank and Jo Dooley and NZEL to amend ENG-O2 to replace 'minimise' with 'avoid, remedy or mitigate'.
250. The s42A Report did not support the amendments sought by Westpower because it considered the RMA to require minimising adverse effects on communities and the environment of activities. It noted that the NZ Planning Standards define functional and operational needs, encompassing technical and locational needs. It considered the submitter had not provided sufficient reason for the relief sought.
251. The s42A Addendum confirmed the recommendation to reject Westpower's request to amend ENG-O2 and split it into two objectives.

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252. Concerning **ENG-03**, the s42A Report agreed with Manawa and NZEL that ENG-03 should recognise the need to provide for renewable electricity generation and to protect renewable electricity generation activities from reverse sensitivity effects, in accordance with the NPSREG. It therefore supported inclusion of ‘use’ to provide consistency with the RMA but considered it unnecessary to specify ‘renewable electricity generation’ as this is captured in the definition of ‘Energy Activity’ as defined in Part 1 of the pTTPP as follows:

*means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.*

253. However, the s42A Addendum Report noted that based on further clarification and justification in the pre-circulated evidence and further pre-hearing discussions, it now accepted the request to amend the objective by deleting references to ‘energy activities’ and replacing this with ‘renewable electricity generation, energy investigation, distribution, and transmission’. The Addendum considered that the amended objective would provide further clarity in relation to the various activities encompassed in the umbrella definition of ‘Energy Activities’; and that the amendment would be consistent with national direction.
254. In relation to BEL and Frank and Jo Dooley’s submission points, the s42A Report considered ‘provide for’ had a comparable policy directive to ‘enable’ and that both would result in the same outcome, and on this basis, it did not accept the amendments sought. It also did not support deleting the second portion of ENG-03 as notified, because they considered protection from adverse effects to provide a greater policy directive.
255. The s42A Report did not support the amendment requested by Hort NZ and Federated Farmers except for the inclusion of ‘use’, which is consistent with the RMA. It considered that the provision of protection ensures that energy activities will not be compromised and that the current wording appropriately provides for the intent of the submissions.
256. The s42A Report did not support the amendment sought by Forest & Bird because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. It considered the overview at the start of the ENG guides reference to other relevant chapters, and it would therefore be a duplication to include it under specific objectives and policies.
257. In relation to Westpower’s request to reword ENG-03 and split it into two objectives, the s42A Report rejected this amendment because it considered the current wording provides for the protection of energy activities more transparently. However, this position changed in the s42A Addendum, where, in response to evidence, the Report Officers recommended the use of ‘to enable’ in ENG-03.
258. The Addendum recorded that the Reporting Officers remained of the view that splitting the objective was not necessary, but did accept, based on the pre-circulated evidence, that there was an inconsistency between the INF objectives and the energy objectives with respect to enabling energy activities in accordance with the RPS.

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259. In relation to **ENG-04**, the s42A Report did not support BEL (S451.024)<sup>54</sup> and Frank and Jo Dooley's (S478.081) request for the inclusion of the word '*incompatible*' because it limits the scope of the objective, solely to incompatible subdivision, use and development, where any subdivision, use and development should actively consider effects.
260. The s42A Report recommended rejecting BEL and Frank and Jo Dooley's request for a **new objective** to address protection from reverse sensitivity effects because this was provided for in ENG-03.
261. The s42A Report also did not support a new objective as proposed by Westpower for coordinating the provision of energy activities. However, the Addendum Report changed this position in response to pre-circulated evidence and pre-hearing discussions. It recommended that, with a refinement in the approach to types of Energy Activities, a new objective supporting coordination and the efficient provision of electricity distribution and transmission activities would link policies ENG-P5 and ENG-P9. Attachment 2 to the Addendum Report recommended the following new Objective ENG-05:

*To ensure the efficient provision and use of distribution and transmission activities by coordinating the provision with subdivision, use and development.*

### **Hearing and Submitter Evidence/Statements, including JWS**

#### **ENG-01**

262. Ms Whitney, for Transpower, noted support for the objective as notified but accepted the amendment recommended in the s42A Report.
263. Mr Kenndy was critical that ENG-01 and ENG-04 did not provide for enabling energy activities as envisaged by the RPS Chapter 6, Objective 1. He contrasted this with INF Objectives, which give effect to the RPS by seeking to enable activities under that section. He was unclear why an enabling outcome was not sought or considered appropriate for energy activities, as with other infrastructure, given the significance of energy activities to the region and nationally, and to achieve community and environmental outcomes. He considered the recommendations of the S42A Report relating to energy and infrastructure to be inconsistent and do not reflect the outcomes sought for the region on an integrated basis.
264. Mr Lile, for BEL, supported the amendments recommended in the s42A Report.

#### **ENG-02**

265. Ms Styles expressed concern that the pTTPP provisions did not provide a clear separation between renewable and non-renewable energy sources to provide for REG specifically. She referred to ENG-02 and ENG-03, where recognition of functional and operational needs and provision for development, operation, maintenance, and upgrade applied to all energy activities. She believed such provision should not be given to non-renewable electricity generation. She believed the objective should be to apply this enablement to REG and energy

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54 Supported by Kāinga Ora (FS58.017) and NZ Energy (FS127.011) and opposed by Transpower NZ Ltd (FS110.016)

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investigation, distribution, and transmission activities. She said such an amendment to the objectives is required to specify the activities enabled correctly and give effect to national direction for REG and electricity transmission, without transferring the same benefits to non-renewables, which do not have national importance and conflict with aspirations to reduce fossil fuel use nationally.

266. Ms Styles considered the term '*minimise*', which is used in the Plan as a direction for managing effects, should be amended to '*avoid remedy or mitigate*', to reflect the terminology of the RMA. In addition to this change in terminology, she said she would also recognise the approach to effects management hierarchies and that various aspects of the effects management hierarchy may be appropriate in different circumstances. She disagreed with the s42a Report, which considered the term '*minimise*' very general and lacking direction. She thought the word is unclear as to what degree effects should be minimised, questioning whether it should be as far as possible or as much as desired, and in whose opinion. In contrast, she said the use of '*avoid remedy or mitigate*' is well understood, supported by case law, and aligned with the effects management hierarchy approach, which is commonly expressed in recent national direction.
267. Ms Whitney noted support for the objective as notified.
268. Mr Kennedy considered that ENG-02 should be split into two matters: one to deal with functional operational needs, and the other to deal with minimising effects. He also thought the objective should provide for functional, operational, technical, and locational needs consistent with the RPS.
269. Mr Kennedy considered the term '*minimising*' was unclear because there was uncertainty about what was being used to determine whether effects were minimal. Given the requirements of energy activities, he considered that it may not always be possible to achieve minimal effects. He thought the better approach was that those effects must be '*managed*'.
270. Mr Lile accepted the Reporting Officers' assessment and supported the amendments recommended in the s42A Report.
271. Mr Leckie, in legal submissions<sup>55</sup> for Bathurst, supported the discussion in the S42A Report concerning functional and operational needs, and consistency of language, noting that functional and operational needs, as defined in the NZ Planning Standards, encompassed technical and locational needs. He submitted that the terms '*functional need and operational needs*' should be used in place of the terms '*constraints or requirements*' because this is consistent with the language of the Planning Standards.
272. Ms Snoyink, for Forest & Bird<sup>56</sup>, acknowledged the s42A Report recommendation to delete the word '*minimise*' and considered this was an improvement, but noted that it was inadequate without policy direction to avoid, remedy or mitigate adverse effects.

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<sup>55</sup> Dated 13 November 2023 paragraphs 16 and 17

<sup>56</sup> Forest & Bird Statement of Evidence 28 November 2023 paragraph 31

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### **ENG-03**

273. In response to the s42A Report recommendation to remove the word *'incompatible'*, Ms Styles was of the view it should remain within the objective because the use of the word seeks to provide direction and ensures that the objective and its related policy does not apply to any activities seeking to locate close to REG, transmission and distribution activities recognising that some activities can appropriately locate near such activities. Further, she said the inclusion of the word is a test for determining what subdivision use and development would lead to reverse sensitive problems and what would not. She considered including the word within ENG-03 and its related policies would support rules with another chapter to control specific activities close to this type of infrastructure.
274. Ms Styles's evidence sought to delete the reference to *'energy activities'* and replace it with *'renewable electricity generation, energy investigation, distribution, and transmission'*. She considered this amendment required correctly specifying the activities enabled to give effect to the national direction for both the REG and electricity transmission, without transferring the same benefit to non-renewables.
275. Ms Whitney noted Transpower's support for the objective as notified but accepted the amendment recommended in the s42A Report.
276. Mr Kennedy's evidence on ENG-03 focused on splitting the objective into two parts, seeking to separate matters into two distinct objectives: to enable and protect energy activities. He considered this approach would provide clarity of outcome and consistency of approach and give effect to the RPS.
277. Mr Lile accepted the s42A Report assessment and the reasons given.
278. Ms Snoyink, for Forest & Bird, expressed concern regarding the clarity of ENG-03, particularly if the objective is limited to renewable electricity generation activities. Forest & Bird opposed the inclusion of the term *enable*, referencing Policy 6 of the NPSREG, which directs district plans to provide for as distinct from *enable*. Forest & Bird made the point based on the recent Port Otago decision that the word *'enable'* is a directive word and was not appropriate in the context of the ENG provisions.
279. The JWS records that the Reporting Officers and the expert planners for Transpower, Manawa and BEL agree that *'provide for'* development in ENG-03 reflects NPSET and NPSREG; and that *'enable'* is appropriate for the operation, maintenance and upgrade of REG, energy investigation, distribution and transmission. It notes the INF provisions do not follow the guidance of the NPSET and NPSREG and therefore do not need to align with the ENG provisions.
280. The JWS records that Mr Kennedy preferred only the use of *'enable'* to be consistent with the RPS and INF-01 and INF-02.

### **ENG-04**

281. Ms Whitney noted that ENG-04 is specific to the National Grid, and Transpower's support for the objective as notified.

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282. Mr Lile accepted the assessment in the s42A Reports and its recommended amendment to ENG-04.

### **Reporting Officers' Reply Evidence**

#### **ENG-01**

283. The Reporting Officers made no further recommendations in Reply.

#### **ENG-02**

284. The Reporting Officers reviewed the evidence received and the discussions at the hearing. They recommended replacing the term '*minimise*' with '*manage*', which, in their view, provides a clear target while remaining consistent with the higher order policy direction, such as the NPSET. The Reporting Officers considered that management can be achieved via avoidance, remediation, or policy mitigation.

#### **ENG-03**

285. Having reconsidered the original recommendation that the inclusion of the word '*incompatible*' in this objective was not supported due to the limitation of the scope of the objective, the Reporting Officers now recommended that the word '*incompatible*' be retained in ENG-03. They reasoned that inclusion would enable compatible subdivision, use, and development in certain circumstances, which they considered sufficient to afford the protection of the relevant infrastructure. Furthermore, they considered this consistent with Chapter 6 Policy 4 of the RPS.

286. The Reporting Officers also reconsidered the earlier recommendation to change this objective to include the words '*to enable*'. Considering submitted evidence and the JWS, the Reporting Officers considered that the provision should link directly to the nature of the activity proposed, the potential for adverse effects and the consenting pathway. They thought the words '*to provide*' indicate provision within the plan via a consenting pathway, more appropriately applied to developing new renewable electricity generation, energy investigation, distribution, and transmission activities. They considered the words '*to enable*' indicate the Plan enables the activity via a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of existing renewable electricity generation, energy investigation, distribution and transmission activities.

#### **ENG-04**

287. The Reporting Officers' Attachment 1 recommended including '*incompatible*' in ENG-04, as BEL and Frank and Jo Dooley requested.

#### **New Objective ENG-05**

288. Attachment 1 of the Reply recommended the following slightly amended wording for new Objective ENG-05:

To ensure the efficient provision and use of distribution and transmission activities by co-ordinating the provision with subdivision, use and development.

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289. The Reporting Officers accepted that including this new objective would be consistent with objective INF-03, policy INF-P4, and SUB-P2.

### Hearing Panel's Evaluation

#### **ENG-01**

290. The Panel accepts the recommended changes to ENG-01, shown in Attachment 1 to the Right of Reply, and considers these amendments to address the submitter's concerns and provide a greater degree of clarity.

#### **ENG-02**

291. The Panel considers the wording of ENG-02, as notified, particularly regarding functional or operational needs, appropriate. We do not consider that including further words relating to functional or operational need will assist in any meaningful way, given that these terms are defined in the PTTTP. The Panel considers it should be '*functional **need or** operational needs*' given both terms are defined in the pTTTP and it is '*or*' not '*and*'.
292. The Panel generally accepts the Reporting Officers' recommendation and Manawa's submission (S438.037) to replace '*energy*' with '*renewable electricity generation, energy investigations, distribution and activities*'. However, we consider this should be changed slightly to '*renewable electricity generation, investigation, and distribution and transmission*' to give effect to national direction of the NPSREG and NPSET, and the RPS. We agree with Ms Styles that, given the definition of '*energy activities*' includes non-renewable electricity generation, it would not be appropriate to recognise the operational need for energy activities broadly.
293. The Panel accepts the recommended changes to the subject of the objective because it is appropriate that the focus is on renewable electricity generation to give effect to national direction.
294. Having considered the differing views, the Panel considers the word '*manage*' is preferred to the word '*minimise*' because the word '*minimise*' requires assessment and definition as to what extent. The word '*manage*' we consider enables full consideration of means to avoid, remedy or mitigate effects as appropriate. The Panel also agrees that the policies provide further guidance and direction on how and what adverse effects should be avoided, remedied or mitigated.

#### **ENG-03**

295. The Panel agree with the Reporting Officers' Reply recommendation. We agree that retaining the words '*to provide*', as notified, signals a consenting pathway for new development. We agree that including the words '*to enable*' relates to existing development and signals a permitted activity pathway for those identified activities. We also agree that using the word '*incompatible*' in relation to subdivision, use and development is appropriate because it enables an assessment of the reverse sensitivity effects on renewable electricity generation activities to determine if those effects are acceptable.

#### **ENG-04**

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296. The Panel accepts the submission points of BEL (S451.024) and Frank and Jo Dooley (S478.081) and the Reporting Officers' recommendation to include 'incompatible' in ENG-04, for the abovementioned reasons concerning ENG-03.

### ***New Objective ENG-05***

297. The Panel finds that providing a new objective relating specifically to non-renewable energy activities is unnecessary. We agree that, as notified, the pTTPP did not provide direction for non-renewable energy activities. We also acknowledge that the NPSREG supports and promotes renewable energy, but we do not read that support as resulting in the outright avoidance of non-renewable energy activities.
298. The Panel accepts Mr Kennedy's evidence and the Reporting Officers' recommendation to include a new objective supporting coordination and the efficient provision of electricity distribution and transmission. We agree this new objective is consistent with Objective INF-03 and Policy INF-P4. We acknowledge that subdivision, use, and development require energy provision and that coordinating energy supply with that development is essential to ensure efficiency. We note that an accompanying new policy ENG-PX3 to support this new objective is addressed below.
299. The Panel is satisfied the recommended wording for the new objective, as shown in Attachment 1 of the Reply Report, is appropriate to give effect to the NPSREG and the RPS. However, the Panel recommend adding 'electricity' for clarity.

### **Hearing Panel's Recommendation**

300. The Panel is satisfied that the recommended changes to the objectives give effect to the NPSET, NPSREG and the RPS. We have examined them in accordance with section 32AA and conclude, as amended, that they are the most appropriate to achieve the outcomes sought.
301. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Energy objectives**:

Energy Objectives	
<b>ENG – 01</b>	To recognise the local, <del>and</del> regional <b>and national</b> <sup>57</sup> benefits of electricity transmission, distribution and renewable electricity generation activities, <b>by providing</b> <sup>58</sup> for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
<b>ENG – 02</b>	To recognise the functional <b>need or</b> operational needs associated with

<sup>57</sup> Westpower Limited S547.074

<sup>58</sup> Manawa Energy Limited S438.036

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	the location and design of <b>renewable electricity generation, investigation, and distribution and transmission energy</b> <sup>59</sup> activities, and to <del>minimise</del> <b>manage</b> <sup>60</sup> adverse effects of these activities on communities and the environment.
<b>ENG – 03</b>	To provide for <b>development and enable</b> the <del>development</del> , operation, maintenance and upgrade of <b>renewable electricity generation and investigation, and electricity distribution and transmission energy</b> <sup>61</sup> activities and to protect them from the adverse effects of incompatible subdivision, <b>use</b> <sup>62</sup> and development.
<b>ENG – 04</b>	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by <b>incompatible</b> <sup>63</sup> subdivision, use and development.
<b>ENG-05</b>	<b>To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.</b> <sup>64</sup>

### 4.5. Energy Policies

#### Submissions and Further Submissions

##### **ENG-P1**

302. The s42A Report, at paragraphs 188 to 192, identifies seven submission and five further submission points<sup>65</sup> and summarised the relief sought in relation to Policy ENG-P1. Te Mana Ora (S190.042) and Transpower (S299.033) sought to retain the policy as notified. BEL (S451.025), supported by NZEL (FS127.013), and Frank and Jo Dooley (S478.082) sought to include 'Provide for *and enable*' to give effect to the NPSET.
303. Westpower (S547.084), supported by NZEL (FS127.060), requested amendments to include all Energy Activities, including related Infrastructure and Critical Infrastructure aspects.
304. Manawa (S438.00144) sought to replace 'Provide for' with 'Enable'; add 'electricity' and delete 'and assets'; and add 'while recognising the positive, social, economic, cultural and environmental benefits of renewable electricity generation and transmission'. This was opposed by Poutini Ngāi Tahu (FS34.054) and Forest & Bird (FS34.054).

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<sup>59</sup> Manawa Energy Limited S438.037

<sup>60</sup> Manawa Energy Limited S438.037, Royal Forest and Bird Protection Society S560.446

<sup>61</sup> Manawa Energy Limited S438.038

<sup>62</sup> Manawa Energy Limited S438.038

<sup>63</sup> Buller Electricity Limited S451.024, Frank and Jo Dooley S478.081

<sup>64</sup> Westpower Limited S547.073

<sup>65</sup> S438.045, S451.034, S478.091, S538.018, S547.080, S547.081, S547.082, S547.083, S547.439, S558.439, S560.440, S566.439, S567.049, FS58.021, FS127.056, FS127.057, FS127.058, FS127.059

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305. Forest & Bird (S560.112) requested adding *‘while addressing adverse effects in accordance with the Natural Environment and District Wide chapters of this Plan’*. This was opposed by Transpower (FS110.017) and Westpower (FS222.0234).

### ENG-P2

306. The s42A Report, at paragraphs 193 to 200, identifies 19 submission and further submission points relating to Policy ENG-P2 and summarised relief sought. Transpower (S299.034) and Toke Tū Ake/EQC (S612.009) sought to retain the Policy as notified. Te Mana Ora (190.043) sought to provide a weighting to the benefits where there is conflict. Manawa (S438.039), supported by NZEL (FS127.042), sought to replace *‘energy’* with *‘renewable energy generation, electricity transmission and distribution’*; and to add *‘renewable’* in clause (a).
307. Suzanne Hills (S443.015) sought to amend the policy to reflect the cumulative effect of multiple hydro schemes on waterways. NZEL (FS127.047) opposed this because developments should be assessed on a case-by-case basis. Inger Perkins (S462.028) sought to amend the policy to support micro-renewables and distributed energy generation.
308. BEL (S451.026) and Frank and Jo Dooley (S478.) sought to add *‘infrastructure and assets provide for’*; and *‘or’* after each clause. This was supported by NZEL (FS127.014) and opposed by Poutini Ngāi Tahu (SFS41.106).
309. Westpower (S547.085) sought to amend the wording and to split clause (a) into two, as follows:

*When managing the development and operation of new and existing energy activities have particular regard to the benefits to be obtained from the proposal including:*

*(a) Maintaining and/or increasing security of renewable electricity supply;*

*(aa) Providing for a diversity of the type and location of renewable electricity generation;*

310. Westpower (S547.085) also sought to add *‘including to consumer’* to clause (e).
311. Forest & Bird sought to delete *‘particular’* (S560.448); include *‘maintain, upgrade’* (S560.449); add a new clause *‘opportunities to reduce environmental impacts’* (S560.450); and add *‘development’* to clause (a) (S560.451). Transpower (FS11018) opposed the last submission point.

### ENG-P3

312. The s42A Report identified eight submissions and nine further submission points and summarised the relief sought in relation to Policy **ENG-P3** in paragraphs 201-206. One submission sought to retain ENG-P3 as notified. Manawa (S438.040), supported by NZEL (FS127.030) and Kainga Ora (FS58.022), sought to replace *‘Minimise’* with *‘Avoid’*; add *‘incompatible’*; replace *‘energy’* with *‘renewable energy generation, electricity transmission and distribution’*; and delete *‘and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development’*.

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313. BEL (S451.027), opposed by Kāinga Ora (FS58.023), and Frank and Jo Dooley (S478.084) sought to reword the policy as follows:

*Avoid reverse sensitivity effects from subdivision, use and development on electricity distribution and transmission assets, existing renewable electricity generation activities and associated infrastructure, and protect such infrastructure from adverse effects of activities on the operation, maintenance, upgrading or development of that infrastructure.*

314. Westpower (S547.088), supported by NZEL (FS127.061) and opposed and supported in part by Kāinga Ora (FS58.026 and FS58.077), sought to amend the ENG-P3 as follows:

*Protect energy activities, including energy aspects of infrastructure and critical infrastructure, from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading or development of energy activities and associated infrastructure.*

315. Federated Farmers (S524.035) supported by Kāinga Ora (FS58.025), and Hort NZ (S486.017) supported by Kāinga Ora (FS58.024) and Forest and Bird (FS34.061), sought to delete 'protect energy activities from adverse effects to' and to add 'is not compromised' at the end of ENG-P3.

316. Transpower (S299.035) sought a definition for 'minimise' in the context ENG-P3.

### ENG-P4

317. The s42A Report identifies and summarises 11 submission and 11 further submission points relating to Policy ENG-P4 in paragraphs 207-212. Three submissions supported Policy ENG-P4 as notified because they considered it would minimise any actual or potential adverse effects between sensitive adjacent land uses.

318. Forest & Bird (S560.114), supported by Kāinga Ora (FS58.32 and FS58.083), sought ENG-P4 be deleted because adverse effects are insufficiently dealt with, and effects must be managed in accordance with the RPS.

319. BEL (S451.028), opposed by Kāinga Ora (FS58.029), and Frank and Jo Dooley (S478.085), sought to amend 'Minimise' with 'Manage' in ENG-P4.

320. Westpower (S547.089) sought to amend ENG-P4, as follows.

~~Minimise~~Manage adverse effects on the environment from energy activities by:

(a) *Having regard to the values associated with areas identified as having significant environmental values, ~~urban amenity, areas of high recreation value~~ outstanding and high natural character areas outstanding landscapes and features, Poutini Ngai Tahu and heritage sites, and significant natural areas;*

(b) []

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*(c) ~~Maintaining ongoing access to grid and distribution elements and structures infrastructure and assets for operation, maintenance and upgrading works;~~*

321. Manawa (S438.042), supported by NZEL (FS127.031) and opposed by Kāinga Ora (FS58.028), sought to replace 'Minimise' with 'Avoid, remedy or mitigate'; and to replace 'energy' with 'renewable energy generation, electricity transmission and distribution'.
322. Poutini Ngāi Tahu (S620.084) sought to include the words 'sites and areas of cultural landscapes' in the policy.
323. Transpower (S299.036) sought a definition for 'minimise' in the context of ENG-P4.

### ENG-P5

324. Eleven submission points and six further submission points<sup>66</sup> were identified in the s42A Report relating to Policy ENG-P5 and the relief sought was summarised in paragraphs 213-218. One submission (S190.046) supported the policy as notified.
325. Forest & Bird (S560.454), opposed by Westpower (FS222.0236), sought to amend the policy to remove conflicts and improve integration with overlay provisions for s6 matters; and to amend clause (a) (S560.453), opposed by Westpower (FS222.0235), as follows:

*~~Recognise their functional constraints and operational requirements~~ Recognise that natural character, outstanding and significant natural values are to be protected and that adverse effects on the environment are to be avoided, remedies or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan.*

326. Forest & Bird (S560.115) also sought to limit the definition of energy activities in the context of ENG-P5.
327. Transpower (S299.036) sought to replace 'transmission infrastructure' with 'significant electricity distribution lines' in ENG-P5.
328. Manawa (S438.043) sought to replace 'energy' with 'renewable energy generation'; and 'constraints' and 'requirements' with 'needs', which was supported by NZEL (FS127.043)
329. Westpower (S547.092 and S547.093) sought to amend ENG-P5, as follows:

*When managing the development, operation, maintenance and upgrading of new and existing energy activities:*

*a. Have particular regard to function, location, technical and operation constraints and requirements of the related activities and infrastructure;*

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<sup>66</sup> S190.046, S299.037, S438.043, S451.029, S478.086, S547.092, S547.093, S560.115, S560.453, S560.454, S560.455, FS127.043, FS127.065, FS222.0235, FS222.0236, FS222.0237, FS222.0237

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330. BEL (S451.029) and Frank and Jo Dooley (S478.087) sought to replace ‘energy’ with ‘renewable energy’; ‘Recognise’ with ‘Have regard to the constraints imposed by’; and ‘minimised’ with ‘managed’.

### ENG-P6

331. Eight submission points and three further submission points<sup>67</sup> were identified in relation to Policy ENG-P6, and the relief sought was summarised in the s42A Report in paragraphs 219-221. Six submissions and one further submission point supported the Policy as notified.
332. Manawa (S438.044) sought to delete ‘small, community and large scale’, which was supported by NZEL (FS127.032).
333. Forest & Bird (S560.443), opposed by Transpower (FS110.009), sought to amend the policy by adding ‘where the adverse effects are avoided, remedied, or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan’ to the end of clause (b).

### ENG-P7

334. The s42A Report identified six submission points and one further submission point<sup>68</sup> The s42A Report, paragraphs 222-224, summarises the submissions received on Policy ENG-P7. Three submission points supported the Policy as notified.
335. Transpower (S299.039), opposed by Forest & Bird (FS34.028), sought to add ‘for new National Grid infrastructure or major upgrades to existing National Grid infrastructure’ to clause (c)(ii).
336. Forest & Bird (S560.117) sought ENG-P7 be deleted or amended (S560.452) to include ‘avoid, remedy and mitigate in accordance with the Natural Environment and District Wide chapters of this Plan’

### ENG-P8

337. The s42A Report identified 12 submission points and seven further submission points<sup>69</sup> received on Policy ENG-P8 and summarised the relief sought in paragraphs 225-228. Three submission points supported the Policy as notified.
338. Transpower (S299.035), opposed by Forest & Bird (FS34.029 and FS34.030) and Poutini Ngāi Tahu (FS41.040), sought ENG-P8 be amended as follows:

(b) Seeking to avoid adverse effects on areas identified in Schedules 1-8;

(c) Where the National Grid has a functional or operational need to locate within the Coastal Environment, manage adverse effects by:

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<sup>67</sup> S190.047, S299.038, S438.044, S451.030, S478.087, S547.094, S560.166, S560.443, FS110.009, FS127.032, FS127.066

<sup>68</sup> S190.048, S299.039, S451.031, S478.088, S560.117, S560.452, FS34.028

<sup>69</sup> S190.049, S299.040, S451.032, S478.089, S560.118, S560.456, S560.457, S560.458, S560.459, S560.460, S620.085, FS34.029, FS34.030, S602.034, FS110.019, FS122.013, FS41.40, FS149.097, FS230.069

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- (a) *Seeking to avoid adverse effects on Overlay Chapter areas identified in Schedules 1-8 and where it is not practicable to avoid, to remedy or mitigate;*
- (b) *Where it is not practicable to avoid adverse effects on the values of the areas identified in Schedules 1-8 because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.*
- (c) *Seeking to avoid significant adverse effects on: other areas of natural character natural attributes and character of other natural features and natural landscapes indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and*
- (d) *Recognise that there may be some areas within the sites and areas identified in Schedules 1-8 where avoidance of adverse effects is required to protect the identified values and characteristics; and*
- (e) *Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable. In the event of any conflict with any other objectives and policies within the Plan, Policy ENG-P8 takes precedence.*

339. Forest & Bird (S560.456), supported by Susan Hall (FS35.7), sought amendments to make it clear that it is not only scheduled areas that are considered, as the majority of SNAs are not identified on a schedule. They also sought to replace 'Seeking to avoid' with 'Avoid' (S560.457), supported by DOC (FS122.013); and to amend clause (d) to give effect to NZCPS Policy 11 and NPSET (S560.458), as follows:

*Recognise that there may be some attributes, character and biodiversity values ~~areas within the sites and areas identified in Schedules~~ where avoidance of adverse effects is required to protect the ~~identified attributes, values and characteristics~~ or values.*

340. Forest & Bird (S560.459) sought clarification regarding the terms 'substantial', 'major upgrade', 'substantial upgrade', 'minor upgrade' and 'upgrade' in the context of ENG-P8. They also sought amendments to capture requirements for route, site and method selection process to consider alternatives to locating in important natural areas (S560.460).

341. DOC (S602.034), supported by BDC (FS149.097) and opposed by Transpower (FS110.019), sought to delete clause (d) and amend clause (b) as follows:

- (b) *Seeking to avoid adverse effects on areas and values identified in Schedules SNAs, and Overlay Areas and applying the effects management hierarchy where adverse effects cannot be avoided*

**ENG-P9**

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342. The s42A Report identified six submission points and three further submission points<sup>70</sup> received on Policy ENG-P9 and summarised the relief sought in paragraphs 229-231. Three submission points and one further submission point supported the Policy as notified.
343. Hort NZ (S486.018) opposed by Transpower (FS110.020), and Federated Farmers (S524.036) opposed by Transpower (FS110.021), sought to add 'Avoid to the extent reasonably practicable' to clause (e) to be consistent with Policy 10 of the NPSET.
344. Transpower (S299.041) sought to amend ENG-P9 as follows:
- (b) Avoid incompatible land use, buildings and structures that may directly affect or otherwise compromise the National Grid or result in reverse sensitivity effects on the National Grid;
  - (c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;
  - [ ]
  - (d) Maintain ongoing access for maintenance and upgrading works on the National Grid; and Avoid potential for reverse sensitivity effects on the National Grid.

### New Policies

345. The s42A Report identified five submission points and two further seeking to include new policy direction.
346. Manawa Energy (S438.033), sought a new policy that addresses and discourages establishing non-renewable energy activities. It considered the current wording encompassed non-renewable energy activities within the definition of '*energy activity*,' which does not align with international and national directives to discourage non renewables. It suggested the following wording:
- Avoid developing non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including fossil fuels.*
347. Westpower (FS222.0181) supported this submission in part, to enable renewable electricity generation but considered the scope of the amendment was fundamental to the purpose of the pTTPP. NZEL (FS127.026) opposed this submission because it considered non-renewable energy sources will always be needed.
348. BEL (S451.034), supported by NZEL (FS127.012), sought an additional policy to be included as follows:
- Avoid, radio, electric and magnetic fields that do not meet the applicable New Zealand or international standards or guidelines, or National Environmental Standards.*

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<sup>70</sup> S190.050, S299.040, S451.033, S478.090, S486.018, S524.036, FS55.17, FS110.020, FS110.021

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349. Westpower (S547.081, S547.082 and S547.083), supported NZEL (FS127.057, FS127.058, and FS127.059) and opposed by Kāinga Ora (FS58.021 in relation to S547.081), sought three new additional policies to be included as follows:

Manage activities in and around Significant Electricity Distribution Lines to:

- (a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;
- (b) Avoid incompatible land use;
- (c) Achieve compliance with the NZECP34:2001 and avoid health and safety risks from distribution lines; and
- (d) Avoid potential reverse sensitivity effects on distribution lines.

Ensure that subdivision and development is adequately serviced including:

- (a) Supply of electricity using a method that is appropriate to the type of subdivision and/or development, including consideration of alternative methods on a case-by-case basis, and
- (b) Where new energy infrastructure is developed and/or installed, adequate provision is made for ongoing access, operation, and maintenance, including granting and reserving easements.

Provide flexibility for energy activities, including energy aspects of infrastructure and critical infrastructure, to adopt new technologies that:

- (a) Improve access to, and efficient use of, networks and services;
- (b) Allow for the re-use of redundant services and structures where they are safe and operating to required standards;
- (c) Increase resilience, safety or reliability of networks and services;
- (d) Result in environmental benefits and/or enhancements; or
- (e) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

350. Westpower sought to include these new policies to ensure the provision of significant electricity distribution lines, including relevant policies, and to adopt new technologies.

### **Section 42A Reports**

#### **ENG-P1**

351. The s42A Report considered that 'provide for' is a comparable policy directive to 'enable' and directs the same outcome; and concluded it was unnecessary to provide further wording. It noted that the words 'provide for' are consistent with ENG-01. However, after considering

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evidence and statements from submitters at the hearing, the Addendum s42A Report changed this view and recommended including '*and enable*'.

352. The s42A Report considered it unnecessary to differentiate the specific energy activities within the Policy because the definition of 'Energy Activity' encompassed all relevant energy activities, and differentiation could create ambiguity.
353. The Reporting Officers rejected submission points seeking to address adverse effects in accordance with the natural environment and district-wide Chapters of the plan because, in their view, specifying chapters of the Plan limits and restricts any assessment, when the evaluation should be undertaken plan-wide.
354. The s42A Report did not support submission points to recognise the positive social, economic, cultural, and environmental benefits of renewable electricity generation and transmission. To do so, it considered, would be inconsistent with section 7 of the RMA, which requires particular regard to the benefits of using and developing renewable energy.
355. The s42A Report recommended retaining ENG-P1 as notified, except for including the words '*and enable*'.

### **ENG-P2**

356. The s42A Report did not support submission points other than those by Westpower, amending ENG-P2 to remove references to the proposal and splitting clause (a) to provide clarity for plan users. It agreed that the Policy intends to manage adverse effects and recommended amendments to the wording to support that intent.
357. In the Addendum Report, in response to Manawa's evidence, the Reporting Officers accepted the Plan provisions needed to address non-renewable energy activities, including a policy and a rule directing avoidance of non-renewable energy activities.

### **ENG-P3**

358. The s42A Report supported deleting the word '*minimise*' and replacing it with '*manage*' because it was more consistent with Policy 10 of the NPSET. It did not support the inclusion of the word '*incompatible*' before the word subdivision because doing so would limit the scope of the policy solely to incompatible subdivision use and development, where any subdivision use in development should be assessed.
359. The s42a Report accepted the request to delete the last portion of the sentence (following the word activities) because this was more consistent with Policy 10 of the NPSET. It recommended rejecting other submission points seeking amendments because these were inconsistent with Policy 10 of the NPSET. It considered there was no need to define '*minimise*' given the recommendation to replace it with '*manage*'.

### **ENG-P4**

360. The s42A Report recommended rejecting the submission seeking to have this policy deleted because it considered that reliance on other district-wide chapters was insufficient. It also

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considered this Policy was necessary to give effect to Policy 1 of the NPSET and Chapter 6 Policy 5 of the RPS.

361. The s42A Report supported the removal of the word '*minimise*' because it was inconsistent with the objectives of the NPSET and the RPS. It preferred '*manage*' because it aligned with the policy wording of the NPSET, including its objective, which seeks to manage adverse environmental effects. However, the s42a Addendum Report amended that recommendation to replace '*minimise*' with '*avoid remedy or mitigate*', as sought by Manawa, to be consistent with the NPSREG.
362. The s42a Report did not consider it necessary to specify renewable electricity generation, transmission, and distribution within the Policy, as it considered this wording captured in the definition of 'Energy Activity' as defined in Part 1 of the pTTPP.
363. The s42A Report did not support removing the word 'communities' because energy activities can potentially adversely impact urban communities, and this should be considered. It noted that clauses (a) – (d) should be read as a whole and provide direction on how the effects of energy activities should be addressed. However, in the Addendum Report, the Reporting Officers accepted the evidence provided that deleting the '*communities*' was appropriate because the definition of environment in the RMA includes people and communities.
364. The s42A Report accepted in part the amendments sought by Westpower to clause (c) by recommending deleting '*elements*' and adding '*infrastructure and structures for operation*'.
365. The s42A Report did not support the inconclusion of '*sites and areas and cultural landscapes*' because it considered the submitter's justification for seeking this amendment insufficient, and no evidence had been provided in the submission to support the relief.

### ENG-P5

366. The s42A Report did not support the submission from Forest & Bird, which sought the inclusion of the protection of natural character and outstanding and significant natural values and referencing the natural environment and District-Wide chapters of the plan.
367. The s42A Report agreed that the words 'transmission infrastructure' should be replaced with 'significant electricity distribution lines' because this was consistent with Policy 5 of the NPSET, as sought by Transpower. It also agreed that clause (a) required rewording to give effect to Chapter 6, Policy 3 of the RPS and provide consistency of wording and interpretation. However, the s42A Report did not accept all the amendments proposed by Westpower regarding '*function, location, technical, and operational constraints*'.
368. The s42A Report considered that use of the word '*manage*' was appropriate because it aligned with the policy of the NPSET, including its objective, which seeks to manage adverse environmental effects. It did not consider whether it is necessary, as Manawa sought, to reference renewable electricity rather than energy generally, because renewable electricity generation was captured in the definition of '*Energy Activity*' as defined in Part 1 of the pTTPP.

### ENG-P6

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369. The s42A Report recommended deleting the words '*small community and large scale*' because, as Manawa pointed out, no distinction is made between the varying scales.

### **ENG-P7**

370. The s42A Report noted support for the Policy as notified, and recommended it was retained as notified. It did not support the amendments sought by Transpower and Forest & Bird.
371. The Addendum Report focused on the words '*minor upgrading*'. Still, it remained for the view the definition of '*upgrading*' was sufficiently broad enough to provide for all the matters listed by the submitters in support of defining '*minor upgrading*'. However, as a solution, it recommended deleting '*minor*' from clause (a) and making a consequential amendment to clause (b) by deleting '*other upgrades and*'.

### **ENG-P8**

372. The s42A Report noted ENG-P8 deals with developing the National Grid in sensitive areas where upgrading could adversely affect both the areas and values of those areas. It recommended acceptance of the amendment to refer to Schedules 1- 8 rather than referring to the overlay chapters because that provided further clarity.
373. Initially, the s42A Report did not accept the extent of change sought by Transpower. However, after considering Ms Whitney's evidence, the Reporting Officers accepted that the relief sought would afford consistency of language in policy direction while giving effect to NPSET and NZCPS.
374. The Addendum Report recommended deleting references to *minor upgrading* to avoid confusing terms and clarify the rules.

### **ENG -P9**

375. The s42A Report noted ENG-P9 addresses reverse sensitivity effects on the National Grid, manages subdivision within the National Grid subdivision corridor, and maintains access to the National Grid for maintenance and upgrading works. The recommendations in the s42A Report were amended in the Addendum, accepting submission points from Transpower and the evidence of Ms Whitney. It recommended deleting '*incompatible*' in clause (b) and amending the wording to clarify the avoidance of land-use, buildings and structures that may directly affect or otherwise compromise the National Grid is required. Similarly, managing subdivisions within the National Grid subdivision corridor was recommended for an amendment. It noted the relief sought was accepted because it would afford consistency of language and policy direction and give effect to NPSET Policy 10.

### **New Policies**

376. The s42A Report recommendation rejected Manawa's request for a new policy to avoid developing non-renewable electricity generation activities and facilitate the replacement of non-renewable energy sources, including using fossil fuels in electricity generation. However, in the Addendum Report, following consideration of pre-hearing discussions and the pre-circulated evidence, the Reporting Officers accepted that the policy direction promoted by Manawa was necessary to give direction to consent assessments under section 104 of the

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RMA. The Reporting Officers did not support an avoid policy for non-renewable energy sources without clear directions under section 6 of the RMA, and they noted the silence in direction in the NPSREG and RPS.

377. The s42A Report recommended rejecting BEL’s request for a new policy focused on radio-electric magnetic fields that do not meet applicable New Zealand or international standards or guidelines, and the submitter had not provided sufficient rationale, and ENG-P4 appropriately managed those effects.
378. The s42A supported Westpower’s request for a new policy to provide for significant electricity distribution lines, protection from incompatible land uses, and potential reverse sensitivity effects, given that this was not explicitly provided for. However, the other new policies requested were rejected primarily because the matters they addressed were already the focus of other existing policies.

### **Hearing and Submitter Evidence, including JWS**

#### ***ENG-P1***

379. Ms Styles highlighted that renewable energy is a matter of national significance; and that the pTTPP is required to have particular regard to the benefits to be derived from the use and development of renewable energy under s7(j) RMA and to give effect to the policy directions in the NPSREG, including to recognise and provide for renewable electricity generation activities. She considered that the notified version recommended to be amended by the Reporting Officers did not adequately give effect to the NPSREG or sufficiently provide for renewable electricity generation activity. She was critical of ENG-P1 because it mixed support for different energy activities with management of effects, and does not include a reference to renewable electricity generation activities. She also sought to replace the words *‘provided for’* with the word *‘enable’*.
380. Mr Kennedy challenged the s42A Report recommendation that it was not necessary to differentiate specific energy activities within ENG-P1 and other policies by including the words *‘energy-related aspects of infrastructure’* and *‘critical infrastructure’* because the pTTPP definition of *‘Energy Activity’* was sufficient. He stressed the submission points sought to ensure consistency of terms and provisions for the pTTPP.
381. Mr Lile sought to include *‘and enable’* within ENG-P1. He considered the word *enable* to be more consistent with the NPSET and more readily linked to a permitted activity status than *‘provide for’*.

#### ***ENG-P2***

382. Ms Styles considered ENG-P2 was intended to give effect to the NPSREG to enable the development of new REG and the continuation of existing REG. This is clear, she said, from the specific use of REG wording in the sub-clauses and the inclusion of a reference to climate change obligations. By referring to *‘energy activities’*, she considered that the Policy implies that it applies to non-renewable electricity generation. It was therefore contrary to meeting climate change obligations and irrelevant to other clauses. She considered that it resulted in an internal inconsistency within the Policy and was unsupported by any national direction.

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383. Mr Kennedy sought the inclusion of a new clause (f) referencing consumer supply. He considered that the benefits of an effective electricity supply to the consumer is relevant, and it is appropriate to include them in a new clause. He also sought to amend the opening preamble of ENG-P2 by including the words *'managing the development and operation of'*; and to amend clause (a) by splitting it into two parts.
384. Ms Inta did not support the s42A Report's recommended amendments and suggested some grammatical changes.
385. Ms Snoynik, for Forest & Bird, addressed the Addendum Report and sought deletion of *'particular'* because it was inappropriate to give higher consideration to energy activities than RMA s6 matters or where this regard would conflict with an RMA s7 matter. She noted that considering s7 benefits is restricted to benefits derived from using and developing renewable energy, not energy activity, as defined in the pTTPP. She submitted that both ENG-P2 and P3 have broader applications than just renewable energy and therefore require direction that adverse effects must be avoided, remedied or mitigated. On this basis, she considered the recommendations within both the s42A Report and Addendum Report were inappropriate.

### **ENG-P3**

386. Ms Styles sought to delete *'minimise'* and replace it with *'avoid'*; include *'incompatible'* before subdivision; delete *'energy'* and replace it with *'renewable electricity generation'*. She noted that Policy 3 relates to reverse sensitivity but that the Reporting Officers' assessment relied on the wording of the NPSET, which is not directly relevant to this Policy because Policy 4 deals with the National Grid and includes a reference to reverse sensitivity issues. She was firm in her view that avoiding reverse sensitivity is the appropriate direction for this Policy to give effect to Policy 3 of the NPSREG, which uses the word *'avoid'*. She considered the Policy needed to be clear and directive, and if the outcome sought is avoidance of reverse sensitivity, then the Policy needs to state this. She considered using another term, such as *'minimise'* or *'manage'*, would underplay the importance of the requirement to avoid and does not provide sufficient direction.
387. Ms Styles clarified that she sought to include the term *'incompatible'* because this provided additional guidance on understanding the risk of reverse sensitivity effects. She considered its inclusion was intentional as it seeks to provide direction and ensure the policy does not apply to all activities seeking to be located close to REG, transmission, and distribution activities, thus recognising that some activities can appropriately be located near such activities. She considered including this word at a policy-level test for determining what subdivision, use, and development would lead to reverse sensitivity problems and what would not, was appropriate.
388. Ms Inta considered there was no need to include both adverse effects and reverse sensitivity in the Policy because reverse sensitivity means an adverse effect. She favoured the notified version of this Policy.
389. Mr Kennedy continued to seek the amendments sought by Westpower outlined in the s42A Report to ensure ENG-P3 gave effect to the RPS.

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390. Mr Lile considered ENG-P3 was inconsistent with Policy 10 of the NPSET and sought to include the words '*activities to avoid*'.
391. Ms Whitney supported the s42A Report recommendations to amend to ENG-P3.
392. According to the JWS records, the planning experts agreed that ENG-P3 did not require the word '*adverse*' before the words reverse sensitivity.

### **ENG-P4**

393. Ms Inta sought the deletion of '*minimise*' to be replaced with '*manage*'; and the words '*urban amenity*' and '*recreational area*' recommended to be deleted by the s42A Report, be reinstated.
394. Mr Kennedy also sought deletion of '*minimise*' and its replacement with '*manage*'; deletion of '*communities*'; and amendments to clauses (a) and (c).
395. Mr Lile noted that the s42A Report accepted BEL's request on ENG-P4.
396. Ms Snoyink highlighted that the Reporting Officers did not support deletions sought by Forest & Bird and considered that relying on the overview wording as an alternative, as suggested by Officers, was inappropriate, given it did not have the force of policy wording. In referencing the Addendum, she considered adding '*avoid, remedy or mitigate*' adverse effects, but thought that problematic because the assessment required consideration of the matters listed in the policy, and further limiting the policy to renewable electricity generation did not make that approach appropriate. She also noted that the matters listed were not the same requirements as those in the ECO Chapter or Chapter 7 of the RPS.
397. Ms Pull identified ENG-P4 clause (a) had incomplete wording and recommended adding '*sites of significance to Māori*' to assist implementation.

### **ENG-P5**

398. Ms Styles sought deletion of '*energy*' and inclusion of '*renewable electricity generation, energy investigation, distribution, and transmission*' in ENG-P5 to ensure that the pTTPP gave effect to higher order documents which recognised and provided for renewable energy, as distinct from non-renewable energy.
399. Mr Kennedy sought several wording changes he considered consistent with other plan provisions and the wording in the RPS. He also considered that, given that significant distribution lines were already mapped within the pTTPP, ENG-P5 should not apply to these.
400. Mr Lile accepted the s42A Report's recommended changes.
401. Ms Whitney accepted the s42A Report's recommended amendments, as shown in Appendix 1.
402. Forest & Bird noted the same issues with ENG-P5 as outlined for ENG-P4.

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403. The JWS records disagreement on wording for ENG-P5 but notes the matter was to be further addressed at the reconvened hearing.

### ***ENG-P6***

404. Ms Styles and Mr Kennedy noted the amendments sought in relation to ENG-P6 were supported in the s42A Report.

### ***ENG-P7***

405. Mr Lile supported ENG-P7 as notified.
406. Ms Whitney opposed the s42A recommendation of no amendments. She sought additional wording to be included in clause (c)(ii) to clarify the Policy applied to the National Grid and to reflect the policy directive within NPSET Policy 4.

### ***ENG-P8***

407. Ms Whitney partly supported the s42A recommendation to amend ENG-P8 and the recommendation not to accept Director General's submission. However, she continued to seek additional wording in clause (c)(ii) to clarify that this only applies to proposals for new National Grid infrastructure and major upgrades to the existing National Grid infrastructure. She considered this reflected Policy 4 of the NPSET.

### ***ENG-P9***

408. Ms Whitney supported the s42A recommendations to amend clause (f) but maintained Transpower's submission that further amendments were needed to ensure the effects of other activities on the National Grid were addressed and that ENG-P9 gave effect to NPSET Policies 2, 10, and 11.

### ***New Policies***

409. Ms Styles sought a new policy to avoid developing non-renewable electricity generation activities and a new associated rule that made such activities non-complying.
410. Mr Kennedy continued to request the three new policies sought in Westpower's submission, in particular he maintained that proposed policy on Significant Electricity Distribution Lines should include either the term '*avoid*' or '*protect*' in subclauses b and d in order to achieve the outcomes sought by the RPS.
411. The JWS records disagreement between the expert planners in relation to the new policies.

## **Reporting Officers' Reply Evidence**

### ***ENG-P1***

412. The Reply noted '*provide for*' indicates that there is provision within the pTTPP via a consenting pathway for developing new renewable electricity generation, energy investigation, distribution and transmission activities and the '*enable*' indicates provision via

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a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of new renewable electricity generation, energy investigation, distribution, and transmission activities. Since ENG-P1 applies to both new and existing, the Reporting Officers recommended amending the provision as follows:

*ENG-P1 Provide for and enable the development, operation, maintenance, and upgrading of existing and new electricity transmission, distribution, and renewable generation infrastructure and assets.*

### **ENG-P2**

413. The Reply noted the Panel's query regarding the use of 'manage' or 'avoid, remedy, or mitigate' and which would be more appropriate and provide more flexibility. The Reporting Officers consider policies to be the course of action to achieve an objective, and they can be flexible or inflexible, broad or narrow. They noted that including 'avoid', 'remedy', or 'mitigate' in policies provided for a wide range of options to achieve the objectives. They cautioned that the scope and intent of the policies should be carefully considered when determining appropriate policy language.
414. The Reply recommendation for ENG-P2 was to delete 'considering' and replace it with 'manage', reflecting the breadth of this policy. It considered that 'manage' provided a better link with the related objective ENG-02, which partly concerned managing the adverse effects of energy activities. The Reply also supported Mr Kennedy's evidence to divide clause (a) into two parts, creating a new clause (b). Attachment 1 showed the following recommended amendments:

*ENG-P2 ~~When considering proposals to develop and operate new and existing~~ When managing adverse effects from the or development of new energy activities or the operation, maintenance or upgrading of existing energy activities, have particular regard to the benefits to be obtained from the proposal, including;*

- (a) ~~Maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;~~*
- (b) Providing for diversity of the type and location of electricity generation;*
- (c) Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- (d) Economic, social, environmental or cultural wellbeing;*
- (e) The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;*
- (f) Effective transmission and distribution of electricity supply;*
- (g) Facilitation and use of renewable energy;*
- (h) Security of electricity supply; and*
- (i) Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.*

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### ENG-P3

415. In Reply, the Reporting Officers considered that changing the policy to strictly ‘avoid reverse sensitivity effects’ would be inconsistent with Policy 10 of the NPSET, which seeks ‘to the extent reasonably possible, manage activities to avoid reverse sensitivity effects’. They considered ‘manage’ was consistent with higher-order policy documents (e.g. Policy D, NPSREG).
416. The Reply, Attachment 1, recommended the following amendments:

*ENG-P3 ~~Minimise reverse sensitivity effects from Manage activities to avoid adverse reverse sensitivity effects from subdivision, use and development on renewable electricity generation energy activities and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development.~~*

### ENG-P4

417. The Reply noted that Poutini Ngāi Tahu sought amendments to ENG-P4 to include references to ‘Poutini Ngāi Tahu values, sites, areas and cultural landscapes’. It noted that based on EWC and further discussions with Ms Pull, agreement had been reached on an alternative solution of adding ‘Sites and Areas of Significance Māori’, which would ensure consistency with the matters (essentially RMA s6 matters) listed in Policy 4.
418. In response to the Panel's questions about why ENG-P4(a) did not refer to Schedules 1 – 8 and whether ‘urban amenity’ could be a stand-alone clause, the Reporting Officers noted that submitters had not requested this specific relief. However, they considered that such a refinement was supportable because it did not change the scope of the policy and refined the language to ensure consistency across the pTTPP.
419. The Reply noted that clauses (a) to (d) of ENG-P4, incorporate a wide range of actions, ranging in significance from RMA s6 matters to implementing industry best practices. The Reporting Officers did not support the replacement of ‘minimise’ with ‘manage’ as ‘avoid, remedy, mitigate’ affords the ability to apply a course of action appropriate to the matter being considered. Furthermore, the Reporting Officers noted that ‘avoid, remedy, mitigate’ was consistent with NPSREG.
420. The Reply, Attachment 1, recommended the following wording for ENG-P4:

*ENG-P4 ~~Minimise, Avoid, remedy, mitigate adverse effects on communities and the environment from renewable electricity generation, energy investigation, distribution, and transmission energy activities by:~~*

*(a) ~~Having regard to the effect on urban amenity;~~*

*(b) ~~Having regard to the effect on areas and values associated with identified in Schedules 1 – 8; areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and SNA;~~*

*(c) ~~Implementing industry best management practices around electrical safe distances;~~*

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- (d) *Maintaining ongoing access to grid and distribution ~~elements~~ infrastructure and structures for operation, maintenance and upgrading works; and*
- (e) *Avoiding exposure to health and safety risks.*

### ENG-P5

421. The Reply noted that ENG-P5 incorporates a wide range of courses of action, which range in significance scale. The Reporting Officers did not support the replacement of ‘*minimise*’ with ‘*manage*’ but considered that ‘*avoid, remedy, mitigate*’ affords the ability to apply a course of action appropriate to the matter being considered and is consistent with NPSREG.
422. The Reporting Officers disagreed with Mr Kennedy’s view that, because significant distribution lines are mapped, ENG-P5 did not apply to these, and noted ENG-P5 is an assessment policy which directs the consideration of resource consent for new significant electricity distribution lines.
423. The Reply, Attachment 1, recommended the following wording amendments:

*ENG-P5 When ~~considering proposals to develop, operate, maintain and upgrade new and~~ avoid, remedy or mitigate adverse effects from the development of new or ~~development~~, the operation, maintenance or upgrading of existing renewable electricity generation, energy investigation, distribution and transmission ~~energy~~ activities by:*

- (a) *Recognising their functional constraints, needs and operational requirements; and*
- (b) *Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed, the extent to which any adverse effects have been minimised in the route, site, and method selection will be considered.*

### ENG-P6

424. The Reply, Attachment 1, recommended the following amendments:

*ENG-P6 Provide for the development, upgrading, maintenance and operation of:*

- (a) *A range of ~~small, community and large-scale~~ renewable electricity generation activities; and*
- (b) *Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.*

### ENG-P7

425. The Reply, Attachment 1, recommended the following minor amendments to address the request from Manawa for a definition of ‘*minor upgrade*’ and the evidence of Ms Whitney:

*ENG-P7 Recognise and provide for the national, regional, and local benefits of the National Grid, including by:*

- (a) *Enabling the operation, maintenance, and ~~minor~~ upgrading requirements of existing National Grid assets;*

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- (b) Providing for ~~other upgrades~~ and the effective development of new National Grid assets; and
- (c) When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to:
  - i. The technical and operational constraints of the National Grid; and
  - ii. The extent to which proposals have avoided, remedied and mitigated effects through the route, site and method selection.

### ENG-P8

426. The Reply largely accepted the Transpower's amendments, which sought to provide for the National Grid's development by recognising functional and operational needs. The Reporting Officers recommend the wording was simplified by referencing Schedules 1-8; and amended to recognise that there will be circumstances when adverse effects cannot be avoided, and that where this occurs effects must be remedied or mitigated to the extent practicable. The Reply, Attachment 1 recommended the following amendments:

*ENG-P8 Manage the adverse effects of the development of the National Grid by:*

- (a) *Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects.*
- (b) *Seeking to avoid adverse effects on areas and values identified in Schedules 1 – 8;*
- (c) *Where the National Grid has a functional need or operational need to locate within the Coastal Environment, manage adverse effects by:*
  - i. *Seeking to avoid adverse effects on areas and values identified in ~~Schedules 1 – 8~~ Overlay Chapter areas and where it is not practicable to avoid because of functional needs or operational needs of the National Grid, to remedy or mitigate;*
  - ii. *Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of NFL and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and*
  - iii. *Recognise that there may be some areas within the sites and areas identified in Schedules 1 – 8 where avoidance of adverse effects is required to protect the identified values and characteristics.*
  - iv. *Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.*
- (d) *Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.*

### ENG-P9

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427. Concerning reverse sensitivity effects on the National Grid, the Reporting Officers reconsidered their earlier recommendation based on the evidence presented at the hearing and further discussions with the expert planners. They now recommended that the word *'incompatible'* should be retained to provide the ability to enable compatible subdivision, use and development in certain circumstances, which the Reporting Officers considered was sufficient to afford protection of the relevant infrastructure and to be consistent with Chapter 6, Policy 4 of the RPS.
428. The Reply also supported the amendments sought by Transpower to better provide for operational circumstances.
429. The Reply, Attachment 1, recommended the following amendments to ENG-P9:

*ENG-P9 Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:*

- (a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;*
- (b) Avoid ~~incompatible~~ land use, buildings and structures that may directly affect or otherwise compromise the National Grid;*
- (c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
- (d) Achieve compliance with the NZECP34:2001 and avoid exposure to health and safety risks from the National Grid; and*
- (e) Maintain ongoing access for maintenance and upgrading works on the National Grid, and*
- (f) Avoid the potential for reverse sensitivity effects on the National Grid to the extent reasonably possible.*

### ***New Policies PX1, PX2 and PX3***

430. In Reply, the Reporting Officers acknowledged the pTTPP was silent on non-renewable electricity generation. They acknowledged that the NPSREG supports and promotes renewable energy only, but that no national direction required the avoidance of non-renewable electricity generation. As Manawa requested, they did not support an outright avoidance policy for non-renewable electricity generation due to a lack of higher-order statutory direction. However, they recommended an alternative new policy ENG-PX2 and an associated rule with a non-complying activity status.
431. The Reply, based on the evidence of Mr Kennedy and Ms Styles, supported the inclusion of three new policies as follows:

*ENG-PX-1 Manage activities in and around Significant Electricity Distribution Lines to:*

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- (a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;
- (b) Achieve compliance with the NZCEP 34:2001 and avoid health and safety risks from Significant Electricity Distribution Lines; and
- (c) To protect the lines from potential reverse sensitivity effects.

ENG-PX-2 Discourage the development of non-renewable electricity generation activities by first avoiding adverse environmental effects, where avoidance is not practicable, adverse effects shall be remedied or mitigated.

ENG-PX-3 Ensure that subdivision and development is adequately serviced including;

- (a) Infrastructure networks have sufficient capacity to accommodate the additional development, and require any necessary upgrades to be completed at the time of subdivision; and
- (b) Infrastructure is installed at the time of subdivision, except for onsite infrastructure, which cannot be determined until the allotment is developed.

### **Hearing Panel's Evaluation**

432. The Panel agrees that the words 'avoid, remedy or mitigate' in a policy provide broad flexibility to meet the outcome of the related objective. We agree with the Reporting Officers that it is best practice to write an objective to provide a clear target of what policies should achieve, stating what is to be achieved, when, and where. We agree with the Reporting Officers that objectives need not repeat the wording of the Act. Policies should detail the course of action to achieve an objective and can be subject to the outcome of the objective, flexible, inflexible, broad, or narrow.
433. The inclusion of 'avoid, remedy, or mitigate' provides a wide course of action to achieve objectives. The Panel has endeavoured to apply these outcomes throughout the ENG as well as INF and the TRN chapters.

### **ENG-P1**

434. The Panel agrees with the Reporting Officers' reasoning regarding the circumstances in which the words 'provide for' or 'enable' are appropriate. The Panel also agrees that, given the breadth of ENG-P1, which covers existing and new activities, both 'provide for' and 'enable' are appropriate. The Panel recommends the amendments shown in Attachment 1 of the Reply.

### **ENG-P2**

435. As notified, the Panel notes that ENG-P2 was concerned with the benefits of new and existing energy activities when considering proposals. However, the recommended amendments change the focus of the policy from 'When considering proposals' to 'When managing adverse effects'. The Panel considers this suggests that when managing adverse effects from a proposal a decision-maker should have 'particular regard' to the benefits concerning

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offsetting any adverse effects, which is significantly different to having regard to the benefits of a proposal.

436. When considering an application for resource consent for a proposal, section 104 of the RMA requires a decision-maker to consider of the actual and potential environmental effects of the activity (s104(1)(a)), any positive effects of the activity to offset or compensate for any adverse effects (s104(1)(ab)), relevant statutory provisions (s104(1)(b)), and any other matter the consent authority considers relevant (s104(1)(c)). This requires separate considerations and does not allow for adverse effects to be managed or balanced by having regard to the benefits of a proposal when assessing adverse effects.
437. The NPSET (Policy 1) directs that decision-makers must recognise and provide for the national, regional, and local benefits of sustainable, secure, and efficient electricity transmission; environmental effects are managed under separate policies. The RPS is consistent with this direction.
438. The NPSREG directs that decision makers must recognise and provide for the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable energy activities. It also requires decision-makers to provide and recognise the national, regional and local benefits relevant to renewable electricity generation.
439. The Panel considers that the intent of ENG-P2 should remain on the consideration of proposals, as notified, given that it is intended to give effect to the NPSREG and NPSET. The Panel generally agrees with Ms Styles that *'energy'* should be replaced with *'renewable electricity generation, energy investigation, distribution and transmission'* to give effect to national direction and the RPS. It also aligns with the clauses focused on renewable energy generation, transmission, and distribution. However, as discussed above in relation to ENG-O2, the Panel considered this should be changed slightly to *'renewable electricity generation, investigation, and distribution and transmission'* to give effect to the national direction of the NPSREG and NPSET, as well as the RPS.
440. There is no national direction to *'have particular regard to'* the benefits of all *'Energy Activities'*, as defined in the pTTPP. However, now the recommended wording of ENG-P2 is focused on renewable energy generation, the Panel considers the words *'have particular regard to'* align with the wording of RMA s7(j), which requires decision-makers to *'have particular regard'* to the benefits to be derived from the use and development of renewable electricity. We accept this is appropriate and therefore reject Forest & Bird's submission (S560.448) to delete *'particular'*.
441. The Panel notes that the Reporting Officers have recommended the deletion of the words *'to be obtained from the proposal'*, however we have been unable to find any submission that supports that deletion and therefore we have recommended it be retained.
442. The Panel accepts the Reporting Officers' recommendations to split clause (a) into two parts, as requested by Westpower. However, for the reasons outlined regarding the national direction, the Panel considers this should be *'renewable'* electricity generation.

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443. The Panel agrees with the Reporting Officers that adding '*to the consumer*' to clause (e) is unnecessary.
444. The Panel also agrees with the Reporting Officer that it is not necessary to amend the policy to address cumulative effects on waterways, given that this would require assessment on a case-by-case basis. The Panel is also satisfied that the policy is sufficient to support micro-renewables and distributed energy generation.
445. The Panel notes that Mr Lile accepted 'and' and not 'or' as appropriate in the context of ENG-P2.

### **ENG-P3**

446. Discussion at the hearing and questions from the Panel focused on whether it was necessary to include '*adverse*' reverse sensitivity effects. The Reporting Officers recommended deleting '*adverse*' and replacing '*Minimise reverse sensitivity effects from*' with '*Manage activities to avoid reverse sensitivity*' to give effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.
447. The Panel questioned the Reporting Officers at the hearing as to whether relying on the strategic directions in the plan would be possible if reverse sensitivity policies were added to the overarching chapter. The Reporting Officers acknowledged that reverse sensitivity is an important issue for the West Coast and supported including a policy in the Strategic Direction Chapter. However, the Reporting Officers considered that the ENG and INF Chapters should retain reverse sensitivity policies because a higher-order policy direction is more nuanced than what might be expected from a policy within the Strategic Direction Chapter. Furthermore, the Reporting Officers considered that resource consent applications should assess policies in a comprehensive manner.
448. The Panel agrees with the Reporting Officers' reasoning in the Reply that '*Managing activities to avoid reverse sensitivity*' is preferable to the notified ENG-P3 which sought to '*minimise*' reverse sensitivity effects. The Panel considers the Reply version provides more scope; and gives effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.
449. The Panel accepts the evidence of Mr Lile that to give effect to Policy 10 of the NPSET the Policy should also include '*and electricity transmission and distribution activities*'.
450. The Panel considers it appropriate to include 'incompatible' in relation to reverse sensitivity for the reasons outlined by Ms Styles and accepted by the Reporting Officer concerning ENG-P9.

### **ENG-P4**

451. The Panel acknowledges that clauses (a) to (d) of ENG-P4 incorporate a wide range of courses of action, ranging in significance from RMA s6 matters to implementing industry best practices. The Panel agrees with the Reporting Officers that it is inappropriate to delete these, as requested by Forest & Bird, and considers that the Plan must be read as a whole in terms of managing adverse effects on RMA s6 matters.

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452. The Reporting Officers did not support the replacement of ‘*minimise*’ with ‘*manage*’. They recommended the use of ‘*avoid, remedy, mitigate*’ because this affords the ability to apply a course of action appropriate to the matter being considered. The Panel agrees; however, we recommend that ‘*avoid, remedy or mitigate*’ is appropriate.
453. The Panel accept that including the reference to Schedules One to Eight appropriately responds to Ms Pull's evidence seeking inclusion of SASM and we note that as a consequence of other recommendations relating to Ngāi Tahu submissions on the rules we have included Appendix 10 into this and other policies.
454. The Panel also note that as a consequence of submissions from Forest and Bird and the Director General our recommendations expand the consideration of areas not included in Schedules One to Eight and Appendix 10 so as to give effect to the WCRPS and the NPSIB and we have amended the policy (and ENG-P8) to enable consideration of those areas.

### **ENG-P5**

455. Given the broad coverage of ENG-P5, the Panel agrees with the Reporting Officers that ‘*avoid, remedy, mitigate*’ affords the ability to apply a course of action appropriate to the matter(s) being considered. We agree that ‘*manage*’ is more constraining. Furthermore, the Reply noted that ‘*avoid, remedy, mitigate*’ is consistent with NPS-REG, which we accept.
456. The Panel agrees with the Reporting Officers that the amendments requested by Forest & Bird are not necessary given the Plan provisions must be read as a whole when considering a proposal.
457. The Panel accepts the recommended amendments by the Reporting Officers, in response to Manawa, are appropriate given the direction of the NPSREG, NPSET and the RPS. Chapter 6, Policy 3 of the RPS relates to regionally and nationally significant electricity transmission, distribution and renewable electricity generation. We consider ‘Energy Activities’ is wider than this direction.
458. The Panel also agrees that Westpower's requested additional wording, while consistent with the wording of the RPS, is not necessary given the pTTPP definitions of ‘functional need’ and ‘operational need’. The Panel recommends ‘*functional need or operational need*’.

### **ENG-P6**

459. The Panel accepts the Reporting Officer's recommendation to accept Manawa's request to delete ‘small, community and large scale’ from ENG-P6, given that the words relating to size and scale are unnecessary in this context.

### **ENG-P7**

460. The Panel agree with deleting ‘*minor*’ as alternative relief to Manawa's request for a definition of ‘*minor upgrade*’; and deletion of ‘*other upgrades*’ because this is unnecessary in the context.

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461. The Panel considers that the evidence from Ms Whitney gives sufficient justification for the amendment to clause (c)(ii) sought by Transpower. We accept that this is consistent with Policy 4 of the NPSET and clarifies that it does not apply to existing transmission infrastructure.
462. For the reasons outlined above concerning ENG-P4 and ENG-P5, the Panel accepts the Reporting Officers' recommendation to reject the amendment requested by Forest & Bird.

### **ENG-P8**

463. The Panel agrees with the amendments to ENG-P8 requested by Transpower, as accepted by the Reporting Officers. The amendments also recognise that there will be circumstances when adverse effects cannot be avoided. Hence, the policy seeks to remedy or mitigate them to the extent practicable, which we consider appropriate.
464. The Panel notes that the recommended amendments shown in Attachment 1 of the Reply differ slightly from the wording requested in the evidence of Ms Whitney. The Panel accepts Ms Whitney's evidence, including '*development and major upgrade*', which is consistent with the wording of the NPSET.
465. As referred to above, the Panel acknowledges the Forest & Bird's concern regarding significant natural values not identified in SNA and that this needs to be addressed in INF-P8. We consider this needs to be addressed on a plan-wide basis with subsequent consequential amendments made accordingly.

### **ENG-P9**

466. The Panel agrees with the Reporting Officers that the word '*incompatible*' in clause (b) of ENG-P9 should be retained because it provides clarity and is consistent with RPS Chapter 6, Policy 4. However, the Panel noted that this change in recommendation was not reflected in Attachment 1 of the Reply. We accept this is an oversight given the Reporting Officers' evaluation.
467. The Panel also accepts Ms Whitney's evidence and the Reporting Officers' recommended amendments, which were recorded in the Reply.

### **New Policies**

468. The Panel accepts the evidence and Reporting Officers recommendation supporting the inclusion of three new policies, as recommended in Attachment 1 of the Reply. The Panel recommends that these become new policies ENG-10, ENG-P11 and ENG-P12. We consider the amendments made to proposed ENG-10 to include '*protect*' in subclause c. addresses the concerns of Mr Kennedy.
469. The Panel adopts the Reporting Officers' RMA section 32AA evaluation of the new Policies at page 103 of the s42A Report. The Panel is satisfied that the section 32AA evaluation corresponds to the scale and significance of the recommended changes. We accept that, having considered the new policies' efficiency and effectiveness, the amendments are the most appropriate for implementing the objectives and are in line with the purpose of the objectives.

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470. The Panel considers ENG-P11 is appropriate but does not consider reference to how adverse effects are addressed is required within the policy. The Panel therefore recommends the following wording:

*Discourage the development of non-renewable electricity generation activities.*

471. The Panel has considered the other new policies requested by BEL and Westpower and agrees with the Reporting Officers that these additional policies are not necessary to give effect to the RMA and higher-order statutory direction.

### Hearing Panel's Recommendations

472. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Energy Policies**:

Energy Policies	
<b>ENG – P1</b>	Provide for <b>and enable</b> <sup>71</sup> the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure <del>and assets</del> . <sup>72</sup>
<b>ENG – P2</b>	When considering proposals to develop and operate new and existing <b><u>renewable electricity generation, investigation, and distribution and transmission</u></b> <sup>73</sup> activities have particular regard to the benefits to be obtained from the proposal, including; <ol style="list-style-type: none"> <li>a. Maintaining or increasing security of renewable electricity supply <del>by diversifying the type and/or location of electricity generation</del>;<sup>74</sup></li> <li>b. <b><u>Providing for diversity of the type and location of renewable electricity generation</u></b>;<sup>75</sup></li> <li>c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</li> <li>d. Economic, social, environmental or cultural wellbeing;</li> <li>e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;</li> <li>f. Effective transmission and distribution of electricity supply;</li> <li>g. Facilitation and use of renewable energy;</li> <li>h. Security of electricity supply; and</li> <li>i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.</li> </ol>

<sup>71</sup> Buller Electricity Limited S451.025, Frank and Jo Dooley S478.082

<sup>72</sup> Manawa Energy Limited S438.00144

<sup>73</sup> Manawa Energy Limited S438.039

<sup>74</sup> Westpower S547.085

<sup>75</sup> Westpower S547.085

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<p><b>ENG – P3</b></p>	<p><del>Minimise reverse sensitivity effects from</del> <b>Manage activities to avoid adverse reverse sensitivity effects from incompatible</b><sup>76</sup> subdivision, use and development on <b>renewable electricity generation and electricity distribution and transmission energy</b><sup>77</sup> activities. <del>and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development</del><sup>78</sup></p>
<p><b>ENG – P4</b></p>	<p>Minimise <b>Avoid, remedy or mitigate</b><sup>79</sup> adverse effects on communities and the environment from <b>renewable electricity generation, investigation, distribution and transmission energy</b><sup>80</sup> activities by:</p> <ol style="list-style-type: none"> <li>a. <b>Having regard to effects on urban amenity</b>;<sup>81</sup></li> <li>b. Having regard to the <b>effect on areas of significant environmental values</b><sup>82</sup> and values associated with <b>identified in Schedules One – Eight</b><sup>83</sup> and <b>Appendix Ten</b>;<sup>84</sup> areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas;</li> <li>c. Implementing industry best management practices around electrical safe distances;</li> <li>d. Maintaining ongoing access to grid and distribution elements <b>infrastructure</b><sup>85</sup> and structures for <b>operation</b>;<sup>86</sup> maintenance and upgrading works; and</li> <li>e. Avoiding exposure to health and safety risks.</li> </ol>
<p><b>ENG – P5</b></p>	<p><del>When considering proposals to develop, operate, maintain and upgrade new and</del> <b>Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of</b> existing <b>renewable electricity generation, investigation, distribution and transmission energy</b><sup>87</sup> activities <b>by</b>:</p> <ol style="list-style-type: none"> <li>a. <del>Recognising</del> their functional constraints <b>need</b><sup>88</sup> <del>and</del> operational requirements <b>need</b>;<sup>89</sup> and</li> <li>b. <del>Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects</del> <b>Having regard to the extent to which</b></li> </ol>

<sup>76</sup> Manawa Energy Limited S438.040

<sup>77</sup> Manawa Energy Limited S438.040

<sup>78</sup> Manawa Energy Limited S438.040

<sup>79</sup> Manawa Energy Limited S438.042

<sup>80</sup> Manawa Energy Limited S438.042,

<sup>81</sup> Clause 16(2) First Schedule of the RMA

<sup>82</sup> Consequential amendment from Forest and Bird S560.0558, S560.458

<sup>83</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.084

<sup>84</sup> Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

<sup>85</sup> Westpower S547.091

<sup>86</sup> Westpower S547.091

<sup>87</sup> Manawa Energy Limited S438.043, Buller Electricity S451.029, Frank and Jo Dooley S478.087

<sup>88</sup> Manawa Energy Limited S438.043

<sup>89</sup> Manawa Energy Limited S438.043

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	<p><b><u>any adverse effects of new significant electricity distribution lines</u></b><sup>90</sup> have been minimised in the route, site and method selection.</p>
<b>ENG – P6</b>	<p>Provide for the development, upgrading, maintenance and operation of:</p> <ol style="list-style-type: none"> <li>A range of <del>small, community and large scale</del><sup>91</sup> renewable electricity generation activities; and</li> <li>Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.</li> </ol>
<b>ENG – P7</b>	<p>Recognise and provide for the national, regional and local benefits of the National Grid, including by:</p> <ol style="list-style-type: none"> <li>Enabling the operation, maintenance and <del>minor</del><sup>92</sup> upgrading requirements of existing National Grid assets;</li> <li>Providing for <del>other upgrades and</del><sup>93</sup> the effective development of new National Grid assets; and</li> <li>When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to: <ol style="list-style-type: none"> <li>The technical and operational constraints of the National Grid; and</li> <li>The extent to which proposals <b><u>for new National Grid infrastructure or major upgrades to existing National Grid infrastructure</u></b><sup>94</sup> have avoided, remedied and mitigated effects through the route, site and method selection.</li> </ol> </li> </ol>
<b>ENG – P8</b>	<p>Manage the adverse effects of the <b><u>development and major upgrade of the</u></b><sup>95</sup> National Grid by:</p> <ol style="list-style-type: none"> <li>Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;</li> <li>Seeking to avoid adverse effects on areas <b><u>of significant environmental values and the values</u></b><sup>96</sup> identified in Schedules <b><u>One – Eight</u></b><sup>97</sup> <b><u>and Appendix Ten</u></b>; <sup>98</sup></li> <li>Where the National Grid has a functional <b><u>need</u></b> or operational need to locate within the Coastal Environment, manage adverse effects by: <ol style="list-style-type: none"> <li>Seeking to avoid adverse effects on <del>Overlay Chapter</del> areas <b><u>and values</u></b><sup>99</sup> <b><u>identified in Schedules One – Eight</u></b><sup>100</sup> <b><u>and Appendix Ten</u></b><sup>101</sup> and where it is not practicable to avoid <b><u>because of</u></b></li> </ol> </li> </ol>

<sup>90</sup> Westpower S547.037

<sup>91</sup> Manawa Energy Limited S438.041

<sup>92</sup> Alternative relief Manawa Energy Limited S438.022

<sup>93</sup> Clause 16(2) First Schedule of the RMA

<sup>94</sup> Transpower Limited S299.039

<sup>95</sup> Transpower Limited S299.040

<sup>96</sup> Alternative relief Royal Forest and Bird Protection Society S560.458

<sup>97</sup> Transpower Limited S299.040

<sup>98</sup> Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

<sup>99</sup> Transpower Limited S299.040 and alternative relief Royal Forest and Bird Protection Society S560.458

<sup>100</sup> Transpower Limited S299.040

<sup>101</sup> Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

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	<p><b><u>functional needs or operational needs of the National Grid,</u></b><sup>102</sup> to remedy or mitigate; <b>and</b></p> <p>ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</p> <p>d. Recognise that there may be some areas within the sites and areas identified in Schedules <b><u>One – Eight</u></b><sup>103</sup> <b>and <u>Appendix Ten</u></b><sup>104</sup> where avoidance of adverse effects is required to protect the identified values and characteristics; <b>and</b></p> <p>e. <b><u>Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.</u></b><sup>105</sup></p>
<p><b>ENG – P9</b></p>	<p>Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:</p> <p>a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;</p> <p>b. Avoid incompatible land use, <b><u>buildings and structures that may directly affect or otherwise compromise the National Grid,</u></b><sup>106</sup></p> <p>c. Manage subdivision <b><u>within the National Grid Subdivision Corridor</u></b><sup>107</sup> to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;</p> <p>d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34: 2001) and avoid exposure to health and safety risks from the National Grid; <del>and</del></p> <p>e. <b><u>Maintain ongoing access for maintenance and upgrading works on the National Grid; and</u></b><sup>108</sup></p> <p>f. Avoid, <b><u>to the extent reasonably possible, the</u></b><sup>109</sup> potential for reverse sensitivity effects on the National Grid.</p>
<p><b>ENG– P0</b></p>	<p><b><u>Manage activities in and around Significant Electricity Distribution Lines to:</u></b></p> <p>a. <b><u>Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;</u></b></p> <p>b. <b><u>Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety</u></b></p>

<sup>102</sup> Transpower Limited S299.040

<sup>103</sup> Transpower Limited S299.040

<sup>104</sup> Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

<sup>105</sup> Transpower Limited S299.040

<sup>106</sup> Transpower Limited S299.041

<sup>107</sup> Transpower Limited S299.041

<sup>108</sup> Transpower Limited S299.041

<sup>109</sup> Horticulture New Zealand S486.018

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	<b>risks from Significant Electricity Distribution Lines; and</b> <b>C. <u>Protect the lines from potential reverse sensitivity effects.</u><sup>110</sup></b>
<b>ENG-P11</b>	<b><u>Discourage the development of non-renewable electricity generation activities.</u><sup>111</sup></b>
<b>ENG-P12</b>	<b><u>Ensure that subdivision and development is adequately serviced</u></b> <b><u>including:</u></b> <b>a. <u>Infrastructure networks have sufficient capacity to</u></b> <b><u>accommodate the additional development, and requiring any</u></b> <b><u>necessary upgrades to be completed at the time of subdivision;</u></b> <b><u>and</u></b> <b>b. <u>Infrastructure is installed at the time of subdivision, except for</u></b> <b><u>on- site infrastructure that cannot be determined until the</u></b> <b><u>allotment is developed.</u><sup>112</sup></b>

### 4.6. Energy Rules

#### Submissions and Further Submissions

473. The s42A Report identified 18 submission points and seven further submission points<sup>113</sup> in relation to the Energy Standards and the relief sought, it was summarised on pages 83-84 of the s42A Report. All submission points sought changes to the rules, standards and or advice note wording.
474. The s42A Report identified six submission points and one further submission point<sup>114</sup> relating to **ENG-R1** and summarised the relief sought on page 85 of the s42A Report. Three supported the provisions and three sought changes to the rules, standards and advice note wording.
475. The s42A Report identified nine submission points and four further submission points<sup>115</sup> relating to **ENG-R2** and summarised the relief sought on pages 85-86. Five supported the provisions as notified and four sought changes supported by the further submissions.
476. The s42A Report identified six submission points and two further submission points<sup>116</sup> relating to **ENG-R3** and noted that all supported the provisions as notified. The Panel notes this is incorrect, as it excludes Forest & Bird's submission point (S560.119) opposed in part, which was opposed by Westpower (F222.0238)

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<sup>110</sup> Westpower Limited S547.081

<sup>111</sup> Manawa Energy S438.033

<sup>112</sup> Westpower Limited S547.082

<sup>113</sup> S299.042, S229.051, S408.001, S438.046, S438.057, S451.035, S462.030, S538.023, S538.024, S547.095, S547.096, S547.097, S547.098, S547.450, S558.040, S558.450, S566.450, S567.050, FS127.033, FS127.034, FS127.045, FS127.067, FS127.068, FS127.088 FS222.049

<sup>114</sup> S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127

<sup>115</sup> S190.052, S299.044, S451.037, S478.094, S538.020, S547.099, S547.100, S547.101, S547.102, FSS190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089 127.069, FS127.070, FS127.071, FS127.072

<sup>116</sup> S190.053, S451.038, S478.095, S538.021, S547.103, S560.119, FS222.0238, FS127.073

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477. The s42A Report identified 11 submission points and five further submission points<sup>117</sup> relating to **ENG-R4** and summarised the relief sought on pages 86-87 of the s42A Report. One supported the provisions as notified, and the other sought changes to the rule.
478. The s42A Report identified four submission points and three further submission points<sup>118</sup> relating to **ENG-R5** and summarised the relief sought on pages 87-89. Two supported the rule as notified, and two sought changes supported by the further submissions.
479. The s42A Report identified nine submission points and three further submission points<sup>119</sup> relating to **ENG-R6** and summarised the relief sought on pages 89- 90. One supported the rule as notified and the others sought changes supported by the further submissions.
480. The s42A Report identified 10 submission points and two further submission points<sup>120</sup> relating to **ENG-R7** and summarised the relief sought on pages 91-92. Two supported the provision and the others sought changes to the rule.
481. The s42A Report identified five submission points<sup>121</sup> relating to **ENG-R8** and summarised the relief sought on page 92. Four supported the provision as notified, and one sought to change the rule.
482. The s42A Report identified five submission points and two further submission points<sup>122</sup> relating to **ENG-R9** and the relief sought was summarised on pages 92-93. Two supported the rule as notified and the others sought changes supported by the further submissions.
483. The s42A Report identified five submission points and four further submission points<sup>123</sup> relating to **ENG-R10** and the relief sought was summarised on pages 93-94 of the s42A Report. Two supported the rule as notified and the others sought changes supported by the further submissions.
484. The s42A Report identified five submission points and four further submission points<sup>124</sup> in relation to **ENG-R11** and summarised the relief sought on page 94 of the s42A Report. Two supported the rule as notified, and the others sought changes supported by the further submissions.
485. The s42A Report identified five submission points and three further submission points<sup>125</sup> relating to **ENG-R12** and summarised the relief sought on pages 94-95. One supported the rule as notified, and the others sought changes supported by the further submissions.

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<sup>117</sup> S190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089

<sup>118</sup> S190.055, S438.049, S538.025, S560.121, FS127.035, FS222.0182, FS222.0239

<sup>119</sup> S63.019, S190.056, S541.002, S478.059, S486.019, S524.037, S538.026, S547.107, S560.122, FS127.004, FS127.017, FS127.076

<sup>120</sup> S63.020, S190.056, S299.046, S451.003, S478.060, S486.020, S538.027, S545.011, S546.011, S620.086, FS106.001, FS127.018

<sup>121</sup> S190.058, S451.040, S478.097, S538.028, S547.109

<sup>122</sup> S190.059, S560.123, S299.047, S438.050, S547.100, FS127.036, FS127.077

<sup>123</sup> S190.060, S438.051, S538.029, S547.111, S560.124, FS127.005, FS127.037, FS127.078, FS222.0240

<sup>124</sup> S190.061, S299.048, S538.030, S547.112, S547.113, FS127.079, FS127.080, FS222.0241, FS230.071

<sup>125</sup> S190.062, S299.049, S538.031, S547.115, FS127.006, FS127.08, FS127.082

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486. The s42A Report identified three submission points and one further submission point<sup>126</sup> relating to **ENG-R13** and the relief sought was summarised on page 95. Two supported the rule as notified, and the other sought a change, which was supported by the further submission.
487. The s42A Report identified four submission points and two further submission points<sup>127</sup> relating to **ENG-R14** and summarised the relief sought on pages 95-96. Two supported the rule as notified, and two sought changes, supported by the further submissions.
488. The s42A Report identified four submission points and three further submission points<sup>128</sup> relating to **ENG-R15** and summarised the relief sought on pages 96-97. Two supported the rule as notified, and two sought changes, supported by the further submissions.
489. The s42A Report identified three submission points and one further submission point<sup>129</sup> relating to **ENG-R16** and summarised the relief sought on page 97. Two supported the rule as notified, and one sought change, supported by the further submission.
490. The s42A Report identified three submission points and two further submission points<sup>130</sup> relating to **ENG-R17** and summarised the relief sought on pages 97-98. Two supported the rule as notified, and one sought change, supported by the further submissions.
491. The s42A Report identified two submission points relating to **ENG-R18** and noted on page 98 that these supported retaining the rule as notified.
492. The s42A Report identified five submission points and two further submission points<sup>131</sup> relating to **ENG-R19** and summarised the relief sought on page 98. Two supported the rule as notified, and the others sought changes, supported by the further submissions.
493. The s42A Report stated five submitters submitted on **ENG-R20**, with one in support of retaining the rule as notified and the others seeking changes. The Panel records that there were five submission points and four further submission points<sup>132</sup>, with two seeking to retain the rule as notified, and the others sought changes, supported by the further submissions.
494. The Report identified several submissions seeking the addition of **new standards**. These are summarised below.

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<sup>126</sup> S190.063, S538.032, S547.116, FS127.083

<sup>127</sup> S190.064, S438.052, S538.033, S547.117, FS127.083, FS127.084

<sup>128</sup> S190.065, S438.053, S538.034, S547.118, FS127.038, FS127.085, FS222.0184

<sup>129</sup> S190.066, S438.054, S538.035, FS222.0185

<sup>130</sup> S190.067, S438.055, S538.036, FS127.040, FS222.0186

<sup>131</sup> S190.069, S299.050, S486.021, S524.038, S538.038, FS110.025, FS110.026

<sup>132</sup> S547.120, S560.131, S190.070, S438.056, S538.039, FS127.087, FS222.0247, FS127.041, FS222.0187

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495. The Reporting Officers opened with a planning summary statement that recorded agreement with submission points and noted that the notified ENG and INF overlap. They recommended amendments to ensure all aspects of energy activities are contained within the ENG Chapter.
496. The Reporting Officer noted several amendments were recommended to improve the provisions' effectiveness, efficiency, or clarity, including:
- (a) Specifically referencing the types of energy activities, establishing context and scope of each provision;
  - (b) Introduction of a new policy to discourage non-renewable electricity generation activities and a new noncomplying rule;
  - (c) Clarification of the scope of upgrading and minor upgrading, including amendments to the rules; and
  - (d) Clarifying the scope and definition of small-scale, community-scale, and large-scale renewable electricity generation, including amendments to the rules.

### ***Overall Energy Standards***

497. The s42A Report did not support Westpower's (S547.096) request to reformat the rules to enable a more efficient assessment of compliance and for ease of use and implementation because the structure of the pTTPP had been established in accordance with the NPS.
498. The s42A Report did not support the relief sought by Buller Conservation Group (S552.043) to make all rules a discretionary activity because there was no specific reference to which standard they requested to change.

### ***ENG-R1***

499. The s42A Report rejected the amendment by BEL (S541.036) and Frank and Jo Dooley (S478.093), supported by NZEL (FS127.015) to provide for inclusion of revisions and updates of any relevant New Zealand Standards or National Environmental Standards because this would be needed in all provisions throughout the pTTPP and a plan change process is appropriate for responding to new or revised legislation.
500. The s42A Report accepted the BDC (S538.019) submission point that the heading of ENG-R1 is amended to '*Energy Activity Performance Standards*' because the inclusion of '*Permitted*' was unnecessary.

### ***ENG-R2***

501. The s42A Report rejected the Westpower's (S547.099) request, supported by NZEL (FS127), to include '*new works and/or upgrades*' clause (2) because it considered the scope of this was too broad and undefined, and there was potential for unintended consequences, particularly given this is a permitted activity standard. It did not address part of this submission point requesting adding '*or any new building works or upgrade to buildings that are undertaken within the existing building envelope*'.

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502. The s42A Report supported the deletion of *'upgrade to an existing substation (zone)'* requested by Westpower (S547.100), supported by NZEL (FS127.070), because this was covered by clause (2). It accepted that landscaping should be limited to any substation located outside of the Industrial Zone, as substations are consistent with the purpose of the Industrial Zone; and therefore, recommended adding *'existing'* (S547.104 in part) and *'located outside the Industrial Zones'* (S547.101) to clause (3)(ii). However, it disagreed with the inclusion of *'earth bunds'* (S547.104 in part) because it considered this additional wording was unnecessary and was captured by *'landscaping'* in clause (3).
503. The JWS records that all the planning experts agreed to amend clause (3) by adding the words *'or upgrade to an existing substation (zone)'*.

### **ENG-R3**

504. The s42A Report recommend ENG-R3 be retained as notified because of support for rule.
505. However, the Panel notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.
506. The Addendum Report accepted Mr Lile's evidence (for BEL) requesting the replacement of *'Zone'* with *'Distribution'* in the heading for clarity.

### **ENG-R4**

507. The s42A Report agreed with Transpower (S299.045) that there is an interpretation issue and supported the inclusion of *'new'* to provide clarification when interpreting this rule. Appendix 1 showed the recommended changes to the heading to address other submission points, removing the word *'existing'*.
508. The s42A Report accepted in part the submission points of BEL (S451.039) and Frank and Jo Dooley (S478.096), supported by NZEL (FS127.016), to include a point of measurement to clause (4) to improve clarity, efficiency and effectiveness of the standard. It did not support the amendment to clause (5) to provide for up to five additional poles because it considered it provided unnecessary restriction, and the submitters had not provided sufficient evidence to support such an amendment.
509. The s42A Report accepted BDC's (S538.022) request, supported by NZEL (FS127.003), to simplify the heading of the rule to *'Operation Maintenance, Repairs and Removal of Existing Above Ground Energy Activities'*. However, the Panel notes that the s42A Report Appendix 1 change does not replicate this submission, given that other amendments are recommended.
510. The s42A Report rejected the submission points of Westpower (S547.105), supported by NZEL (FS127.089), requesting replacement of *'three times that of the replaced pole'* with *'5 metres'* in clause (4) because they considered 5 metres was too large and could result in significant visual effects. It also rejected the request to allow an uncontrolled number of intermediate poles because of the potential for adverse visual and amenity effects. It noted that this issue is managed by the standards in clauses (2) and (3).

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511. The s42A Report did not support Forest & Bird's (S560.461) submission point regarding the use of '*minor upgrading*' because this matter was addressed in relation to recommendations on definitions. It did not address the submitter's (S560.462) request to delete '*building and minor utility structure*' from the rule. However, this is shown as rejected in Appendix 1 of the s42a Report.
512. The Panel also notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.
513. The Addendum Report supported the evidence of Ms Styles (for Manawa) seeking clarification of the meaning of the terms '*upgrading*' and '*minor upgrading*'. It therefore recommended consequential amendments to ENG-R4 to delete '*minor*' (as recommended in the s42A Report) and to add '*repair*'.

### **ENG-R5**

514. The s42A Report accepted Manawa's (S438.049) request, supported by NZEL (FS127.035) and in part by Westpower (FS222.0182), to add '*repair*' into the heading because it is consistent with the Energy Policies. However, because of the recommended amendment to the definition of '*small scale*' in Section 6.2.2 of the s42A Report, it accepted the amendment sought by Manawa. Still, it considered this showed a gap concerning small-scale renewable energy generation. It therefore recommended to include a permitted activity standard for community-scale renewable electricity generation activities to address this gap.
515. The Addendum changed this recommendation replacing the notified heading with '*Renewable Electricity Generation Activity*', and substantial changes to the rule to reflect this change in focus on community-scale REG.
516. The Addendum also recommended consequential changes to ENG-R15 to include new and existing large-scale REG activities.

### **ENG-R6**

517. The s42A Report accepted Westland Milk Product's submission (S63.019) that ENG-R6 is too restrictive, with clause (2) imposing that any non-energy activity requires resource consent as a non-complying activity. It therefore recommended to delete clause (2) because this did not affect the directive of ENG-P3 and the NPSET. However, it did not support the inclusion of '*non-habitable industrial buildings*' due to the potential risks and complications associated with industrial buildings and the lack of evidence from Westland Milk Products to support this amendment.
518. In relation to the submission points<sup>133</sup> seeking that ENG-R6 be included within the zone provisions where significant distribution lines exist, the s42A Report considered there was a risk that the provisions contained in the ENG of the pTTPP would be missed and, therefore,

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<sup>133</sup> S541.002, S478.059, S547.107, FS127.076.

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rejected that amendment. It also noted that this would result in unnecessary cross-referencing and risk introducing inconsistency across the pTTPP, which is intended to be read in its entirety. It highlighted that significant lines are mapped, which it considered provided a sufficient trigger for plan users.

519. The s42A Report recommended rejecting Hort NZ's (S486.019) and Federated Farmers' (S524.019) request to delete clause (4) and rely on clause (5) because the 12-metre setback was consistent with Regulation 14 of the NESETA.
520. BDC (S538.026), supported by NZEL (FS127.004), sought to include an additional sub-clause under clause (3) for agricultural and horticultural, provided earthworks are undertaken to ensure no reduction of ground clearance distances from overhead lines. The s42A Report did not support this because the Earthworks Chapter includes limits for earthworks near the National Grid but not significant electricity distribution lines, which it noted was a gap in the pTTPP. It recommended a consequential amendment to the Earthworks Chapter to address; and therefore, no amendment was recommended to ENG-R6 to address the relief sought.
521. The s42A Report noted ENG-R6 is very restrictive, with any energy activity not achieving compliance with the standards defaulting to a non-complying activity. It recommended deleting clause (2) due to it being overly restrictive and not giving effect to the directive of ENG-P3 and the NPSET. It noted that based on this amendment, agricultural and horticultural activities can occur when compliant with clause (5) of ENG-R6.
522. Responding to Westpower's submission (S547.107), supported by NZEL (FS127.076), requesting to add 'and' at the end of clause (3)(iv) and replace 'transmission' with 'distribution', the s42A Report rejected the inclusion of 'and' because clauses (3) and (4) are two standalone standards, which seek to manage two different effects - under conductors and within proximity to support structures. It did accept the replacement of 'transmission' with 'distribution' as this was consistent with the balance of the pTTPP and other higher order planning documents.
523. The JWS records the views of the planning experts in relation to the default activity status where compliance is not achieved and whether this should be non-complying or discretionary. The Reporting Officers and Mr Lile (for NZEL) considered this should be discretionary because significant electricity distribution lines do not have the same level of national protection as other non-complying activities. Mr Kennedy considered that, given the objectives and policies that relate to these significant electricity lines, it is appropriate default is non-complying, as notified.

### **ENG-R7**

524. The s42A Report rejected Westland Milk Products (S63.020) and Isaac Construction Ltd (FS106) that sought ENG-R7 be amended to clause (iv) of standard (1) as follows: '... *Non-habitable industrial, farm or...*', the inclusion of '*non-habitable industrial buildings*' due to the potential risks and complications associated with industrial buildings and the lack of evidence to support this amendment.
525. As to the Transpower submission, the Reporting Officers supported the relief sought because it is consistent with the NPSET and provides clarity to improve readability and application of

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ENG-R7. In the Addendum, in response to Ms Whitney's evidence, the Reporting Officers recommended amendments to the clauses (1)(iv) and (2)(iii). It noted that submitters (S63.020, S486.020) had sought various amendments to clause (1)(iv) to include/exclude various activities but remained concerned that there appears to be limited justification for the listed activities which were not defined terms in the Plan.

526. The s42A Report recommended rejecting BEL (S451.003), opposed by Transpower (FS110.024), and Frank and Jo Dooley (S478.060), supported by NZEL (FS1270.18) to include this Rule within the zone provisions where significant distribution lines exist because there is a risk that the provisions contained in the ENG of the pTTPP would be missed. It considered that because the National Grid Yard is mapped this provided a sufficient trigger for plan users. Further, it noted that ENG-R7 is related to the National Grid Yard, not Significant Electricity Distribution Lines.
527. In relation to Hort NZ's (S486.020) request, opposed by Transpower (FS110.002), to delete '*produce packing facilities*', the Reporting Officers agreed that the non-complying activity status is onerous and recommended that non-compliance be provided as a discretionary activity. It noted that at a discretionary activity status would allow for a complete and fulsome consideration of an activity and its associated effects; and allows the council to impose appropriate conditions of consent or decline resource consent if required. The Reporting Officers noted that this amendment was consistent with the recommendation for ENG-R6.
528. The s42A Report recommended rejecting the submissions of Martin & Lisa Kennedy (S545.011), opposed by Transpower (FS110.023), and Nick Pupich & Sandy Jefferies (S546.011) to replace the rule with the rules in the operative Grey District Plan in relation to the National Grid. It noted the proposed provisions are more nuanced and give effect to the NPS. It is considered that the standards in the pTTPP provided greater clarity and removed wording irrelevant within the ENG, such as the extent of earthworks, which is covered in the Earthworks Chapter.
529. The s42A Report accepted Poutini Ngāi Tahu's (S620.086) submission to correct the spelling of '*height*' in clause (2)(iii)(b). However, this correction was not shown in Appendix 1.

### **ENG-R8**

530. The s42A Report recommended rejecting the BDC submission (S538.028) requesting to amend the cabinet size limit from 1.4m<sup>2</sup> to 10m<sup>2</sup> because Regulation 20 of the NESTF cabinets requires a footprint of 1.4m<sup>2</sup>, and it is appropriate to be consistent with this maximum. It is considered that 10m<sup>2</sup>, combined with the 2m height limit, would be too permissive.
531. The JWS records that the Reporting Officers did not support a change from 1.4m<sup>2</sup> to 10m<sup>2</sup> because a large-scale cabinet with consequent effects could result. It records that, as Mr Kennedy understood it, the change came about from a submission requesting a 10m<sup>2</sup> area limit when the pTTPP as notified, because the rule did not have a limit on area. Mr Kennedy was unclear on what basis a further reduced area is proposed, as none was requested. Mr Kennedy understands that 10m<sup>2</sup> is a current provision within the region.

### **ENG-R9**

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532. The s42A Report recommended rejecting Transpower's (S299.047) submission requesting amendments to enable rehabilitation within six months of the temporary activity ceasing, because it considered six months was too long to remove a temporary structure. It noted that it was necessary to set a time and recommend that the requirement for the site to be rehabilitated is within one month of the activity ceasing, which is consistent with Rule TEMP-R2.
533. The s42A Report recommended rejecting Manawa's submission (S438.050), supported by NZEL (FS127.036), because electricity generation is included in the 'Energy Activity' definition. It considered that the relief sought would limit the scope of ENG-R9, and it is noted that it may be necessary to establish a temporary transmission activity following a state of emergency.
534. The Addendum Report recommended adding a new clause (4) to address concerns that emergency back-up generators should be provided as a permitted activity.

### **ENG-R10**

535. The s42A Report recommended rejecting the amendments sought by Manawa (S438.051), supported by NZEL (FS127.037), because it did not consider 4m<sup>2</sup> to be 'slimline' and a height of 10m would be excessive within some environments (such as the Residential Zone). It considered that the current wording gives effect to Policy G of the NPSREG, which requires district plans to provide for activities associated with the investigation.
536. The s42A Report recommended rejecting BDC's (S538.029) request, supported by NZEL (FS127.005), to delete ENG-R10 based on the provision for environmental and meteorological facilities within the INF Chapter. It considered that the Rule was necessary to give effect to the Overview, which states that the infrastructure rules do not apply to the ENG Chapter.
537. The s42A Report recommended ENG-R10 be retained as notified.
538. In response to the evidence of Ms Styles (for Manawa), the Addendum Report highlighted the Rule applied district-wide, across the full range of zones that seek different character and amenity outcomes. It remained concerned that a maximum height of 10m, as a permitted activity, may not be appropriate in all locations. As an alternative relief, the Reporting Officers recommended the inclusion of a new clause (3) that requires compliance with the relevant zone structure or building height limits. However, the Reporting Officers noted that these may well be subject to change following zoning hearings.
539. The Addendum also recommended changing the default activity status from non-complying to restricted discretionary when compliance with the standards is not achieved.

### **ENG-R11**

540. The s42A Report did not support Transpower's (S299.048), opposed by Poutini Ngāi Tahu (FS41.041), request to add '*or otherwise not provided for*' to the heading of this rule because the amendment is considered unnecessary and does not improve the efficiency or effectiveness of the plan. However, in the Addendum Report, in response to Ms Whitney's evidence regarding substations, the Reporting Officers changed their recommendation to

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accept this submission. However, this was not shown as a tracked change in Attachment 2 of the Addendum Report.

541. The s42A Report noted Poutini Ngāi Tahu opposed Transpower's request to amend the heading because the effects need to be assessed against the overlay chapters and not just Schedule 1-8.
542. Poutini Ngāi Tahu (S620.087, S620.088, S620.089, S620.090) sought the matter of discretion for Restricted Discretionary activities (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) be amended to include the following matter of discretion: *'The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters and sites listed in Appendix 10.'* The s42A Report considered this submission point concerning general matters for the ENG Chapter. The Reporting Officers believed that the reference to other chapters in the Overview provided for those values, which was sufficient for them to be considered.
543. The Addendum Report noted Poutini Ngāi Tahu's request to include a new matter of discretion concerning Poutini Ngāi Tahu values would be addressed within the Reply. It was recommended that the words 'areas and values listed in schedules 1-8 be added to clause (g), which was agreed to be added, following discussion with Ms Pull, ensuring adequate effects assessment. The Reporting Officers disagreed with Ms Pull's view that ENG-R11 was broad in its application. They considered the Rule had a narrow focus, resulting in an outcome unlikely to significantly impact the Poutini Ngāi Tahu values.
544. The s42A Report rejected Westpower's (S547.113) request, supported by NZEL (FS127.080), to delete clause (e). However, the Addendum Report changed position and accepted this deletion, considering Mr Kennedy's evidence that contamination is usually by way of discharge, which is generally managed through regional provisions.
545. The s42A Report accepted Westpower's request (S547.112), supported by NZEL (FS127.079), to add *'functional'* to clause (b).

### **ENG-R12**

546. The s42A Report rejected Transpower's (S299.049) request to delete *'transmission and'* from the heading because there would be no default rule for the National Grid Yard if accepted. However, in the Addendum Report, having considered the evidence of Ms Whitney, the Reporting Officers recommended including *'and upgrading'* and adding *'not managed by the National Environmental Standards for Electricity Transmission Activities'* in ENG-R12.
547. The s42A Report supported BDC (S538) and NZ Energy's (FS127) submissions to amend the rule's heading, noting that ENG-R4 must be amended consequentially.

### **ENG-R13**

548. The Reporting Officers accepted Westpower and NZ Energy's submission to include *'functional'* because it gives effect to the Energy objectives and policies and is consistent with the Energy standards.

### **ENG-R14**

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549. The Reporting Officers did not support Manawa's relief as sought because ENG-R5 requires a default rule. However, they did acknowledge that the heading of ENG-R14 refers to '*renewable energy investigation activity*', which does not have a Permitted Activity standard reference. The Reporting Officers recommended the deletion of '*renewable energy investigation activity*' from the rule heading, as this could be captured by temporary energy activities or energy activities generally.
550. In the Addendum Report, in response to Ms Styles' evidence, the Reporting Officers considered that listing '*landscape measures*' as a matter of discretion in clause (e) was unhelpful as it is unclear what is expected or what would be achieved. They also considered clause (c) relating to benefits to the community needed refinement, but did not support Ms Styles' recommendation for clause (e) to provide an alternative.
551. The s42A Report accepted Westpower and NZEL submissions to amend clause (d) to include '*locational, technical*' because it gives effect to the Energy objectives and policies and is consistent with the energy standards.

### **ENG-R15**

552. The s42A Report noted the amendment sought by Manawa (S438.053), supported by NZEL (FS127.038) and supported in part by Westpower (FS222.0184), to give effect to the NPSREG and deal with the circumstance of no rule providing for the maintenance, repair, operation and minor upgrading of existing renewable electricity generation activities. It agreed there was no permitted pathway for maintenance, repair, operation, or minor upgrading of existing renewable electricity generation activity, which reasonably should be provided for in the ENG rules. It recommended the inclusion of a new permitted activity rule for these activities.
553. The s42A Report noted that new large-scale renewable electricity generation activities would continue to be provided as a discretionary activity. It did not support the specific relief sought by Manawa to amend ENG-R15 because it considered this created unnecessary confusion and cross-referencing provisions. It noted that large-scale renewable electricity generation activities could have adverse effects that require management and assessment.
554. The s42A Report accepted Westpower's (S547.008), supported by NZEL (FS127.085), to add '*not meeting Permitted Activity standards*', which clarified ENG-R15 and ensured consistency with other energy rule standards (e.g., ENG-R11 – ENG-R14, ENG-R19).
555. In response to Ms Styles' evidence, the Addendum changed this position to recommend amendments to ENG-R15 to provide for new and existing large-scale REG not meeting the permitted activity standards and to remove the exclusion of wind, given the amendments proposed to ENG-R5 to include all REG activities.

### **ENG-R16**

556. The s42A Report rejected the relief sought by Manawa (S438.054), supported by NZEL (FS127.039) and supported in part by Westpower (FS222.0185), to amend status of the rule from discretionary to restricted discretionary due to the lack of evidence provided by submitters to support their request and the risk of potential adverse effects associated with a

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large-scale wind farm. It considered a discretionary activity status was appropriate and noted that ENG-R5 provides for small-scale wind farms as a permitted activity.

557. In response to Ms Styles' evidence, the Addendum changed this position to recommending deleting ENG-R16, as a consequential amendment to recommended amendments to ENG-R5 and ENG-R15.

### **ENG-R17**

558. The s42A Report rejected the amendments sought by Manawa (S438.055), supported by NZEL (FS127.040) and supported in part by Westpower (FS222.01865), to replace 'energy' with 'renewable energy generation' due to the lack of evidence provided by submitters to support this request and the risk of potential adverse effects associated with a wind farm which does not comply with New Zealand Standards NZS6806:2010 Acoustics – Wind Farm Noise. It considered a non-complying activity status was appropriate and noted that ENG-R5 provided for small-scale wind farms as a permitted activity.

559. In the Addendum Report, in response to Ms Styles, the Reporting Officers agreed there was a need to integrate all of REG activities together with the same level of enablement. They recommended ENG-R17 be deleted, relying upon effects-based rules and zone bulk and location rules to manage potential effects.

### **ENG-R18**

560. The s42A Report recommend ENG-R18 be retained as notified, given the submissions in support of this Rule.

### **ENG-R19**

561. The s42A Report accepted Transpower's (S299.049) request to replace 'in and around' with 'within' the National Grid Yard to provide greater clarity and to amend the heading wording to be consistent with ENG-R6 and ENG-R7. This amendment was not shown correctly in Appendix 1 of the s42A Report.

562. The s42A Report rejected Hort NZ's request (S486.021), opposed in Transpower (FS110.026), and Federated Farmers' request (S524.038), opposed in part by Transpower (FS110.025) and supported by Hort NZ (FS55.20), to change the rule status from non-complying to restricted discretionary. However, it was considered a non-complying activity status was too onerous and recommended amending the rule activity status to discretionary.

563. However, in the Addendum Report, in response to Ms Whitney's evidence, the Reporting Officers changed their view and recommended retaining the notified non-complying activity status because of the direction of the NPSET. The Reporting Officers accepted that this would ensure consistency with the NPSET and the approach in other district plans. They also noted the discrepancy between the default activity status and rules providing for National Grid activities and activities within the National Grid.

564. The s42A Report did not specifically address Transpower and Hort NZ's request to delete 'Significant Electricity Transmission Lines' from ENG-R19. However, Attachment 2 of the Addendum recommended that this be deleted. It recommended a new non-complying activity

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Rule ENG-RX10 for activities in and around significant electricity distribution lines that do not comply with the permitted activity standards.

### **ENG-R20**

565. The s42A Report rejected Manawa’s request (S438.056), opposed by NZEL (FS127.041) and supported in part by Westpower (FS222.0187), seeking to delete ‘energy’ and ‘ENG-R14’ so that REG activities are not included as non-complying activities. It considered there was a lack of evidence within the submission to support the requested amendment and potential adverse effects resulting from non-compliance with restricted discretionary activity standards. In their opinion, it is appropriate that a gateway test provides an assessment through the policy pathway.
566. The s42A Report rejected the Westpower (S547.120), supported by NZEL (FS127.087), to incorporate ENG-R20 within ENG-R18 due to the lack of evidence. It noted ENG-R18 was limited to energy activities generating electric or magnetic fields, whereas ENG-R20 deals with substations, transmission and distribution lines, structures and foundations, electricity cabinets, community-scale renewable electricity generation structures and temporary energy activities. On this basis, the Reporting Officers did not consider it appropriate to combine ENG-R18 and ENG-R20.
567. The s42A Report rejected the relief sought by Forest & Bird (S560.131) to add ‘for activities that do not meet ENG-R15 and ENG-R16 because it would result in unnecessary duplication across the rules.
568. In response to the evidence of Ms Styles regarding non-renewable energy generation and the need for a new policy and a rule directing avoidance, in the Addendum Report, the Reporting Officers accepted that the relief sought would be consistent with national direction. They also recommended further amendments to refine references to ‘Energy Activities’ in the rules to remove the default non-complying activity status for REG activities because it would not give effect to NPSREG direction and is inconsistent with the standard approach taken to REG in other district plans.
569. Ms Styles also considered upgrades (that are not minor) and new REG activities (that are not domestic in scale) to be restricted discretionary activity.

### **New Standards**

570. The s42A Report accepted Transpower’s request (S299.051), supported in part by Forest & Bird (FS34.031), sought the insertion of a new non-complying activity rule to capture any energy activities not explicitly provided for, as follows:

ENG-RX: Any energy activity that is not permitted, controlled, restricted, discretionary, or discretionary.

Activity Status Discretionary Activity status where compliance is not achieved: N/A

571. The s42A Report considered this new rule would give clarity and direction to plan users. The Addendum included this as a new rule, ENG-RX-11.

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572. Manawa (S438.057), and opposed by NZEL (FS.034), sought the insertion of a new non-complying activity rule to capture energy activities that do not involve renewable electricity generation, as follows:

ENG-RX: Non-renewable Electricity Generation Activities Activity Status Non-Complying

573. The s42A Report rejected this because it considered it too onerous and inconsistent with the Energy objectives and policies. However, in response to Ms Styles' evidence, the Addendum changes this position by accepting Manawa's submission and recommends inserting a new Rule ENG-RX9.

574. BDC (S538.023) sought the insertion of a new permitted activity rule to provide for the operation, maintenance and repairs of existing below ground energy activities or provision for installation of new facilities, as follows:

ENG-RX: Installation of Above Ground Energy Activities

Activity Status Permitted

Where:

(1) the performance standards in Rule INF-R1 are met;

(2) these are located in a GRUZ-General Rural Zone or LINZ-Industrial Zone, and poles do not exceed a height of 25 metres and towers do not exceed a height of 15 metres; and

(3) these are not an extension of existing overhead lines that involve no more than five poles in areas where services are already above ground provided that written approval from landowners within a 22 metre radius of new poles has been obtained and provided to Council within 10 working days before activities commencing.

575. The s42A Report rejects BDC's submission because it considered Rule ENG-R4 sufficiently provided for these activities. However, it recommended a new rule for the construction of distribution lines and transmission lines not managed by NESET, which was shown in Appendix 1.
576. In response to Ms Whitney's evidence, the Addendum recommended further amendments to the new rule covering the construction of distribution and transmission lines by removing the reference to NESET because it does not apply to new National Grid transmission lines or electricity distribution assets. Attachment 2 of the Addendum showed this new rule as ENG-RX3.
577. Concerning ENG-RX-1, the JWS records that all expert planners agree to removing the reference to the NESET. It records that Mr Kennedy considered that distribution lines should be deleted but noted no corresponding discretionary rule. Mr Lile considers that distribution lines should remain in.
578. Westpower (S547.097), supported by NZEL (FS547.098), sought the insertion of a new permitted activity rule because ENG-R4 was silent as to when new lines are required to be placed underground or aboveground, as follows:

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ENG-RX: Distribution Lines (including connection to consumers)

Activity Status Permitted

Where:

- 1) New lines are underground where located in RESZ-Residential, or CMUZ-Commercial and Mixed-Use Zones; or
- 2) Existing above ground lines are located within the zones identified in (1) and are extended by no more than five poles; or
- 3) Are above ground within SASM sites within the zones identified in (1) to maintain the values of the SASM site; and (4) poles for above ground lines do not exceed a height of 25m.

Activity status where compliance is not achieved: Restricted Discretionary.

579. The s42A Report accepted Westpower's submission. In response to evidence, the Addendum recommended amending the heading to 'New Customer Connections' and changing 30mm to 36mm.

580. The JWS records agreement to amend the heading, but Mr Lile considered that this rule needed to stay in the ENG as not all new connections are made at the time of subdivision. It records that Mr Kennedy supported, including seven additional performance standards, and that he noted there is no corresponding discretionary rule.

581. Westpower (S547.098) sought the insertion of a new Permitted Activity standard to provide for large scale generation in the Industrial Zone, as follows:

ENG-RX: The construction, operation, maintenance and upgrade of community and large-scale energy activities excluding wind

Activity status Permitted

Where:

- 1) Performance standards in Rule ENG-R1 are complied with;
- 2) The activity is located within the Industrial Zone; and
- 3) All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and
- 4) Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SET Settlement, OSZ-Open Space or MUZ-Mixed Use zone.

Activity status where compliance is not achieved: Discretionary.

582. The s42A Report accepted in part Westpower's request but considered that applying the new rule should be limited to the General Industrial Zone instead of all Industrial zones. It noted

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that industrial zones would capture the light industrial zone, which is predominantly located in undeveloped areas with a higher degree of amenity effects and requires greater management. Appendix 1 recommended adding a requirement for compliance with GIZ-R1 in clause (1); and replacing 'Industrial Zone' with 'General Industrial Zone'. However, the Addendum recommended deleting this new rule based on evidence, the EWC, and other recommended changes to the provisions.

583. Westpower (S547.119), supported by NZEL (FS127.086), sought the insertion of a new Non-Complying Activity standard to provide for activities that do not comply with ENG-R6, as follows:

*ENG-RX: Activities in and around the Significant Electricity Distribution Lines that do not comply with Permitted Activity standards, Activity Status Non-Complying.*

584. The s42A Report rejected Westpower's request for this new rule to provide for activities that do not comply with ENG-R6 because it considered this was unnecessary, as activities that do not comply with ENG-R6 default to Rule ENG-R19. However, as requested, the Addendum appears to change this position and recommends a new rule, ENG-RX10, but as a discretionary activity rule.
585. NZEL (S463.001 and S463.002) and Inchbonnie Hydro Limited (S540.001 and S540.003), supported by NZEL (FS127.021 and FS127.022), sought to provide for existing Hydroelectric Infrastructure in a specific special zone and provide rules to support this, consistent with the RPS and NPSREG. The s42A Report rejected these submissions due to a lack of an RMA section 32 evaluation to support a Special Purpose Zone in this instance. It noted that under the mandatory direction of the NPS, a Special Purpose Zone must only be applied if it is impractical to manage proposed land use activities through another zone or combination of spatial layers. It considered the Energy provisions explicitly provide for such activity, therefore, Hydroelectric Infrastructure did not need a Special Purpose Zone.

### **Hearing And Submitter Evidence/Statements**

#### ***Manawa Energy***

586. In her opening remarks, Ms Styles noted that the pTTPP specifies that the INF rules do not apply to energy activities. She said that this separation is important to ensure that there is no unnecessary overlap in provisions for energy activities that also fit under the definition of infrastructure.
587. Ms Styles also addressed infrastructure scale issues, namely using terms such as 'small' 'community' or 'large scale' in the rules. She contended these definitions should be removed and, if necessary, replaced with one definition of 'small and community scale' to align with NPSREG Policy F, which encourages such activities.
588. Ms Styles also discussed renewable and non-renewable energy sources, seeking a clear separation between them and for the pTTPP to provide for REG specifically. She proposed a new rule for constructing, operating, maintaining, and upgrading community and large-scale renewable electricity generation activities. She also recommended an additional rule within

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the ENG relating to non-renewable electricity generation activities, seeking to ensure those activities had a non-complying activity status.

589. Ms Styles detailed concerns relating to activity status and rule layout. She was concerned that the activity status applied to REG activities did not adequately give effect to the NPSREG and that the rule provisions were unnecessary and complex, which would, in turn, lead to confusion in the interpretation and application of the pTTPP. She was particularly concerned about the activity status structure, and she detailed in Appendix 4 an activity status structure she considered appropriate for REG activities. She considered Appendix 4 comparable to other district plans and gave effect to national guidance. She provided a helpful 'line-of-sight' table within Appendix 5 detailing how she considered the provisions should fit together to give effect to higher-order documents and national direction.
590. Regarding ENG-R5, Ms Styles noted a lack of analysis on the submission point seeking an increase in the permitted area/footprint for buildings, structures, and services associated with hydroelectricity generation to increase from the notified 25m<sup>2</sup> to 100m<sup>2</sup>.
591. Concerning ENG-R10, which dealt with monitoring and meteorological facilities, Ms Styles sought an increase in the permitted scale for masts and towers. She recognised that the notified height restriction of 4m was very low and insufficient to provide meaningful investigations into meteorological conditions. Her preferred position was 10m.
592. Regarding the methods of discretion that apply to restricted discretionary activities for REG, Ms Styles noted that they could be better refined to reflect appropriate considerations. She used '*landscaping measures*' as an example, which she considered unhelpful because that term was unclear, as to what is expected to be achieved or what would be assessed. She refined these matters in her Appendix 3.
593. Ms Styles was critical of how the notified provisions treated wind farms differently from other forms of electricity generation, especially concerning noise generated by a wind farm. She noted that this difference was expressed by excluding wind from the permitted activity rule ENG-R5, discretionary activity rules ENG-R15 and ENG-R16 and the wind farm noise-specific non-complying activity ENG-R17. She believed placing a more restrictive activity status on wind farms was inappropriate, and she noted this differentiation is not common in other comparable district plans. She further stated that other activities that exceeded noise standards within the TTPP are not treated as non-complying but as restricted discretionary. Again, she noted that this approach to wind farm noise differs from that in comparable district plans.

### ***Buller Conservation Group and Frida Inta***

594. Ms Inta criticised many of the energy rules primarily because she considered the standards in those rules unduly permissive. In relation to the proposed new rules, she expressed concern about the lack of certainty regarding default status, where compliance with permitted activity was not achieved. She did not support the new permitted activity rule enabling the construction, operation, maintenance, and upgrade of community and large-scale energy activities, excluding wind. She considered that any large-scale energy activity should require a consent process.

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### ***Paul Finlay***

595. Mr Finlay sought provisions in the pTTPP to enable the use of the DOC land, including National Park land, for a water inlet and tunnel irrigation and power generation scheme supplying the West Coast and other areas with electricity and irrigation water. He noted pTTPP provisions would need to include proven need be demonstrated along with acceptable reinstatement of such works, including bond requirements.

### ***Martin and Lisa Kennedy***

596. Mr Kennedy detailed his concerns about ENG-R7 regarding building structures and activities within the National Grid Yard. He was particularly concerned about the scope of the permitted activity standards, wanting to ensure that activities on his land would not be unduly constrained.

### ***Buller Electricity Limited***

597. Mr Lile's evidence on the energy rules supported recommendations and amendments included within the s42A Report. His evidence focused on a limited number of discrete matters that he considered would improve the workability and efficiency of the energy provisions. He noted that while BEL supported ENG-R3 as notified, 'Zone' should be replaced with 'Distribution' in the heading to clarify the difference between ENG-R2 and ENG-R3.

### ***New Zealand Energy Limited***

598. Mr David Inch and Mr Peter Mulvihill presented evidence through PowerPoint slides focusing on the power systems at the Turnbull River near Haast and the Fox Glacier. They noted these power schemes were included in Schedule 13 of RPS and that under RPS Rule 54, a separate criterion for re-consenting is provided. They requested the provision of a Special Purpose Zone or highlighting existing hydroelectric schemes as a scheduled activity within the pTTPP to be consistent with RPS. This would support the ongoing management of such schemes, further development, and new opportunities. They referenced other district plans that provided specific provisions for hydro schemes and queried whether these schemes should be scheduled under the pTTPP so they could become a controlled activity. A query also arose about whether a designation should cover these power schemes.
599. Mr Inch and Mr Mulvihill questioned whether the two power schemes highlighted should be recognised as RSI despite their small scale. They noted that the definition of RSI only captures schemes generating more than 1 MW, which would exclude these important community schemes. They also emphasised the power schemes at Griffen Creek, Harold Creek, and Littleman Creek, as well as extensions to the Turnbull Hydro Electric Scheme. They considered all these schemes to be exceedingly small and had minor impacts. They considered these were regionally significant for those who derive electricity from them and serve isolated settlements and tourism.

### ***Transpower***

600. Ms Whitney noted discussions with the Reporting Officers had resulted in many of Transpower's submission points being satisfied through amendments recommended by the

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Reporting Officers in the Addendum. Her addendum evidence confirmed there were only two outstanding provision points and one point of clarification. The outstanding points related to Rule ENG-R4 clause (4) and Rule ENG-R7 clause (1)(iv), and a point of clarification about Rule ENG-RX3.

601. Ms Whitney explained the issue with Rule ENG-RX3 was that there is no clear, specific discretionary rule for the construction of new lines, so the concern was that the default non-complying activity rule ENG-R11 would apply. She understood the Reporting Officers had no concerns with a discretionary activity status and would support providing a specific discretionary role to provide clarity. She provided suggested rule drafting to address this.
602. Concerning ENG-R4, Ms Whitney explained that the West Coast region is unique in that it has a line that is not subject to NESETA (as the line was not owned and operated by Transpower when the NESETA came into effect). This line is the 110kv Dobson Tee A line, which runs from the Dobson substation east of Greymouth to Reefton and is significant in length, as shown in light blue in her Figure 1. She noted that ENG-R4 is very important to ensure an appropriate rule framework is provided in the pTTPP for Transpower to undertake work on the line to ensure safe and efficient electricity transmission (as required by the NPSET). She noted that apart from clause (4), she was comfortable with all the clauses within ENG-R4, noting that the majority aligned with the regulations within the NESETA. She explained the issue with clause (4) was clarifying what effect the standard sought to manage, and interpretation issues as to how the standard would be applied. Ms Whitney proposed two solutions that involved additional wording to clause (4).
603. Ms Whitney explained that the second outstanding issue related to the Reporting Officers' recommendation to delete clause (1)(iv) of ENG-R7, which excludes commercial greenhouses, protective canopies, wintering barns, produce packing facilities, and dairy and milking sheds. Having read the Hort NZ submission, she understood they sought to permit sorting and packing sheds and not to delete references to farm and horticultural buildings. Ms Whitney noted that, as outlined in the evidence of Ms Eng and Mr Shortland-Witehira, Transpower takes a risk-based approach to determining whether a particular type of building or structure may be safely located underneath high voltage conductors. She explained that such an approach included consideration of not just the scale of the building but also the intensity of the activity, the structure/typical construction material, and the extent of human occupation or use of the building. She noted when the building is used for longer durations; is more frequently accessed; is used by more people; and/or includes more sophisticated services (water, fibre, power supply); the effects in respect of disruption to the activities within the building (where Transpower needs to undertake maintenance or repair works) and risks associated with electrical hazards such as step and touch voltages and earth potential rise are more significant. In this way, she said a produce packing facility's characteristic can be distinguished from a (complying) hay barn or implement storage shed.
604. Ms Whitney provided alternative wording and explained the substantive change to the rule was to replace the term '*non-habitable farm or horticultural buildings or structures*' with '*Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time)*'. She said the latter is derived from the pTTPP definition of '*Agricultural, Pastoral and Horticultural Activities*' and therefore provided alignment to the terminology used in the pTTPP. She explained the second substantive change to the clause

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was to provide guidance/clarification as to what is 'non habitable' (i.e. meaning they are not usually occupied but may be accessed from time to time). The Panel questioned the need to include 'wintering barns' given that their use on the West Coast was very unlikely, and she considered that this should be deleted.

605. Ms Whitney supported amendment to the default non-complying rule ENG-R19 to make it clear activities not otherwise provided for are non-complying, as follows:

*ENG-R19 Activities in ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines~~, that do not comply with Permitted Activity standards or not otherwise provided for.*

### **Poutini Ngāi Tahu**

606. Ms Viskovic's legal submissions acknowledged that including Poutini Ngāi Tahu values as a matter of control and discretion for all controlled discretionary activities would create an additional step requiring an extra level of analysis to be undertaken by the resource consent applicant. She submitted that this was acceptable because the potential effects on those values meant that any costs associated with undertaking this work are justified. She considered the plan provisions needed to include a reference to these values, particularly where the activity status was restricted discretionary.
607. Ms Viskovic noted that the pTTPP does not comprehensively map or identify all Poutini Ngāi Tahu values so there may be an impact/effect on those values through an activity that is not located within a managed overlay such as a site in areas of significance to Māori (**SASM**).
608. Ms Pull outlined the relevant statutory direction supporting recognition of Poutini Ngāi Tahu as tangata whenua and as holding rangatiratanga within the takiwā of Ngāi Tahu Whenua, including the Mana Whakahono a Rohe, which recognises the principles of Te Tiriti o Waitangi and the NTCSA and, among other things, seeks incorporation of those principles into Council planning instruments. She also referenced how the RPS gives effect to those statutory directions and agreements, concluding that one of the roles of pTTPP is to recognise those values.
609. Ms Pull noted that one of the pTTPP's roles is to recognise Poutini Ngāi Tahu values and cultural landscapes and to provide for these values and landscapes across all pTTPP provisions by giving effect to Part 2 of the RMA, the NPS, and the RPS. She considered the s42A Report failed to give effect to the RPS because it has focused primarily on enabling efficient infrastructure.
610. Although the term 'sensitive activities' is used within the ENG (including a recommended addition to ENG-R7 in the s42A Report), Ms Pull noted Poutini Ngāi Tahu is primarily concerned about how this term will be applied in relation to the plan's noise provisions.
611. Ms Pull noted Poutini Ngāi Tahu seeks the addition of a new matter of control/matter of discretion to the controlled activity and restricted discretionary activity rules throughout the pTTPP to ensure that Poutini Ngāi Tahu values, as identified in the Tangata Whenua Chapter can be considered in decision making on any relevant resource consents. She provided a full breakdown of Poutini Ngāi Tahu values as identified in the Regional Planning documents at her Appendix Three. She further noted that the s42A Report for hearing topics one and two

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recommended this submission point is considered on a case-by-case basis in relation to the relevant rules in each chapter.

612. Ms Pull clarified that Poutini Ngāi Tahu's further submissions on the rules in the ENG, INF and TRN Chapters were limited to including the overlay chapters and sites listed in Appendix 10 in the matters of discretion for rules ENG-R11-R14. She noted the section 42A Report did not support this relief.
613. Ms Pull disagreed with the reasons outlined in the s42A Report to reject the submission because:
- (a) The use of 'and' does not restrict an assessment; it is an addition to the other matters of discretion;
  - (b) When considering a restricted discretionary activity, the consent authority's assessment is limited to the matters of discretion in the specific rule; the chapter overview is not a consent consideration;
  - (c) Adding the ability to consider the impact on the sites identified in Appendix 10 in any of the other matters of discretion is not considered to be a duplication of the advice note at the front of the Chapter (which has no legal weight); and
  - (d) No rules in the pTTPP specifically apply to sites identified in Appendix 10, meaning that the other Chapters cannot consider the impact of an energy activity on those sites. Appendix Ten informs that the area has historical and cultural associations to be considered.
614. For these reasons, Ms Pull sought the inclusion within Rules ENG-R11-R14 of the following matter of discretion be added:

*The degree to which the proposed activity will cause significant adverse effects on Poutini Ngāi Tahu values.*

615. In her addendum evidence, Ms Pull noted the limitation to 'significant' adverse effects was about providing for and enabling energy activities as identified in Chapter 6 of the RPS, while balancing the objectives, policies and Method 5 of Chapter 3 in the RPS to add conditions to resource consents where appropriate to avoid, remedy or mitigate adverse effects on iwi values. She was critical that the Reporting Officers had not correctly applied all the relevant Chapters of the RPS when considering how to provide for Iwi values.
616. Ms Pull noted ENG-O2 includes a requirement to minimise adverse effects on communities and the environment, and that to achieve this, regard must be had to Policies P2, P4 and P8 relating to Poutini Ngāi Tahu culture and values. As set out in her Table 1 in Appendix 1, Ms Pull identified that restricted discretionary activities could impact Poutini Ngāi Tahu values. However, she noted that discretion did not address the requirement to minimise adverse effects on the environment as set out by ENG-O2 and only has regard to Poutini Ngāi Tahu values within the limits of the identified SASM areas. She noted the Energy Chapter restricted discretionary activities that used the threshold of 'significant' were ENG-R11 and ENG-R14.

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617. Ms Pull noted that the benefits of including the matter of discretion for Poutini Ngāi Tahu values are better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She considered the costs would relate to a more detailed assessment being required on the potential cultural impacts and/or discussion with representatives of the relevant Rūnanga. However, given this is limited to only two ENG rules, which can potentially cause significant adverse effects on Poutini Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to the restoration of the values if damaged.
618. At the reconvened hearing, the Panel had a wide-ranging conversation with Ms Pull about including an additional matter of discretion for Rules ENG-R11 and ENG-R14. We discussed whether including a reference to Schedule 1-8 would suffice. Ms Pull considered there was a need to consider the effects of activities on sites not included in Schedules 1-8. She also considered that the reference to Poutini Ngāi Tahu in Chapter 3 would not be appropriate because Chapter 3 was very general in describing those values and how those values were impacted depending upon the nature of the application.
619. Discussion revolved around resource consent applicants needing to undertake or engage Poutini Environmental to undertake a cultural impact assessment and whether that approach would differ from applicants needing to undertake a landscape assessment. Discussion also explored the value of utilising advice notes to guide applicants regarding the Rule requirements.

### ***Forest and Bird***

620. Ms Snoyink's statement focused on the Addendum Report and Appendix 1. She provided comment on amended changes to Rules ENG R4, R5, R9, R15 and New Rules RX1, RX2, RX3 and RX9. Forest & Bird remain concerned the rules only address significant effects on identified values and do not give effect to the RMA and NZCPS.

### ***Westpower***

621. Mr Kennedy provided comprehensive and detailed evidence on many of the rules that Westpower had submitted upon and addressed submission points accepted, accepted in part and or rejected. The evidence also discussed further submissions made by Westpower. Attached to his evidence was Appendix 1, which provided a summary of the s42A Report recommendations relating to all Westpower submissions.
622. We invited Mr Kennedy to consider and respond to the Annotated s42A Report. He did so in writing on 8 December 2023. In relation to rules, he noted that a range of matters, including substations (zone), lines, generation, electricity cabinets, temporary activities, significant distribution lines, and aggregation of rules, were outstanding. He also provided a Westpower Network map and a marked-up version of the Energy provisions. He offered his preferred wording for plan provisions, dated 12 January 2023.
623. Regarding ENG-RX1, Mr Kennedy expressed concern that the recommended rule framework would force Westpower to underground all distribution lines to avoid a discretionary activity resource consent for the construction of new above-ground lines.

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624. Before the reconvened hearing, the Panel issued several questions for discussion at that hearing. Mr Kennedy responded to a question relevant to Westpower, relating to ENG-R4(ii)(c), where the Panel noted that three new terms are introduced that do not appear anywhere else in the plan – ‘earth wire’, ‘earth grid’ and ‘earth peak’; and explored whether there was an alternative means of addressing the matter that did not introduce new terms and increase uncertainty. In response, Mr Kennedy recommended the following rewording:

*(a) Wires and associated equipment, both above and below ground, for earthing (or grounding) required to ensure electrical safety to people and property. Such wires may also contain telecommunications lines.*

625. Mr Kennedy referenced his map of Westpower’s assets and his marked-up version of the ENG rules. The Panel worked its way through the rules in sequence, asking questions of planners and asking the Reporting Officers to respond to matters within their reply.

626. In relation to new ENG-RX2, which permits the construction of distribution lines and transmission lines within the industrial zone, Mr Kennedy understood it to be acceptable for transmission lines. He noted there was no Westpower submission regarding transmission lines. However, he noted there was no corresponding discretionary rule.

627. Mr Kennedy noted that the new permitted activity rule for new distribution lines, including customer connections, as proposed by Mr Kennedy, included several performance standards to achieve permitted activity status. His document, dated 12 January 2024, contained additional comments on distribution and customer connections, the need for these performance standards, and removing the advice note from the standards.

### ***Kair Lippiatt***

628. Ms Lippiatt sought to amend ENG-R5 to ensure hydro generation is only permitted on rivers already modified by generation, mining, or other human modifications. She considered that where there is a proposal for installing hydro generation on a ‘wild river’, with no existing structures, this must be notified. She reasoned that even when water flow is removed from the river and piped to the generator this modifies the local flora and fauna environment.

### **Reporting Officers’ Reply Evidence**

#### ***ENG-R1- Energy Activity Performance Standards***

629. The Panel noted at the reconvened hearing that many of the energy rules use compliance with ENG-R1 performance standard to trigger consent or a higher activity status and queried whether this one performance standard, formatted as a rule, could be deleted by incorporating it into any relevant rules.

630. The Reply considered that this amendment would improve the flow and readability of the pTTPP and recommended amendments to the rules accordingly. The Reporting Officers noted that although no submission point sought this amendment, they considered it a formatting change rather than a change in the rules’ effect.

#### ***ENG-RX1 - Below Ground Energy Activities***

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631. The Reporting Officers noted in their Reply that establishing new distribution lines underground would ensure that potential effects would be mitigated, such that providing for these as a permitted activity was appropriate. They considered that new above-ground lines could result in adverse effects that warrant a discretionary activity status under new ENG – RX4.
632. Attachment 1 of the Reply recommended the following wording for new ENG-RX1:

**The construction, operation, maintenance and repair of Below Ground Energy Activities**

**Activity Status Permitted**

Where:

An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.

**Activity status where compliance not achieved: Non-complying**

**ENG-RX3 – The construction of new distribution lines and transmission lines**

633. In their Position statement, the Reporting Officers responded to Mr Kennedy's point that rule ENG-RX2 does not have a corresponding default discretionary activity rule. The Reporting Officers rechecked the recommended provisions and provided updated provisions in Attachment 2. Essentially, the Reporting Officers now recommend that ENG-RX2 be renumbered to ENG-RX3 and that the default activity status, where compliance was not achieved, is discretionary, as provided for by ENG-RX4.
634. The Reply noted that due to establishing a clear differentiation between the ENG and INF, the Reporting Officers had identified that the INF had a permitted activity rule (INF-R8) 'new network utility customer connections'. They highlighted that with the recommended separation of the ENG and INF Chapters, this permitted activity would not be available to Energy Activities and that to address this, they recommended including new ENG-RX3.
635. In response to Westpower's request to include 'customer connections' within the ENG-R4 or to amend the definition of 'minor upgrading' to clarify that distribution lines included customer connections, the Reporting Officers considered that this was unnecessary because a connection is simply part of the distribution network and was sufficiently provided for by new permitted activity rule ENG-RX3.
636. Attachment 1 of the Reply maintained this recommendation. It recommended the following wording for new ENG-RX3:

**The construction of new distribution lines and transmission lines**

**Activity Status Permitted**

Where:

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1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.
2. The line will comply with the requirements of NZECP 34:2001 3.
3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7. 4.
4. Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m<sup>2</sup> associated with an electricity network utility.

### **Activity status where compliance not achieved: Discretionary**

#### **ENG-R5 Renewable Electricity Generation**

637. In Reply, the Reporting Officers recommended further rewording the heading of the rule to apply to all REG activities and removing the detail and reference to 'small scale', in response to the evidence and statements at the hearing.

638. Attachment 1 of the Reply recommended the following wording for new ENG-R51:

#### **Activity Status Permitted**

Where:

1. Performance standards in Rule ENG – R1 are complied with **An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.**<sup>134</sup>
2. The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:
  - a. Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically
  - b. Small scale wind turbines comply with NZS 6808:2010 Acoustics – Wind Farm Noise:
    - i. Wind turbines do not exceed 8m in height;
    - ii Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with building height and scale performance standards:
      - a. NOSZ – R1;
      - b. OSZ – R1;
      - c. SARZ – R1;

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<sup>134</sup> Clause 16(2) of the First Schedule of the RMA

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- d. COMZ-R1;
- e. MUZ-R1;
- f. NCZ-R1;
- g. GIZ-R1;
- h. LIZ-R1;
- i. GRZ-R1;
- j. LLRZ-R1;
- k. MRZ-R1;
- l. GRUZ-R1;
- m. RLZ-R1;
- n. SETZ-R2;
- o. BCZ-R3;
- p. FUZ-R1;
- q. HOSZ-R1;
- r. MINZ-R3;
- s. MPZ-R1;
- t. PORTZ-R1;
- u. STADZ-R1; and
- v. SVZ-R1.

**3. The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with building and structure, height and scale performance standards: not exceed a footprint of 25m<sup>2</sup> and**

- i. NOSZ – R1;
- ii. OSZ – R1;
- iii. SARZ – R1;
- iv. COMZ-R1;
- v. MUZ-R1;
- vi. NCZ-R1;
- vii. GIZ-R1;
- viii. LIZ-R1;
- ix. GRZ-R1;
- x. LLRZ-R1
- xi. MRZ-R1;
- xii. GRUZ-R1;
- xiii. RLZ-R1;
- xiv. SETZ-R2;
- xv. BCZ-R3;
- xvi. FUZ-R1;
- xvii. HOSZ-R1;
- xviii. MINZ-R3;
- xix. MPZ-R1;
- xx. PORTZ-R1;
- xxi. STADZ-R1; and
- xxii. SVZ-R1.

1. Any building or structure must not be located within an existing esplanade reserve or strip<sup>135</sup>

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<sup>135</sup> Manawa Energy Limited S438.049

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### **Activity status where compliance not achieved:**

*Restricted Discretionary where performance standards 1 ~~3 or 5~~ ~~6~~ are is not complied with. Discretionary where performance standard 2 is not complied with.  
~~Non-complying where with performance standard 4 is not complied with.~~*

### **ENG-R6-Significant Electricity Distribution Lines**

639. As notified, under ENG-R6, activities in and around significant electricity distribution lines defaulted to a non-complying activity. The s42A Report considered that the non-complying activity default was onerous and recommended a discretionary activity default.
640. The Reply detailed the reasons why the Reporting Officers supported a discretionary activity default for the following reasons:
- (a) RPS Chapter 6 Objective 1 and associated policies 1, 2, 5 and 6 do not direct avoidance;
  - (b) RPS Chapter 6, Policy 4: Recognise that RSI is important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.; and
  - (c) NPS-ET, Policy 10 directs avoidance: In achieving the purpose of the Act, decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

### **ENG-R7 - Buildings, Structures and Activities within the National Grid Yard**

641. The Reply noted that Ms Whitney's evidence for Transpower had clarified the relief sought and had provided alternative wording in response to the s42A Report. The Reporting Officers considered that Ms Whitney's wording provided an appropriate balance to enable activities near the National Grid while protecting public health and safety.
642. The Reporting Officers also accepted Ms Whitney's view that because the rule protects the National Grid, the appropriate default activity status is non-complying, as notified.
643. Attachment 1 of the Reply recommended the following wording for ENG-R7:

#### ***Buildings, Structures and Activities within the National Grid Yard***

#### ***Activity Status Permitted***

*Where:*

1. *These are the following activities where they are also Permitted within the relevant zone and overlay:*

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- i. Fences less than 2.5m high;
  - ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
  - iii. Infrastructure undertaken by a Network Utility operation ~~Operator within a transport corridor~~ or any part of electricity generation ~~infrastructure~~ that connects the National Grid;
  - iv. ~~Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:
    - a. Buildings and structures used for intensive indoor primary production,
    - b. Dairy and milking sheds
    - c. Commercial greenhouses
    - d. Produce packing facilities
    - e. Protective canopies; and
    - f. Wintering barns.
  - v. The activity is not a sensitive activity;
  - vi. An accessory building or structure associated with an existing residential activity that is less than 10m<sup>2</sup> and 2.5m in height;
2. All buildings, structures and activities permitted by 1. above must have:
- i. A minimum vertical clearance of at least 10m below the lowest point of a conductor - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
  - ii. Not result in the loss of vehicle access to a National Grid support structure;
  - iii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure ~~National Grid Yard~~ except where it is:
    - a. Infrastructure undertaken by a network utility operator, or any part of electricity infrastructure that connects the National Grid;
    - b. A fence not exceeding 2.5m in height that is located at least:
      - I. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or
      - II. 5m from the outer visible edge of a foundation of a National Grid transmission line pole;
    - c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
      - I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
      - II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
    - d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

#### Activity status where compliance not achieved: Non-complying ~~Discretionary~~

#### **ENG-R9 – Temporary Energy Activities**

644. Due to s42A Report recommendations to add a new non-complying activity rule for non-renewable energy activities that do not meet permitted, controlled or restricted discretionary activity rules, submitters identified concerns that back-up generators providing electricity supply in emergency circumstances would be caught by this rule and would unintentionally be non-complying activities.

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645. To address this concern, the Reporting Officers recommended the insertion of a clause in ENG-R9 Temporary Activities to provide for back-up generators as a permitted activity. The Reporting Officers acknowledged that, although they are not technical electricity experts, they recommended a permitted activity standard based upon the partially operative Selwyn District Plan's (Appeals Version) permitted activity rule for electricity generators (EI-R16). They recommended the addition of new clause (4), as shown in Attachment 1 of the Reply, based on this provision.
646. NZEL and Westpower's evidence raising concern that the recommended provision was too restrictive (noise standards and hours) to provide the ability to meet community needs, the Reporting Officers considered that ENG-R9 offered the ability to utilise backup generators in emergency circumstances with unlimited noise and operational hours, which was extremely permissive. They noted that submitters had not provided alternative recommendations supported by technical evidence; and that in the absence of specific changes to the provisions to consider, the Reporting Officers confirmed their recommendation was appropriate, efficient and effective.

### ***ENG-R11 and ENG-R14 The inclusion of 'Poutini Ngāi Tahu values' within the matters of discretion and control***

647. After further considering Ms Pull's evidence in particular limiting relief to ENG-R11 and ENG-R14 as well as linking matters of control or discretion to refer to the '*Poutini Ngāi Tahu values as described in the Tangata Whenua Chapter*' the Reporting Officers remained concerned that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, having particular regard to the nature of these activities and their potential effects.
648. The Reporting Officers also considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications. The Reporting Officers noted POU-P9 (also identified at paragraph 4.11 of the Ngāi Tahu legal submission) identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.
649. The Reporting Officers noted if the Panel are of a mind to include the matter of control/discretion as recommended by Ms Pull, they recommend that an information requirement clause be added to the listed rules, requiring that a cultural impact assessment must accompany any resource consent application. They considered that a clear information requirement affords clarity of process for plan users, further ensuring that potential cultural effects are assessed by Poutini Ngāi Tahu, as specialists in tikanga of the West Coast
650. The Reporting Officers also responded to Ms Pull's suggestion to include a notification advice note in the rules, like the Selwyn District Plan (Appeals Version), to notify plan users that consultation with iwi is required. The Reporting Officers agreed that a note identical to the above could afford direction to a plan user. However, it was the Reporting Officers' view that this solution would not be practical to resolve the abovementioned matters because Poutini Ngāi Tahu values are not explicitly identified or mapped, resulting in uncertainty for plan users. Furthermore, they noted that proposals must comply with the SASM Chapter requirements.

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### ***ENG-R11, ENG-R12, ENG-R13, ENG-R14-Impact on Overlay Matters, Matters of Control and Discretion***

651. In their Position Statement, the Reporting Officers agreed with Ms Pull (for Poutini Ngāi Tahu) that '*Landscape Measures*' was unclear. They recommended its replacement with '*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*' in rule ENG-R11 and ENG-R14.
652. In response to Ms Pull's request to add to the rules '*The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua Chapter*', as a matter of discretion, the Reporting Officers considered that, the '*Poutini Ngāi Tahu values*' as described in the Tangata Whenua Chapter, was broad and would reduce the certainty to plan users that is otherwise afforded by a controlled or restricted discretionary activity status. They remained concerned that the wording sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, particularly given the nature of these activities and their potential effects.
653. The Reporting Officers noted that the POU-P9, also identified at paragraph 4.11 of the Ngāi Tahu legal submission, identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga. They considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications.
654. The Reporting Officers noted that if we were to include the recommended matter of discretion/criteria, they suggested adding an information requirement clause to these rules, requiring a cultural impact assessment to accompany any resource consent application.
655. The Reporting Officers noted that Ms Pull had identified that rules ENG R11-R14 had inconsistent language within matters of control or discretion, and referencing overlay matters. They agreed that consistent wording is effective and efficient, improving the plan users' readability. The Reporting Officers supported deleting the word '*significant*', and any necessary consequential amendments to ensure consistency of wording across these rules. They agreed, confirming in the Reply that specific reference to Schedules 1 – 8 would provide direction to plan users, be consistent with other provisions, and afford appropriate consideration of SASM.

### ***ENG-R19***

656. In Reply, the Reporting Officers change their recommended amendments to ENG-R19 from that shown in Attachment 2 of the Addendum, to remove reference to '*significant electrical transmission lines*' and to add '*or otherwise not provided for*' in recognition of the evidence and statements at the hearing.

### ***New Rules***

657. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX1**:

*The construction, operation, maintenance, and repairs of Below Ground Energy Activities  
Activity Status Permitted*

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### Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200715;

Activity status where compliance not achieved: Non-complying

658. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX3**:

The construction of new distribution lines and transmission lines

Activity Status Permitted

### Where:

1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200716;
2. The line will comply with the requirements of NZECP 34:2001
3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7.
4. Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m<sup>2</sup> associated with an electricity network utility.

Activity status where compliance not achieved: Discretionary

659. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Renewable energy investigation

Activity Status Restricted Discretionary

### Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836;

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2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

- a. Impacts on resilience of the community to natural hazards and climate change;
- b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;
- c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;
- d. Functional, location, technical and operational constraints;
- e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and
- f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

660. Attachment 1 of the Reply recommended the following wording for new restricted discretionary activity rule **ENG-RX5**:

Temporary energy activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;19;

Discretion is restricted to:

- a. Impacts on resilience of the community to natural hazards and climate change;
- b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;
- c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;
- d. Functional, location, technical and operational constraints;
- e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

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f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8. Activity status where compliance not achieved: Non-complying.

661. Attachment 1 of the Reply recommended the following wording for new **ENG-RX6**:

Environmental monitoring and meteorological facilities associated with Energy Activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

- a. Impacts on resilience of the community to natural hazards and climate change;
- b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;
- c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;
- d. Functional, location, technical and operational constraints;
- e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and
- f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

662. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

Activity Status Discretionary Activity status where compliance not achieved: N/A

663. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX10**:

Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards

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Activity Status Discretionary Activity status where compliance not achieved: N/A

664. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX9**:

Non-renewable Electricity Generation

Activities Activity Status Non-complying

Note: This rule shall not apply to back up generators that do not comply with permitted activity standards of ENG-R9. Activity status where compliance not achieved: N/A

665. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX11**:

Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity

Activity Status Non-complying Activity status where compliance not achieved: N/A

666. The Panel notes the Reporting Officers recommended two new rules ENG-RX4, which are different new rules. The Panel has relabelled the recommended new non-complying rule ENG-RXX4 to distinguish between these new rules.

### **Hearing Panel's Evaluation**

#### **Permitted Activities**

##### **ENG-R1**

667. The Panel acknowledges that it sought commentary on whether ENG-R1 rule could be deleted and the performance standard incorporated into the relevant rules. Having reviewed the amendments proposed by the Reporting Officers in the Right of Reply we now consider the change overall is not appropriate and would create higher levels of confusion, particular in relation to activity status. For these reasons, the Panel recommends retaining Rule ENG-R1, as notified.
668. Notwithstanding the above, in reviewing the issue of ENG-R1 the Panel have noted that restricted discretionary activity rules ENG-R12, ENG-R13 and ENG R14 all refer to compliance with ENG-R1 and have a non-complying default position. We consider that these are errors noting that:
- i. non-compliance with Electric and Magnetic fields is determined within ENG-R1; and
  - ii. the matters of discretion all require subjective assessments and there is nothing which would necessitate defaulting to a non-complying status.

##### **ENG-R2**

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669. This rule was both the subject of submitter evidence and agreement recorded in the JWS regarding additional wording in clause (3). The Panel agree that other minor wording changes under clause 16(2) of the First Schedule of the RMA are appropriate to improve readability. The Panel considers the new wording albeit with a further minor amendment is appropriate because it clarifies the rule is for upgrading an existing substation, whether it is located within an industrial zone or outside an industrial zone and requires that adverse visual effects are appropriately managed by landscaping, protecting views from roads and existing residential buildings. The Panel recommends that it be clarified that the visual screening from any existing residential building be in terms of such buildings located '*adjacent*' to the Industrial Zone, otherwise the rule could have a wide-ranging requirement well beyond the area of potential amenity impact. Subject to that change, we recommend amending Rule ENG-R1, as shown in Attachment 1 of the Reporting Officers' Reply, with a further amendment to clause (3)(ii) being '*Industrial Zone*', not plural.

### **ENG-R3**

670. The Reporting Officers' Reply recommended a minor change to delete the words '*This is*' from clauses (2) and (3). The Panel accepts this recommendation as appropriate to improve the rule without changing the intent.

### **ENG-R4**

671. The Panel notes that this rule (as notified) permits operating existing and new transmission and distribution lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundation not managed under NESETA.

672. The JWS records that all the planning experts, except Mr Kennedy, agreed that concerns about the term '*minor upgrade*' are resolved through the proposed deletion of '*minor*' in favour of the general term upgrading. There was agreement that, in the context of this rule, the extent of upgrading is provided for through the performance standards and limits on increases to scale, size and extent/number. The Reporting Officer's position remained that there should be no definition of minor upgrading, and that the definition of upgrade should instead be relied upon. The Panel notes, as mentioned above, that we have recommended a definition of '*minor upgrading*' be included in the Plan.

673. Mr Kennedy's view and the relief sought is detailed in the JWS. The Panel considers this requested amendment too detailed and unnecessary given the rule's wording.

674. The Panel agrees with the position of the planning experts recorded in the JWS and the Reporting Officers' recommendation that the definition of 'Upgrading', combined with standards in the rule, provides appropriate limits for upgrading distribution lines and transmission lines, with a clear permitted baseline for upgrading. We consider it not desirable to have multiple definitions for various scales of upgrade.

675. The Panel note that Ms Whitney, while supporting the rule, expressed a note caution in terms of the application of '*transmission lines*' as a defined term in the rule given the recommended definition defers to the NESETA because the West Coast was unique in having transmission lines which are not regulated by the NESETA. She said a solution would be to either retain the definition of Transmission line as notified, or to not hyper link it to the defined term within

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rule ENG-R4. The Panel note that it is not possible to include the words '*Transmission Line*' without activating a hyperlink to the NESETA definition. We have resolved this issue by deleting the words transmission line within the rule and specifically identifying the Dobson Tee A line.

676. The Panel also accept the wording changes to the performance standards in clause (4) requested by Buller Electricity Limited and Frank and Jo Dooley and consider these provide clarification.
677. The Panel notes that Forest & Bird's request to delete '*building and minor utility structure*' from clause (2) was not addressed in the s42A Report. The Panel considers this is appropriate given it relates to distribution and transmission lines and includes structures. We agree that the reference to '*building or minor utility structure*' is not required.
678. The Panel recommends amending Rule ENG-R4, as shown in Attachment 1 of the Reporting Officers' Reply, with the exception that we consider clause 4 relating to replacement poles for distribution lines should be broken into two subclauses for clarity.

### **ENG- R5**

679. As notified, the heading of this Rule relates to the construction, operation, maintenance, repair, and upgrade of renewable energy structures for small-scale use. Both '*small scale*' and '*large scale*' renewable energy definitions had capacity limits, and these attracted submissions seeking amendments to increase/decrease and delete capacity limits.
680. The Panel accepts the Reporting Officers' recommendation to remove capacity figures from both definitions and amend them to be consistent with the NPSREG. The primary concern regarding capacity figures is their accuracy. The Panel considers it preferable to implement the higher-order document while minimising debate about the numbers.
681. The Panel agrees with the Reporting Officers that Rule ENG-R5 establishes an appropriate permitted activity standard to manage the potential impacts of renewable electricity generation. We consider it is appropriate that, if an activity fails to comply with ENG-R5, small and community-scale generation activities will default to the restricted discretionary activity under Rule ENG-R14. This contrasts with large-scale generation activities, which will fall under the discretionary activity rule ENG-R15.
682. The Panel also supports including the pTTPP relevant zone building height and scale performance standards in the rule. This ensures that the activity will be appropriately regulated within the specified zone standards rather than setting height and scale performance standards separately, which is more conducive to a permitted activity status. We agree with Ms Styles that there was insufficient analysis regarding the submission to increase the permitted area or footprint for buildings, structures, and services associated with hydroelectric generation. Therefore, we consider this solution of referencing other zones for scale performance standards addresses that shortfall and is appropriate to deal with the effects of the activity within the context of the relevant zone.

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683. However, the Panel considers it unnecessary to list all the potentially relevant zone rules in the rule and recommends simplifying it to add *'must comply with' the relevant performance standards in Rule R1 of the applicable zone or in the case of the:*

*Settlement Zone - SETZ – R2*

*Buller Coalfield Zone BCZ – R3*

*Mineral Extraction Zone MINZ – R3*

684. The Panel notes that this approach is also recommended for rule ENG-R10

685. In relation to wind turbine height, the Panel accept the evidence of Ms Styles and considers a small-scale wind farm would not exceed 8m in tower height and agrees with the amendment of this standard in clause (2)(b). We consider it is appropriate to clarify in the clause and recommend adding *'tower'* to the Reporting Officers' recommended wording for ENG-R5.

686. The Panel accept Ms Styles's evidence that the reference in clause (2) to the Acoustic Wind Farm Noise Standard should be deleted because it imposes a more restrictive activity status on wind farms, which is inappropriate and that such differentiation is uncommon in comparable district plans. We also accept her advice that other activities exceeding noise standards within the pTTPP are classified as restricted discretionary, rather than non-complying; and that such treatment of wind farm noise is inconsistent with similar district plans.

687. The JWS records that the appropriate activity status when compliance with standards is not achieved was discussed with the outcome being: restricted discretionary, where performance standard (1) is not complied with; discretionary, where performance standard (2) is not complied with; and non-complying, where performance standard (3) is not complied with. The Panel consider while this approach appropriately reflects the need for greater consideration of a proposal for the height and scale increase the activity status referred to in the JWS did not reflect the policy outcomes. As a result, we have made a consequential amendment to the default activity status for non-compliance with ENG-R5 provisions.

688. The Panel recommends amending Rule ENG-R5, as shown in Attachment 1 of the Reporting Officers' Reply.

### ***ENG-R6 Activities in and around Significant Electricity Distribution Lines***

689. In terms of the Reporting Officers recommendation to delete reference to Energy Activities in clause 2, the Panel are of the view that having retained the definition of Energy Activities there is no scope from the submissions received on this rule to delete this clause and we therefore recommend it be retained.

690. The Panel notes that the Reporting Officers' recommendation was to reclassify the default status of this rule from non-complying, as notified, to discretionary. The Reporting Officers and Mr Lile (as recorded in the JWS) agree that having a discretionary status allows for complete assessment of a proposal, including its suitability for conditions in and around significant electricity distribution lines. A discretionary status recognises some, but not all, activities will be acceptable in these locations.

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691. In contrast, a non-complying status, as requested by Mr Kennedy, requires an assessment under the gateway test of RMA s104D. While the Panel acknowledges that this level of protection may not be required, particularly given that the NPSET does not apply to significant electricity distribution lines, the notified status is non-complying and no submitter has actually sought to change that status and indeed Westpower have sought it be retained and subsequently provided for in the non-complying rules. Put simply we do not consider there is scope to amend the notified non-complying status.
692. The Panel therefore recommends amending Rule ENG-R6, as shown in Attachment 1 of the Reporting Officers' Reply but that the status remain non-complying.

### ***ENG-R7 Buildings, Structures, and Activities within the National Grid Yard***

693. ENG-R7 provides for limited activities within the National Grid Yard as a permitted activity. Several submitters requested amendments to the standards to increase the range of permitted activities.
694. The Panel accepts the Reporting Officers recommendation to add a clause (1)(v) to the standards to exclude sensitive activities, as sought by Transpower (S299.046). However, the Panel considers the wording of clause (1)(iv) can be simplified by replacing '*Agriculture, pastoral/livestock farming, dairying and horticulture activities*' with '*Agriculture and horticulture activities*'.
695. The Panel accepts the Reporting Officer's recommendation to amend clause (1)(iii) as supported by Ms Whitney and considers that these amendments should also be made as a consequential change to clause (2)(iii)(a) for consistency.
696. The Panel considers that the NPSET provides sufficient policy direction to justify maintaining a non-complying activity status.
697. The Panel noted that the s42A Report did not address Poutini Ngāi Tahu's request (S620.086) to correct the spelling of '*height*' in clause (2)(iii)(b). The Panel accepts this submission point and recommends this is corrected.
698. The Panel recommends amending Rule ENG-R7, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor amendments in the recommendation box below.

### ***ENG-R8 Installation of Electricity Cabinets***

699. This Rule deals with the installation of electricity cabinets. The key issue was the appropriate limit for the maximum dimensions of a cabinet for a permitted activity status.
700. BDC requested adding 10m<sup>2</sup>. The Panel agrees with the Reporting Officers that this footprint, combined with the maximum 2m height, is too permissive for a permitted activity given the potential for adverse effects. The Panel considers a maximum area of 1.4m<sup>2</sup> appropriate, given that this is consistent with the NESTF, as recommended by the Reporting Officers.
701. The Panel has considered the concern raised by Mr Kennedy that BDC did not seek 1.4m<sup>2</sup> and questioned the scope for this amendment. We consider the BDC submission provides scope to consider an appropriate maximum cabinet size limit, and that it is open to the Panel to

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determine what size is appropriate. The Panel is satisfied that other parties could make further submissions in relation to a maximum size limit and had the opportunity to respond to the limit proposed in the s42A Report.

702. The Panel notes that the Reporting Officers recommended 1.4m<sup>2</sup>, which Mr Lile (for BEL) supported.
703. The Panel notes that where compliance is not achieved, the default activity status is restricted discretionary under Rule ENG-R13. We consider this to be appropriate to enable oversize cabinets and their effects to be assessed against the limited matters provided within Rule ENG-13. We consider this approach does not pose an unreasonable barrier for installing new, larger electricity cabinets and provides an appropriate balance.
704. The Panel recommends amending Rule ENG-R8, as shown in Attachment 1 of the Reporting Officers' Reply.

### ***ENG – R9 Temporary Activities***

705. The Panel agree with the Reporting Officers' recommendation to make wording changes to the standards to provide greater certainty as to what the scope and extent of 'temporary' means within the context of the Rule and to provide for the use of backup generators.
706. The Panel is satisfied that the Reporting Officers have addressed concerns that back-up generators required in emergencies would inadvertently fall under Rule ENG-RX9 and be classified as non-complying activities if these are non-renewable energy activities. We received evidence regarding the operational duration of these generators and concur with the Reporting Officers' recommended wording, which allows generator use for testing, routine or scheduled maintenance, and emergencies.
707. The Panel consider the proposed new clause (4) provides appropriate limits for temporary activities and recognises this may be a longer period for emergencies. We note that the default position for activities not meeting INF-R9 is INF-R14 and in terms of standards to be met by back-up generators (hours and times of day) we consider as a consequential amendment there needs to be a further matter of discretion added to INF-R14 to address this. We have therefore recommended the following:

*g. The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people*

708. The Panel agrees with the Reporting Officers that one month is a reasonable timeframe for removing any structure and rehabilitating the site after a temporary activity ceases.
709. The Panel recommends amending Rule ENG-R9 as shown below.

### ***ENG – R10 Environmental Monitoring and Meteorological Facilities Associated with Energy Activities***

710. While the Panel notes the reasoning provided by the Reporting Officers for retaining ENG-R10, we consider BDC has a point in that there is provision for environmental monitoring and

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meteorological facilities within the Infrastructure Chapter and we see no need for the duplication and indeed the confusion that two separate rules will make.

711. The Panel agrees with the Reporting Officers that the Overview states that “*the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities*”. However, we note that ENG-R10 actually requires that the “*all performance standards in Rule INF-R1 are complied with*” which seems in our view to contradict the Overview [emphasis added].
712. The Panel agrees with BDC that ENG-R10 is not necessary (and therefore proposed ENG-RX6 is not necessary) and that there is no specific need to single out environmental monitoring and meteorological facilities specifically for energy. We consider any such provision is better placed within the Infrastructure Chapter.
713. The Panel notes that BDC also have a submission on INF-R5 and INF-R6 requesting that no height or area standards are imposed and that the two rules be combined. We consider this provides sufficient scope to address the concerns of Manawa with regards the issue of height and we note that the default status for both INF-R4 and INF-R5 is already restricted discretionary which addresses their concerns on activity status.

### ***ENG – RX1 Construction, Operation, Maintenance, Repairs, and Installation of Below Ground Energy Activities***

714. The s42A Reporting Officers recommended accepting the BDC’s submission (S538.023), which sought to include a new permitted activity rule for below-ground energy activities. They considered this addressed a gap in the notified Plan provisions.
715. The Panel notes Mr Kennedy’s concern that Westpower would be required to place all new distribution lines underground due to the rule framework treating new lines as non-complying activities. While we note that the construction of new distribution lines and transmission lines is recommended to be permitted under new Rule ENG-RX3 which would address Mr Kennedy’s concerns, we agree that ENG-RX1 could create uncertainty, and we are not convinced by its necessity.
716. The Panel is of the view that simply referencing ‘*above and below ground*’ within the relevant rule headings would address BDC’s concerns. While we acknowledge that almost all the standards will not be applicable to underground distribution and transmission facilities the amendments proposed will ensure a pathway for such facilities and we note that the earthworks provisions would still apply.
717. The Panel therefore recommends that proposed Rule ENG-RX1 is not include in the Plan and that amendments are made to Rules ENG-R4, ENG-RX3, ENG-R12 and ENG-RX4 to refer to both above and below ground distribution and transmission lines.

### ***ENG – RX3 Construction of new distribution lines and transmission lines***

718. New Rule ENG-RX3, as recommended in Attachment 1 of the Reply, permits the construction of new distribution lines and transmission lines subject to performance standards.

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719. The JWS records disagreement between the planning experts on whether the rule should be amended to remove '*distribution lines*' because it is not subject to the NPSET. It records that Mr Kennedy (for Westpower) and Mr Lile (for BEL) considered '*distribution lines*' should stay in.
720. The Panel accepts and relies on Ms Whitney's evidence, which established the necessity for this new rule and its discretionary default status for constructing distribution lines, as a permitted activity. The Panel notes that the reporting officer's recommendation differs from Ms Whitney's in that it includes '*transmission lines*'. The Panel prefers the amendments recommended by Ms Whitney to amend ENG-RX3 by removing transmission lines and adding a new discretionary activity rule for new National Grid Assets and transmission lines not otherwise provided for, which is discussed below.
721. The Panel recommends amending Rule ENG-RX3, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor correction shown in the recommendation box below

### ***Other Rules***

722. The Panel notes that three other permitted activity rules detailed in Attachment 2 to the Position Statement were not included within Attachment 1 of the Reporting Officers' Reply because those rules were no longer required based on evidence and statements received at the hearing, and the updated Reporting Officers' recommendations.
723. The Panel accepts the Reporting Officers' recommendation to reject the submissions seeking further new permitted activity rules. We are satisfied that the new rules recommended in Attachment 1 of the Reply address any gaps in the rule framework.

### **Restricted Discretionary Activities**

#### ***ENG - R11 Substation (Zone and Distribution) Not Meeting Permitted Activity Standards***

724. The Panel agree with the Reporting Officers' recommendation that clause (a) '*Landscape measures*' is unclear and should be replaced. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' because this provides clarity. Similarly, we also support the inclusion of '*functional*' in clause (b).
725. The Panel agree with the Reporting Officers' recommendation to delete clause (e) because discharges are a matter for the Regional Council and do not have a place within a district plan.
726. The Panel agree with deleting the word '*significant*' from clause (g) because this aligns with other plan provisions and acknowledges that all adverse effects must be assessed. The Panel also agrees with the inclusion of references in clause (g) to '*areas and values listed in Schedules 1-8*' because this will provide more explicit guidance to plan users, maintain consistency with other provisions, and ensure appropriate consideration of significant values and areas identified, including SASM.

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727. The Panel asked other planners for their views on Ms Pull's request to include Poutini Ngāi Tahu's values as a matter of discretion for Rules ENG-R11 to ENG-R14. Those who responded noted concerns about certainty relating to the potential breadth of issues to be considered and uncertainty as to what values existed where.
728. The Panel agree with the Reporting Officers' recommendation not to add an additional matter of discretion '*Poutini Ngai Tahu values*', as requested by Ms Pull. Having reviewed the submission we consider that there is no scope available to us to implement what is being sought by Poutini Ngāi Tahu in that submission given it restricted to incorporating reference to Appendix Ten. We have considered this submission in relation to rules ENG R11 to ENG R14 and determine that the approach should be consistent Plan wide. We consider it is appropriate to include Appendix Ten in all four of the rules as requested. We also note new rules ENG-RX4, ENG-RX5 and RX6 includes reference to Schedules One to Eight and consider Appendix 10 Ten should be included as a consequential amendment.
729. The Panel notes the Addendum Report changed the s42A Report recommendation and accepted Transpower's (S299.048) request to add '*or not otherwise provided for*' to the end of the heading. We note this was not included in either Attachment 2 of the Addendum or Attachment 1 of the Reply. The Panel accepts this is an oversight and recommends adding the words to the heading as requested but has also included "*in another rule*" to make it clear and deleted the words Permitted Activity which are considered to be unnecessary. However, given this is the only rule applying to substations, we consider there should be a broad matter of discretion relating to adverse effects generally and not only those identified in Schedules One - Eight to give effect to the RMA.
730. Forest & Bird (S560.126), opposed by Westpower (FS22.0242), request changes to the matters of discretion to include adverse effects on overlay matters, areas meeting the significance criteria in Appendix 1 of the RPS, and NZCPS Policy 11, Policy 13 and Policy 15 matters. The Panel considers this matter can be addressed by ensuring that the effects on the underlying zoning are assessed where activities are of a larger scale. Accordingly, we have amended the relevant rules to address this.
731. The Panel notes that the concerns raised in Ms Whitney's evidence regarding ENG-11 are addressed by the recommended changes to the definition of Substation (Zone).
732. The Panel recommends amending ENG-R11, as shown in Attachment 1 of the Reporting Officers' Reply, with the additional changes in the recommendation box below.

***ENG-R12 Operation, maintenance, repair and upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities or not meeting Permitted Activity standards***

733. The Panel accepts the evidence of Ms Whitney and the Reporting Officers' recommended amendments to ENG-R12 to clarify that the rule applies to distribution and transmission lines not managed by the NESETA. We are satisfied these changes are consistent with the NPSET because the higher order direction distinguishes between different distribution lines and transmission lines.

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734. The Panel accepts consequential amendments to the provision to provide consistency across the rules.
735. The Panel recommends amending Rule ENG-R12, as shown in Attachment 1 of the Reporting Officers' Reply.

### ***ENG-R13 Installation of electricity cabinets not meeting Permitted Activity Standards***

736. The Panel accepts consequential amendments to the provision to provide consistency across the rules.
737. The Panel recommends amending Rule ENG-R13, as shown in Attachment 1 of the Reporting Officers' Reply.

### ***ENG – R14 The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation not meeting permitted activity standards Construction of distribution lines and transmission lines not meeting Permitted Activity Standards***

738. The Panel accepts the Reporting Officers' recommendation to ensure the Rule covered repairs.
739. This rule also attracted discussion of minor upgrades and upgrading. The submission also sought to include the word 'small' to particularise the scale of community renewable electricity generation and distinguish it from 'large scale'. The Reporting Officers' recommendation was to deal with that issue via the definitions and by amending 'upgrade' to 'upgrading'.
740. The Panel accepts the Reporting Officers recommendation to amend clause (c) to include recognition of the benefits to the local and regional communities and resilience for the West Coast.
741. The Panel notes the Reporting Officers recommendation to clause (d) to add 'location, technical' for consistency with other rules; and to replace 'landscape measures'. However we Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects'.
742. Finally, the Panel accepts that the clause (f) requires consequential amendments to delete the word 'significant' and add the words 'areas and values listed in Schedules One to Eight'.
743. The Panel recommends amending Rule ENG-R14 as shown below.

### ***ENG – RX4 Renewable energy investigation***

744. The Panel note that the s42A report initially recommended, in response to Manawa's submission to delete ENG-14, that 'renewable energy investigation activity' be deleted from the rule heading of ENG-R10 as it could be captured by temporary energy activities or energy activities generally. Subsequently, in the Addendum it was recommended that Renewable

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energy investigation be introduced as a restricted discretionary activity, however there was no reasoning provided for that amendment.

745. As noted by Ms Styles energy investigation would most commonly be meteorological measurements which would be covered by ENG-R10.
746. Given other amendments, in particular our recommendation to delete ENG-R10 and rely upon rules in the Infrastructure Chapter, the Panel considers proposed ENG-RX4 is also not necessary, and we recommend it not be included in the Plan.

### ***ENG-RX5 Temporary energy activities not meeting Permitted Activity standards***

747. The Reporting Officers have proposed to separate out ‘*Temporary energy activities*’ from ENG-R14 into a new restricted discretionary rule on their own (ENG-RX5). The Panel have been unable to establish any reason for this amendment within the material provided by the Reporting Officers, and we note the change simply appeared in their position paper dated 8<sup>th</sup> February 2024 without any explanation. Given that the assessment matters for ENG-R14 and ENG-RX5 duplicate each other the Panel see no reason for making this amendment and recommend that ‘*Temporary energy activities*’ remain a part of ENG-R14.

### **Discretionary Activities**

#### ***ENG-R15 New large scale renewable electricity generation activity and large-scale renewable electricity generation activity excluding wind not meeting Permitted Activity standards.***

748. The Panel accepts the Reporting Officers’ recommendation to amend ENG-R15 as a consequential amendment to the recommendation to amend ENG-R5 to apply to renewable electricity generation activities generally by deleting ‘*small scale*’ and requiring compliance with the relevant zone building and structure height and scale performance standards. The Panel considers having one rule for new and existing large-scale REG, including wind, is appropriate.
749. The Panel considered Ms Styles evidence that upgrades (that are not minor) and new REG activities (that are not domestic in scale) should be treated as a restricted discretionary activity. While we have some sympathy for that approach, we consider the matters of discretion Ms Styles proposed are somewhat broad in their nature and this leads us to a conclusion that a discretionary status would be more appropriate. We acknowledge Ms Styles supports this as an alternative.
750. The Panel accepts the recommended wording for ENG-R15, shown in Attachment 1 of the Reporting Officers’ Reply, but considers this can be simplified as follows:

*New **and existing** large scale renewable electricity generation activity ~~and Large-scale renewable electricity generation activity excluding wind~~ not meeting Permitted Activity standards*

#### ***ENG-R16 Large-scale renewable electricity generation activity excluding wind***

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751. The Panel accepts the Reporting Officers' recommendation to delete ENG-R16 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities.

### ***ENG-RX4 Construction of distribution lines and transmission lines not meeting Permitted Activity Standards***

752. The Panel accepts the Reporting Officers' recommendation to a new rule ENG-RX4 at a discretionary activity status to address the construction of distribution lines not meeting the permitted standards. However, as addressed above in ENG-RX3 we agree with Ms Whitney that transmission lines should not be included in this rule and should be addressed separately.

### ***ENG-RXX4 The construction of National Grid assets and transmission lines, not otherwise provided for***

753. The Panel accepts Ms Whitney's evidence concerning the need for a new discretionary activity rule for new National Grid assets, including transmission lines, which is not otherwise provided for in the rules. This is a consequential amendment related to amending ENG-RX3 to only apply to distribution lines.
754. The Reporting Officers did not specifically address this; however, the Panel accepts Ms Whitney's evidence that the National Grid assets and transmission lines should have a separate discretionary activity rule given the direction of the NPSET.
755. The Panel recommends the following wording for new Rule ENG-RXX, based on Ms Whitney's version but with the inclusion of "in another rule" for clarity:

***The construction of National Grid assets, including transmission lines, not otherwise provided for in another rule.***

***Activity Status: Discretionary***

### ***Non-Complying Activities***

#### ***ENG - R17 Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise***

756. The Panel accepts the Reporting Officers' recommendation to delete ENG-R17 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities. The Panel is satisfied that the new Rule ENG-RX11 addresses any gap created by this deletion.

#### ***ENG - R18 Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1***

757. The Panel recommend that ENG-R18 remain as notified.

#### ***ENG - R19 Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards.***

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758. The Panel accepts the evidence of Ms Whitney and the Reporting Officers that the policy direction of the NPSET supports a default activity status of non-complying to protect the National Grid. We consider that where buildings, structures and activities within the National Grid Yard cannot achieve compliance with permitted activity Rule ENG-R7, it is appropriate to consider the proposal under the gateway tests in RMA s104D.
759. The Panel noted the Reporting Officers' recommended amendments do not quite reflect the amendment sought by Transpower's (S299.049) to replace '*in and around*' with '*within*' the National Grid Yard. The Panel recommends making this correction. We also consider adding the words '*or not otherwise provided for*' will clarify the situation stemming from ENG-R7.
760. The Panel recommends amending Rule ENG-R19, as shown in Attachment 1 of the Reporting Officers' Reply, with minor amendments we now propose shown in the recommendation box.

### ***ENG – R20 Energy Activities that do not meet Rules ENG - R12, ENG - R13 or ENG - R14.***

761. Given the errors the Panel has identified in ENG-R1 we consider that reference to ENG-R12, ENG-R13 and ENG R14 in ENG-R20 is no longer necessary and we recommend it is deleted.

### ***ENG – RX9 Non-renewable Electricity Generation Activities***

762. The Panel accepts the Reporting Officers' recommendation to include new Rule ENG-RX to make non-renewable electricity generation activities a non-complying activity as requested by Transpower Limited (S299.051) (and supported by NZEL FS127.037). We agree with Ms Whitney that non-renewable electricity generation activities should not be included with REG activities. Given our findings in relation to the ENG Policies above, we consider it appropriate for any new non-renewable electricity generation activities to be considered under the gateway tests in RMA s104D, as a non-complying activity.
763. The Panel considers it appropriate to include '*Note: This rule shall not apply to backup generators that do not comply with permitted activity standards of ENG-R9*' as a consequential amendment to address concerns raised about the use of backup generators, particularly in emergency situations.
764. The Panel recommends adding new Rule ENG-RX9, as shown in Attachment 1 of the Reporting Officers' Reply.

### ***ENG – RX10 Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards***

765. This new rule proposed by Westpower deals with activities in and around Significant Electricity Distribution Lines that do not comply with Permitted Activity standards. The issue was whether the activity status should be discretionary or non-complying. As discussed above, the Panel considers there is no scope to amend the status shown in ENG-R6 to discretionary from non-complying. The Panel recommends ENG-RX10 is a necessary insertion to address a gap in the provisions.

### ***ENG – RX11 Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity***

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766. The Reporting Officer’s recommended a ‘catch-all’ non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment stems from a submission by Transpower, however the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower’s submission, the Panel notes that the s42A Report at paragraph 321 did address the submission and recommended it be accepted and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.
767. What is unclear to the Panel is why the default position for this ‘catch-all’ rule became non-complying in the s42A Report. In our view there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.
768. The Panel recommends that a catch-all rule for Energy Activities be introduced as Rule ENG-RX11, as a Discretionary Activity. We consider the rule title can be simplified to “*Any Energy Activity not provided for in another rule*”.

### **S32AA Evaluation for Rules**

769. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case, TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation be undertaken in a level of detail that corresponds to the scale and significance of the changes.
770. The Panel considers that the new and amended Rules will implement the policies and that they are the most appropriate when measured against the objectives considered as a whole. We consider the amended Rules efficient and effective for achieving the objectives.

### **Hearing Panel’s Recommendation**

771. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Energy Rules**:

#### **Permitted Activities**

**ENG - R1**

#### **Energy Permitted Activity Performance Standards**

##### **Activity Status Permitted**

Where:

1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.

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<b>Activity status where compliance not achieved:</b> Non-complying	
<b>ENG - R2</b>	<b>Substations (Zone)</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>All performance standards in Rule ENG - R1 are complied with; and</li> <li><del>This is a</del><sup>136</sup><u>The operation, maintenance, repair and upgrade is</u> of an existing substation (zone) where any upgrades are undertaken within existing switchyards or buildings, in any zone; or</li> <li><del>This is a</del><sup>137</sup><u>A new substation (zone) is or upgrade to an existing substation (zone):</u><sup>138</sup> <ol style="list-style-type: none"> <li>Located in an Industrial Zone; and</li> <li>The substation will be visually screened from the road and any <b>existing</b><sup>139</sup> residential building <b>located adjacent to the Industrial Zone</b><sup>140</sup> by fencing and / or landscaping.</li> </ol> </li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>ENG – R3</b>	<b>Substations (Distribution)</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>All performance standards in Rule ENG - R1 are complied with; and</li> <li><del>This is a</del><sup>141</sup><u>The maintenance, repair, upgrade and operation is</u><sup>142</sup> of an existing distribution substation; or</li> <li><del>This is a</del><u>Any</u><sup>143</sup> new distribution substation.</li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>ENG – R4</b>	<del>Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations</del> <u>The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line</u> <sup>144</sup> <u>above and below ground</u> <sup>145</sup> <u>not managed by the National Environmental Standard for Electricity Transmission Activities</u>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>All performance standards in Rule ENG - R1 are complied with; <b>and</b></li> <li>Any realignment, relocation or replacement of a network utility pole, pipe, tower, and structure, <del>building or minor utility structure</del> is within 5m of the alignment or location of the original existing pole, tower, <b>and</b> structure, <del>building or minor utility structure</del>;<sup>146</sup></li> </ol>	

<sup>136</sup> Clause 16(2) of the First Schedule of the RMA

<sup>137</sup> Clause 16(2) of the First Schedule of the RMA

<sup>138</sup> Westpower S547.100

<sup>139</sup> Westpower S547.102

<sup>140</sup> Westpower S547.101

<sup>141</sup> Clause 16(2) of the First Schedule of the RMA

<sup>142</sup> Clause 16(2) of the First Schedule of the RMA

<sup>143</sup> Clause 16(2) of the First Schedule of the RMA

<sup>144</sup> Transpower Limited S299.045, Buller District Council S538.022, New Zealand Energy Limited FS127.003

<sup>145</sup> Buller District Council S538.023

<sup>146</sup> Royal Forest & Bird Protection Society S560.462

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3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
4. **Specific to distribution lines,<sup>147</sup> ~~the diameter or width of the replacement pole structures, at its widest point:~~<sup>148</sup>
  - a. does not exceed twice that of the replaced pole at its widest point; and
  - b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;**
5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original;
6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above;
7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent;
8. There are not additional towers; and<sup>149</sup>
9. A pole is not replaced with a tower.

**Activity status where compliance not achieved:** Restricted Discretionary

ENG – R5

~~The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use~~ **Renewable Electricity Generation Activity**<sup>150</sup>

### Activity Status Permitted

Where:

1. Performance standards in Rule ENG – R1 are complied with; and
2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:**
3. ~~Small scale w.i.~~
  - a. ~~Wind turbines do not exceed 8m in tower height; Small scale wind turbines comply with NZS 6808:2010 Acoustics – Wind Farm Noise;~~<sup>151</sup>
  - b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**  
**Settlement Zone - SETZ – R2**  
**Buller Coalfield Zone BCZ – R3**  
**Mineral Extraction Zone MINZ – R3.**<sup>152</sup>
3. ~~Land based structure, building or impermeable surface for hydroelectricity generation must not exceed: a footprint of 25m<sup>2</sup> and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**

<sup>147</sup> Clause 16(2) of the First Schedule of the RMA

<sup>148</sup> Buller Electricity Limited S451.039, Frank and Jo Dooley 4578.096, New Zealand Energy Limited FS127.016

<sup>149</sup> Clause 16(2) of the First Schedule of the RMA

<sup>150</sup> Manawa Energy Limited S438.049

<sup>151</sup> Manawa Energy Limited S438.049

<sup>152</sup> Manawa Energy Limited S438.049

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<p><b>Settlement Zone - SETZ – R2</b>  <b>Buller Coalfield Zone BCZ – R3</b>  <b>Mineral Extraction Zone MINZ – R3.</b><sup>153</sup></p>	
<p>6. <del>Any building or structure must not be located within an existing esplanade reserve or strip</del><sup>154</sup></p>	
<p><b>Activity status where compliance not achieved:</b></p> <p><b><u>Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14</u></b></p> <p><b><u>Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15</u></b><sup>155</sup></p> <p><del>Restricted Discretionary where performance standards 1 – 3 or 5 – 6 are not complied with.</del></p> <p><del>Non-complying where with performance standard 4 <u>1</u> is not complied with.</del></p>	
<b>ENG – R6</b>	<b>Activities in and around the Significant Electricity Distribution Lines</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Performance standards in Rule ENG - R1 are complied with; and</li> <li>2. These are Energy Activities;</li> <li>3. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay:             <ol style="list-style-type: none"> <li>i. Fences less than 2.5m high; <b>or</b><sup>156</sup></li> <li>ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; <b>or</b><sup>157</sup></li> <li>iii. Network Utilities within a transport corridor or any part of electricity infrastructure; <b>or</b><sup>158</sup></li> <li>iv. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; <b>and</b><sup>159</sup></li> </ol> </li> <li>4. The only buildings or structures erected within 12m of any support structure are:             <ol style="list-style-type: none"> <li>i. Network Utilities within a transport corridor; or</li> <li>ii. Any part of electricity infrastructure; <b>or</b><sup>160</sup></li> <li>iii. Fences more than 5m from the support structure and less than 2.5m in height; and</li> </ol> </li> <li>5. Structures and activities located near <del>transmission</del> <b>distribution</b><sup>161</sup> lines must comply with the safe distance requirements in the NZECP 34:2001.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Non-complying</p>	

<sup>153</sup> Manawa Energy Limited S438.049

<sup>154</sup> Manawa Energy Limited S438.049

<sup>155</sup> Consequential amendment Manawa Energy Limited S438.049

<sup>156</sup> Clause 16(2) of the First Schedule of the RMA

<sup>157</sup> Clause 16(2) of the First Schedule of the RMA

<sup>158</sup> Clause 16(2) of the First Schedule of the RMA

<sup>159</sup> Westpower S547.107

<sup>160</sup> Clause 16(2) of the First Schedule of the RMA

<sup>161</sup> Westpower S547.107

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ENG – R7	Buildings, Structures and Activities within the National Grid Yard
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"><li>1. These are the following activities where they are also <del>permitted</del><sup>162</sup> within the relevant zone and overlay:<ol style="list-style-type: none"><li>i. Fences less than 2.5m high;</li><li>ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;</li><li>iii. Infrastructure undertaken by a Network Utility <u>operation</u> <del>Operator</del> within a <del>transport corridor</del> or any part of electricity <u>generation</u> infrastructure that connects the National Grid;</li><li>iv. <del>Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds</del> <u>Agriculture and horticulture activities, and associated non-habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:</u><ol style="list-style-type: none"><li>a. <u>Buildings and structures used for intensive indoor primary production;</u></li><li>b. <u>Dairy and milking sheds;</u></li><li>c. <u>Commercial greenhouses;</u></li><li>d. <u>Produce packing facilities;</u></li><li>e. <u>Protective canopies; and</u></li><li>f. <u>Wintering barns.</u><sup>163</sup></li></ol></li><li>v. <u>The activity is not a sensitive activity;</u><sup>164</sup></li><li>vi. An accessory building or structure associated with an existing residential activity that is less than 10m<sup>2</sup> and 2.5m in height;</li></ol></li><li>2. All buildings, structures and activities permitted by 1. above must <del>have</del><sup>165</sup>:<ol style="list-style-type: none"><li>i. <u>Have a A</u><sup>166</sup> minimum vertical clearance of at least 10m below the lowest point of a conductor - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;</li><li>ii. Not result in the loss of vehicle access to a National Grid support structure;</li><li>iii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure <del>National Grid Yard transmission support</del> except where it is:<ol style="list-style-type: none"><li>a. Infrastructure undertaken by a network utility <u>operation</u> <del>operator</del> or any part of electricity <u>generation</u> infrastructure that connects the National Grid;</li><li>b. A fence not exceeding 2.5m in height<sup>167</sup> that is located at least:<ol style="list-style-type: none"><li>i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; <del>or and</del><sup>168</sup></li><li>ii. 5m from the outer visible edge of a foundation of a National Grid</li></ol></li></ol></li></ol></li></ol>	

<sup>162</sup> Clause 16(2) of the First Schedule of the RMA

<sup>163</sup> Transpower Limited S299.046

<sup>164</sup> Transpower Limited S299.046

<sup>165</sup> Clause 16(2) of the First Schedule of the RMA

<sup>166</sup> Clause 16(2) of the First Schedule of the RMA

<sup>167</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.086

<sup>168</sup> Clause 16(2) of the First Schedule of the RMA

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	<p>transmission line pole; <u>or</u><sup>169</sup></p> <p>c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:</p> <ol style="list-style-type: none"> <li>I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and</li> <li>II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or</li> </ol> <p>d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.</p> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>ENG – R8</b>	<b>Installation of electricity cabinets</b>
	<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards in Rule ENG - R1 are complied with; and</li> <li>2. The cabinet has a maximum height above ground level of 2m <u>and a maximum area of 1.4m<sup>2</sup></u>.<sup>170</sup></li> </ol> <p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>ENG – R9</b>	<b>Temporary Energy Activities</b>
	<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration;</li> <li>2. All performance standards in Rule ENG - R1 are complied with; and</li> <li>3. Any temporary structures are removed from the site <del>when operation ceases and the sites is rehabilitated</del> <b>and the site is rehabilitated within one month of the operation ceasing</b>;<sup>171</sup></li> <li>4. <b>The temporary energy activity is a back-up generator, provided this equipment is:</b> <ol style="list-style-type: none"> <li>i. <b><u>Being tested and maintained for a period not exceeding 48 hours in duration; or</u></b></li> <li>ii. <b><u>To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or</u></b></li> <li>iii. <b><u>For emergency purposes only and operates for a maximum of 12 months.</u></b><sup>172</sup></li> </ol> </li> </ol> <p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>ENG – R10</b>	<b><del>Environmental monitoring and meteorological facilities associated with Energy Activities</del></b>

<sup>169</sup> Clause 16(2) of the First Schedule of the RMA

<sup>170</sup> Alternative relief to Buller District Council S538.028

<sup>171</sup> Transpower Limited S299.047

<sup>172</sup> Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021

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<b>Activity Status Permitted</b>	
Where:	
<ol style="list-style-type: none"> <li>1. <del>All performance standards in Rule INF-R1 are complied with; and</del></li> <li>2. <del>Monitoring equipment is not more than 4m in height and 25m<sup>2</sup> in area.</del></li> </ol>	
<b>Activity status where compliance not achieved: Non-complying<sup>173</sup></b>	
<b>ENG – R10</b>	<b><u>The construction of new distribution lines above or below ground</u><sup>174</sup></b>
<b>Activity Status Permitted</b>	
Where:	
<ol style="list-style-type: none"> <li>1. <b><u>All performance standards in Rule ENG - R1 are complied with; and</u></b></li> <li>2. <b><u>The line will comply with the requirements of NZECP 34:2001;</u></b></li> <li>3. <b><u>The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;</u></b></li> <li>4. <b><u>The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m<sup>2</sup> and is associated with an electricity network utility.</u></b></li> </ol>	
<b>Activity status where compliance not achieved: Discretionary<sup>175</sup></b>	

<b>Restricted Discretionary Activities</b>	
<b>ENG - R11</b>	<b><u>Substations (Zone and Distribution) not meeting Permitted Activity standards, or otherwise not provided for in another rule</u><sup>176</sup></b>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
<ol style="list-style-type: none"> <li>a. <del>Landscape measures</del> <b><u>Measures to mitigate landscape effects</u></b>,<sup>177</sup></li> <li>b. Locational, technical, <b><u>functional</u></b><sup>178</sup> and operational constraints;</li> <li>c. Impacts on resilience of the community to natural hazards and climate change;</li> <li>d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas targets;</li> <li>e. <del>Impacts of contamination from the substation on any overlay;</del><sup>179</sup></li> <li>f. Benefits to the community from the substation; and</li> <li>g. The degree to which the proposed activity will cause <b><u>significant</u></b><sup>180</sup> adverse effects on <b><u>areas and values listed in Schedules One to Eight and Appendix 10 Overlay Chapter matters</u></b>.<sup>181</sup></li> </ol>	
<b>Activity status where compliance not achieved: N/A</b>	

<sup>173</sup> Buller District Council S538.029

<sup>174</sup> Buller District Council S538.023

<sup>175</sup> Transpower Limited S299.045, Buller District Council S538.023

<sup>176</sup> Transpower Limited S299.048

<sup>177</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>178</sup> Westpower S547.112

<sup>179</sup> Westpower S547.113, FS127.080

<sup>180</sup> Royal Forest & Bird Protection Society S560.125

<sup>181</sup> Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, Royal Forest & Bird Protection Society S560.125

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<b>ENG – R12</b>	<b><del>Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations</del> <u>Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground<sup>182</sup> not managed by the National Environmental Standard for Electricity Transmission Activities<sup>183</sup> not meeting Permitted Activity standards</u></b>
<p><b>Activity Status Restricted Discretionary</b>  <b>Where:</b>          1. <del>Performance standards in Rule ENG – R1 are complied with;</del><sup>184</sup>          Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Degree of non-compliance with Rule ENG - R4;</li> <li>b. Locational, technical, <b>functional</b><sup>185</sup> and operational constraints;</li> <li>c. Benefits to the community; and</li> <li>d. The degree to which the proposed activity will cause <b>significant</b><sup>186</sup> adverse effects on <b>areas and values listed in Schedules One to Eight and Appendix 10</b> <del>Overlay Chapter matters.</del><sup>187</sup></li> </ul>	
<p><b>Activity status where compliance not achieved: Non-complying N/A</b><sup>188</sup></p>	
<b>ENG – R13</b>	<b>Installation of electricity cabinets not meeting Permitted Activity standards</b>
<p><b>Activity Status Restricted Discretionary</b>  <b>Where:</b>          1. <del>Performance standards in Rule ENG – R1 are complied with;</del><sup>189</sup>          Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Locational, technical, <b>functional</b><sup>190</sup> and operational constraints;</li> <li>b. The degree to which the proposed activity will cause <b>significant</b><sup>191</sup> adverse effects on <b>areas and values listed in Schedules One to Eight and Appendix 10</b> <del>Overlay Chapter matters;</del><sup>192</sup> and</li> <li>c. Benefits to the community.</li> </ul>	
<p><b>Activity status where compliance not achieved: Non-complying N/A</b><sup>193</sup></p>	

<sup>182</sup> Buller District Council S538.023

<sup>183</sup> Transpower Limited S299.049, Buller District Council S538.031, New Zealand Energy Limited FS127.006

<sup>184</sup> Clause 16(2) of the First Schedule of the RMA

<sup>185</sup> Consequential amendment Westpower S547.116, New Zealand Energy Limited FS127.083

<sup>186</sup> Royal Forest & Bird Protection Society S560.126

<sup>187</sup> Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.088, Royal Forest & Bird Protection Society S560.126

<sup>188</sup> Clause 16(2) of the First Schedule of the RMA

<sup>189</sup> Clause 16(2) of the First Schedule of the RMA

<sup>190</sup> Westpower S547.112

<sup>191</sup> Royal Forest & Bird Protection Society S560.127

<sup>192</sup> Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.089, Royal Forest & Bird Protection Society S560.127

<sup>193</sup> Clause 16(2) of the First Schedule of the RMA

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<b>ENG – R14</b>	<b>The construction, operation, maintenance, <u>repair and upgrading of small and community scale renewable electricity generation structures, renewable energy investigation activity</u> and temporary energy activities not meeting Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
1. Performance standards in Rule ENG – R1 are complied with; <sup>194</sup>	
Discretion is restricted to:	
a. Impacts on resilience of the community to natural hazards and climate change;	
b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;	
c. <b>The B-benefits of the proposal</b> to the <b>local and regional</b> community <b>and to resilience for Te Tai o Poutini/ the West Coast;</b>	
d. Functional, <b>locational, technical</b> <sup>195</sup> and operational constraints;	
e. <del>Landscape measures</del> <b>Measures to mitigate landscape effects;</b> <del>and</del>	
f. The degree to which the proposed activity will cause <b>significant</b> <sup>196</sup> adverse effects on <b>areas and values listed in Schedules One to Eight and Appendix 10 Overlay Chapter matters</b> <del>and</del> <sup>197</sup>	
g. <b>The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people.</b> <sup>198</sup>	
<b>Activity status where compliance not achieved: Non-complying N/A</b> <sup>199</sup>	

**Discretionary Activities**

<b>ENG – R15</b>	<b><u>New and existing large scale renewable electricity generation activity excluding wind not meeting Permitted Activity standards</u></b> <sup>200</sup>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>ENG – R16</b>	<b><del>Wind farm construction and operation</del></b>
<b>Activity Status Discretionary</b>	
Where:	
1. <del>This complies with New Zealand Standard NZS6808:2010 Acoustics – Wind Farm Noise.</del>	
<b>Activity status where compliance not achieved: Non-complying</b> <sup>201</sup>	

<sup>194</sup> Clause 16(2) of the First Schedule of the RMA

<sup>195</sup> Consequential amendment Westpower S547.117, New Zealand Energy Limited FS127.084

<sup>196</sup> Royal Forest & Bird Protection Society S560.128

<sup>197</sup> Alternative relief Te Rūnanga o Ngāi Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.090, Royal Forest & Bird Protection Society S560.128

<sup>198</sup> Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021

<sup>199</sup> Clause 16(2) of the First Schedule of the RMA

<sup>200</sup> Consequential amendment Manawa Energy Limited S438.049, Westpower S547.118

<sup>201</sup> Consequential amendment to the recommendations to amend ENG-R15

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<b>ENG – R16</b>	<b><u>Construction of distribution lines above and below ground<sup>202</sup> not meeting Permitted Activity Standards</u></b>
<b><u>Activity Status Discretionary</u></b>	
<b><u>Activity status where compliance not achieved: N/A<sup>203</sup></u></b>	
<b>ENG – R17</b>	<b><u>Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule<sup>204</sup></u></b>
<b><u>Activity Status Discretionary</u></b>	
<b><u>Activity status where compliance not achieved: N/A</u></b>	
<b>ENG – R18</b>	<b><u>Any Energy Activity not provided for in another rule</u></b>
<b><u>Activity Status Discretionary</u></b>	
<b><u>Activity status where compliance not achieved: N/A<sup>205</sup></u></b>	

<b>Non-complying Activities</b>	
<b>ENG – R17</b>	<b><u>Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise</u></b>
<b><u>Activity Status Non-complying</u></b>	
<b><u>Activity status where compliance not achieved: N/A<sup>206</sup></u></b>	
<b>ENG - R189</b>	<b><u>Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1</u></b>
<b><u>Activity Status Non-complying</u></b>	
<b><u>Activity status where compliance not achieved: N/A</u></b>	
<b>ENG - R1920</b>	<b><u>Activities <del>within and around</del> the National Grid Yard <del>and between the Significant Electricity Transmission Lines</del>, that do not comply with Permitted Activity standards <del>or are not otherwise provided for in a rule</del><sup>207</sup></u></b>
<b><u>Activity Status Non-complying</u></b>	
<b><u>Activity status where compliance not achieved: N/A</u></b>	
<b>ENG – R20</b>	<b><u>Energy Activities that do not meet Rules ENG – R12, ENG – R13, or ENG – R14</u></b>

<sup>202</sup> Buller District Council S538.023

<sup>203</sup> Consequential amendment resulting from new Rule ENG-RX3 - Transpower Limited S299.045, Buller District Council S538.023

<sup>204</sup> Consequential Amendment stemming from Transpower Limited S299.045 regarding transmission lines

<sup>205</sup> Transpower Limited S299.051, Forest and Bird FS34.031

<sup>206</sup> Consequential amendment stemming from amendments to ENG-R15

<sup>207</sup> Transpower Limited S299.050

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<b>Activity Status Non-complying</b>	
<b>Activity status where compliance not achieved: N/A<sup>208</sup></b>	
<b>ENG – R21</b>	<b>Non-renewable Electricity Generation Activities</b>
<b>Activity Status Non-complying<sup>209</sup></b>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.<sup>210</sup></b>	
<b>ENG – R22</b>	<b>Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards</b>
<b>Activity Status Non-complying</b>	
<b>Activity status where compliance not achieved: N/A<sup>211</sup></b>	

## 5. INFRASTRUCTURE

### 5.1. Infrastructure – General/Whole Chapter

#### Submissions and Further Submissions

772. The s42A Report identified five submission points and two further submission points relating to general matters/whole INF Chapter.
773. David Ellerm (S581.012) supported the Energy, Infrastructure and Transport Chapters as notified, while the Director General (S602.036) was neutral on the INF Chapter as notified because they did not affect priority conservation values, biodiversity values, or their interests.
774. David Ellerm (S581.065) also sought the identification of the Te Kinga Potable Supply Bore, located on Lot 4 DP 3957, and the development of a Te Kinga Groundwater Source Protection Zone. Davis Ogilvie & Partners Ltd (FS154) and Cashmere Bay Dairy Ltd (FS142) opposed this amendment as there is no provision under the National Planning Standards for a new 'Groundwater Source Protection Zone'. They considered that no scientific evidence had been provided to indicate that groundwater flows towards this privately owned bore, and water supply sources are already adequately protected by the WCRC (i.e., Rule 79 of the Regional Land and Water Plan) and the NES-SHDW.
775. Buller Conservation Group (S552.010) and Frida Inta (S553.010) sought to amend the infrastructure chapter to include general municipal waste and management.

<sup>208</sup> Consequential amendment stemming from errors identified in ENG-R1

<sup>209</sup> Manawa S438.057

<sup>210</sup> Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021

<sup>211</sup> Westpower S547.119

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### **Section 42A Reports**

776. The Reporting Officers, in recommending the rejection of David Ellerm’s submission, considered it was out of scope of what can be considered within the pTTPP under the RMA and outside of the regulatory function prescribed to a territorial authority under section 31 of the RMA.
777. In terms of the Buller Conservation Group and Frida Inta submissions, the Reporting Officers considered they provided insufficient detail, and they encouraged clarification at the hearing.

### **Hearing and Submitter Evidence/Statements**

778. Frida Inta, in responding to the s42A Report, considered that waste management should be provided for within the pTTPP because it was an issue for every household. She was unsure where the best place within the Plan was to locate provisions on waste. She also considered that the Plan should encourage zero waste and encourage the reducing, reusing and recycling.

### **Reporting Officer Reply Evidence**

779. General matters/whole chapter issues did not receive further consideration in the Reply

### **Hearing Panel’s Evaluation**

780. The Panel agrees that the submission by David Ellerm is out of scope for the reasons advanced by the Reporting Officers, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy Ltd.
781. Regarding Ms Inta’s views on waste management, we consider the focus of the Infrastructure Chapter is at a higher level than the more detailed and specific approach she requested.

### **Hearing Panel’s Recommendation**

782. The Panel does not recommend any changes in response to submissions.

## **5.2. Definitions**

### **Submissions and Further Submissions**

783. There were several submitters<sup>212</sup> and further submitters who submitted on various definitions. The submission points and further submission points were summarised in the s42A Report at paragraphs 345 to 357. The Panel has considered the relevant submissions and further submissions received and adopted the summaries provided within the s42A Report.
784. Submitters supported notified definitions, seeking retention; others sought amendments, and others sought the addition of new definitions, notably ‘*Land transport infrastructure*’ and ‘*telecommunications kiosk*.’

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<sup>212</sup> S442.003, S442.006, S442.015, S476.004, S476.007, S476.011, FS110.007, S478.06, S581.007, FS222.069, S538.051, S538.052, S488.001, S608.507, S608.514, S608.516, S608.517, S608.520, S608.521, S608.522

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785. We record submissions and evidence were received in the context of the Energy Chapter regarding the definition of *'minor upgrades and upgrading'*. This matter is also relevant to the Infrastructure Chapter, as *'upgrade'* is used within the INF rules. We discuss this issue when considering the Reply below.

### Section 42A Report

786. David Ellerm (S581.007) sought a new definition of *'infrastructure'*. Westpower (FS222.069) opposed this submission because *'infrastructure'* was already defined in the pTTPP. The Reporting Officers agreed with Westpower and did not support David Ellerm's submission request.

787. WCRC (S488.001) sought the insertion of a definition of *'resilience infrastructure'* in alignment with the Infrastructure Funding and Financing Act 2020. The Reporting Officers did not support the relief sought as this is appropriately provided for by the *'natural hazard mitigation structure'* definition within the pTTPP.

788. GDC (S608.512) sought to amend the definition of *'wastewater'* to include the generation of greywater or blackwater. They also sought to amend the definition of *'height'* to include the specified reference points from which height would be measured i.e. existing ground level.

789. The Reporting Officers rejected the relief sought because the National Planning Standards specify the definition of *'wastewater'* and *'height'*, and following mandatory direction 14, these definitions may not be amended.

790. BDC (S538.007, S538.051) sought a definition to be provided for *'telecommunication kiosk'*, as follows:

*means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.*

791. The Reporting Officers supported the relief sought, as they considered this was a unique term that may not be familiar to a layperson.

792. BDC (S538.008, S538.052) and GDC (S608.516) sought a definition to be provided for *'small cell utility'*. The Reporting Officers rejected the relief sought as a small cell utility was provided for and defined by the NESTF, and in their opinion, it was unnecessary to duplicate this definition.

793. BDC (S538.053) sought a definition to be provided for *'omnidirectional whip'*. The Reporting Officers rejected the relief sought as the NESTF does not refer to that term.

794. GDC (S608.517) sought a definition for *'Land Transport Corridor'*, which was referred to once in under INF-R12. Considering the one instance of use, the Reporting Officers recommend amending INF-R12 to remove it and replace it with *'within legal road boundaries'* to be consistent with the pTTPP overall.

795. KiwiRail (S442.004) sought a definition be provided for *'Land Transport Infrastructure'* to ensure the pTTPP is interpreted correctly, as follows:

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means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements.

796. The Reporting Officers agreed that a definition for '*land transport infrastructure*' should be included to delineate between the Infrastructure and Transport chapters. However, they did not support the inclusion of coastal shipping because they considered this was not related to land and '*goods and services*' was too broad a term. The Reporting Officers recommended the following definition:

Any infrastructure, building, equipment or devices that support the movement of people and goods by land, including:

- (a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;
- (b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;
- (c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;
- (d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;
- (e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;
- (f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;
- (g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;
- (h) Parking control devices;
- (i) Site access including vehicle crossings;
- (j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;
- (k) Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets; and
- (l) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices.

797. Westpower (S547.028) sought an advice note be added to clause (d) of the '*Infrastructure*' definition to alert plan users to the fact that electricity activities are provided for in the Energy Chapter and that reference should be made to the '*Energy Activities*' definition in that regard. The Reporting Officers rejected this request because they considered the pTTPP is intended to be read in its entirety, and these chapters would be assessed where required.

798. NZDF (S519.003) sought to amend the definition of '*infrastructure*' to include '*defence facilities*', as the NZDF is undertaking a nationwide project to ensure strategic defence facilities and infrastructure are appropriately recognised and provided for in district plans. The

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Reporting Officers agreed that defence facilities should be provided for; however, they did not support the amendment to the *'infrastructure'* definition because this would be inconsistent with section 2 of the RMA, which defines *'infrastructure'*. They noted that providing for infrastructure and defence facilities within the INF Chapter, where applicable would be appropriate. They also noted that defence facilities were not excluded from the current provisions, with the Temporary Activities Chapter also providing for the activities described by the NZDF.

799. For completeness, the Panel note that Mr Kennedy, in his evidence considered the Westpower submission points, which were referenced in the recommendations summary as 'rejected', were not considered in the s42A Report's text. We consider the issue concerning *Infrastructure* is addressed in the s42A Report, as we have noted above, and the issue relating to *'Network Utility Operator'* is addressed in the Addendum Report (paragraphs 63-64).

### **Hearing and Submitter Evidence/Statements**

800. Having considered the s42A Report recommendation relating to a new definition for *'land transport infrastructure'*, Ms Grinlinton-Hancock for KiwiRail recorded in her tabled statement that coastal shipping should be included within the definition because KiwiRail's relief was based on the definition of *'Land Transport and Infrastructure'* within the West Coast Regional Land Transport Plan 2021-2031. She stated that coastal shipping required land-based infrastructure, and she therefore considered it important that this reference was included within the definition.
801. Ms Inta made comments on some of the definitions however, the Panel notes she did not make any submission on these definitions. Similarly, Ms Pull commented on definitions, but we note Poutini Ngāi Tahu did not submit on any definitions relevant to the INF Chapter.
802. Mr Kennedy focused on seeking to add an advice note to the definition of *'Infrastructure'* to assist plan users in navigating and interpreting the plan given the wide range of terms, definitions and provisions for similar activities.
803. NZDF in a tabled statement did not support the s42A Report recommendation. They noted that there is no requirement to limit what is defined as *'infrastructure'* in the pTTPP, to the definition of *'infrastructure'* in Section 2 of the RMA. They noted there are a number of plans across New Zealand (such as the Auckland Unitary Plan and the Selwyn District Plan) that have used the RMA definition of *'infrastructure'* as a base, and expanded the definition to include other infrastructure, such as defence facilities. NZDF noted that defence facilities are nationally and regionally significant, playing an important role in both military training and civil defence.

### **Reporting Officer Reply Evidence**

804. The Reporting Officers did not support Mr Kennedy's proposed new advice note under the infrastructure definition, considering that it was the role and purpose of the "How the Plan Works" Chapter to provide navigation direction. They considered the Overview of both the Energy and Infrastructure chapters clarified the scope of each chapter. They recommended rejecting Westpower's submission, but provided the following wording if the Panel were to disagree with their recommendation:

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*Note:*

*Electricity activities are addressed in the Energy Activities Chapter of the Plan.*

805. The Reporting Officers noted that the definition of *'Infrastructure'* as notified did not correctly reflect the RMA definition, as clause (k) of the definition reads:

*k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988.*

### **Hearing Panel's Evaluation**

806. For the reasons advanced by the Reporting Officers in their various reports, the Panel generally agree with the recommendations regarding amendments to the definitions relating to the Infrastructure Chapter.
807. The amendment to the definition of *'Infrastructure'* highlighted by the Reporting Officers in the Reply addresses an error in the notified Plan and we recommend this is corrected by including the missing clause (k) and making existing clause (k) clause (l) to reflect the RMA. In our view, adoption of the RMA definition within the Plan also addresses some of Ms Pull's concerns.
808. The Panel accepts there is no requirement for a definition of *'Land Transport Corridor'*, as sought by GDC. While we acknowledge the Reporting Officers suggested amendment to INF-R12 may overcome the need for such a definition, we consider due to our recommendation in the Transport Chapter to include a definition of *'Transport Corridor'* it is more efficient and pragmatic to simply delete the word *'Land'* from INF-R12, which ensures that GDC's concerns are addressed.
809. The Panel agrees with the Reporting Officers conclusions in relation to the WCRC, GDC and BDC submissions on *'resilience infrastructure'*, *'wastewater'* and *'height'*, *'small cell utility'* and *'omnidirectional whip'* respectively and recommends these be rejected. The Panel notes there is no definition of *'wastewater'* in the Interpretation Chapter under Part 1 of the Plan. The issue lies with the e-Plan as the word *'wastewater'* has been hyperlinked automatically to a definition because *'wastewater'* is a standard National Planning Standards definition. We understand this is to be corrected in the e-Plan and do not recommend any change.
810. The Panel agrees with BDC regarding the need for a definition of *'telecommunication kiosk'* and recommends it be included.
811. In relation to the KiwiRail submission seeking a definition for *'Land Transport Infrastructure'*, the Panel acknowledges the definition provided by the Reporting Officers. We agree that a definition could clearly delineate between the Infrastructure and Transport chapters. We have also given consideration to the issue of coastal shipping raised by Ms Grinlinton-Hancock and the West Coast Regional Land Transport Plan 2021-2031. We note that the definition of *'Land Transport'* in that document means:

*(a) transport on land by any means,*

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(b) *the infrastructure, goods and services facilitating that transport. The definition also includes coastal shipping.*

812. The Panel notes that the TTPP has no jurisdiction in relation to coastal shipping itself, however, we consider Ms Grinlinton-Hancock has a point in relation to land-based infrastructure associated with coastal shipping. We therefore recommend that a definition for ‘*Land Transport Infrastructure*’ be included in the Plan and it be amended to be the same as the RMA definition to read as follows:

Any infrastructure, building, equipment or devices that support the movement of people and goods by land **or water**, including:

(m) Land based Port facilities

813. In relation to the NZDF submission, the Panel notes we have recommended that defence facilities are included in the definition of Regionally Significant Infrastructure, which addresses the concern raised.

814. The Panel disagrees with Mr Kennedy that a new advice note cross referencing the Energy Chapter is necessary.

**Hearing Panel’s Recommendation**

815. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following amendments to the **definitions**:

INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means ... k. <b><u>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</u></b> <sup>213</sup>  l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
<b><u>TELECOMMUNICATION KIOSK</u></b>	<b><u>means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.</u></b> <sup>214</sup>
<b><u>LAND TRANSPORT INFRASTRUTURE</u></b>	<b><u>Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:</u></b>

<sup>213</sup> RMA First Schedule, clause 16

<sup>214</sup> Buller District Council S538.007 & S538.051

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	<ul style="list-style-type: none"><li>(a) <u>Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;</u></li><li>(b) <u>Pedestrian facilities and accessways, including footpaths, footways and foot bridges;</u></li><li>(c) <u>Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;</u></li><li>(d) <u>Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;</u></li><li>(e) <u>Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;</u></li><li>(f) <u>Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;</u></li><li>(g) <u>Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;</u></li><li>(h) <u>Parking control devices;</u></li><li>(i) <u>Site access including vehicle crossings;</u></li><li>(j) <u>Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;</u></li><li>(k) <u>Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;</u></li><li>(l) <u>Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and</u></li><li>(m) <u>Land based Port facilities.</u></li></ul>
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### 5.3. Overview

#### Submissions and Further Submissions

816. There were five submission points<sup>215</sup> received on the text of the Infrastructure Overview detailed in paragraphs 358 to 363 in the s42A Report. The Panel has considered the relevant

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<sup>215</sup> S140.011, S299.052, S560.132, S560.463, S608.500, S663.007

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submissions and further submissions received and adopted the summaries provided within the s42A Report.

### **Section 42A Reports**

817. GDC (S608.500) sought the correction of grammatical errors, regarding the bullet point for transport (*'in an around'*). The Reporting Officers accepted this submission request for reasons of planning efficiency and accuracy.
818. GDC (S608.009) sought the Overview remove reference to *'Site or Area of Significance to Māori'* because it had requested to remove the overlay and have the sites reassessed. Poutini Ngāi Tahu (FS41.2) opposed this submission on the basis cross-referencing within the Plan was essential for clarity. As there are specific rules concerning infrastructure activities in the SASM Chapter, the Reporting Officers considered it was appropriate to retain the reference within the Overview.
819. Transpower (S299.052), Forest & Bird (S560.132), and Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.007) sought clarification regarding the activities addressed within the INF Chapter to avoid confusion. Transpower specifically requested wording to ensure that National Grid activities are addressed in the Infrastructure Chapter. Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd specifically requested wording to outline that the zone chapters do not apply. The Reporting Officers accepted the rationale provided by these submitters to amend the Overview to clarify the activities covered within the INF Chapter.

### **Hearing and Submitter Evidence/Statements**

820. Forest & Bird had considered the Reporting Officers amended Overview wording but remained concerned that the scope of the chapter was still not clear because:
- (a) The Overview refers to regionally significant infrastructure but does not explain what aspects of RSI are addressed in this chapter.
  - (b) The *"range of specified infrastructure"* addressed in the INF Chapter is not set out and can only be determined by subtracting the activities addressed in other chapters from the definition of *'Infrastructure'*.
  - (c) The definition for *'Energy activities'* remains uncertain and that definition is relied on to understand the scope of the Infrastructure Chapter.
821. Forest & Bird considered that the INF Overview needed to be written to explain the scope of the chapter and how it addresses the differences with the Energy Chapter using different terms. As the Panel understood it, the breadth of infrastructure captured by the term *"Energy activity"* and the scope of the INF Chapter were the concerns for Forest & Bird.

### **Hearing Panel's Evaluation**

822. For the reasons advanced by the Reporting Officers, we recommend the Overview is amended as detailed below. We acknowledge the concerns of Forest and Bird and note that we have recommended a definition Regionally Significant Infrastructure be included in the Plan which

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goes some way towards addressing those concerns. Further, we consider sufficient clarity has now been provided around ‘*specified infrastructure activities*’ and ‘*Energy activities*’.

### Hearing Panel’s Recommendation

823. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Infrastructure Overview**:

#### Infrastructure - Te Tūāhanga

##### Overview

Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

##### **Infrastructure includes a range of structures, services and activities as defined in Definitions**

**– Ngā Tautuhinga.**<sup>216</sup> The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities, **such as three waters, telecommunications networks and radio communication networks.**<sup>217</sup> Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities**<sup>218</sup> as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

##### **Other relevant Te Tai o Poutini Plan provisions**

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for infrastructure activities, including:

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and

<sup>216</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007

<sup>217</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007

<sup>218</sup> Transpower Limited S299.052

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Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

### 5.4. Objectives

#### Objectives as a whole

#### Submissions and Further Submissions

824. Nine submissions were received on the Infrastructure objectives, as a whole. Several submitters supported the infrastructure objectives as notified and others requested amendments to some provisions.
825. These submissions are detailed in s42A Report at paragraphs 364 to 368. The Panel has considered the relevant submissions and further submissions received and adopts the summaries provided in the s42A Report.

#### Section 42A Reports

826. BDC (S538.040) sought that reference to *'utility'* was removed from the objectives and policies as the definition of *'infrastructure'* encompasses network utility operations, therefore, references to *'utility'* were unnecessary. The Reporting Officers agreed that using the term *'utility'* within the Infrastructure Chapter may result in uncertainty and potential for misinterpretation by plan users, as it is captured by the definition of *'infrastructure'*. They supported BDC and RNZ's request and recommended amending policies INF-P4 and INF-P6 to address this.
827. RNZ (S476.044) sought that the objectives better recognise the following:
- a) The critical contribution that infrastructure and network utility operations make to the social, economic and cultural well-being of the West Coast;
  - b) The technical and operational constraints that limit the geographic location in which network utilities in general can operate, particularly in relation to land use, subdivision and development; and
  - c) The need to avoid reverse sensitivity effects on network utilities to benefit the community.
828. The Reporting Officers did not support these submissions for the following reasons:

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- a) INF-O1 already recognises the contribution of infrastructure and network utilities on the West Coast;
- b) INF-O5 provides for infrastructure and network utilities' functional and operational needs; and
- c) INF-O3 affords appropriate protection of network utilities.

### **Hearing and Submitter Evidence/Statements**

829. No specific evidence was received on the above matters.

### **Hearing Panel's Evaluation**

830. The Panel agree with the Reporting Officers' recommended changes to INF-P4 and INF-P6 for the reasons advanced within the s42A Report. We note that these amendments are shown in the relevant policies themselves below.

831. The Panel accepts the conclusions of the Reporting Officers with regards the submissions of RNZ and further submission of NZEL and recommends these be rejected.

### **Hearing Panel's Recommendations**

832. The Panel recommend no changes to the Objectives in response to submissions on the objectives as a whole. However, we agree with BDC that the word 'utilities' is superfluous given this is included within the definition for 'Infrastructure' and therefore recommend this is deleted from INF-O1 and INF-O2.

### **Objectives**

#### **Submissions and Further Submissions**

##### ***INF-01***

833. There were nine submission points<sup>219</sup> who submitted on Objective INF-O1. Several submitters supported INF-O1 as notified, however, the Panel notes there are recommended amendments in response to submissions as outlined below.

834. Forest & Bird (S560.135) sought that INF-O1 be amended as follows:

*...to meet the needs of the West Coast/Te Tai o Poutini, where adverse effects can be appropriately managed in accordance with the Natural Environment and District Wide chapters of this Plan.*

835. BDC (S538.040) and RNZ (FS141.015) sought to amend INF-O1 to ensure the infrastructure meets both current and future needs.

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<sup>219</sup> S538.040, S190.072, S442.020, S450.024, S476.014, S519.009, S560.135, S608.501, S663.009, FS141.015

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### **INF-02**

836. Six submitters<sup>220</sup> submitted in support of Objective INF-02. GDC (S608.502) sought for INF-02 to be amended to clearly define ‘*incompatible*’ in terms of the protection of utilities and infrastructure

### **INF-03**

837. There were four submission points<sup>221</sup> on INF-03, which were mainly in support. GDC (S608.503) sought that INF-03 be amended to clearly define this section as to where the onus is put (i.e., on the developers when subdividing).

### **INF-04**

838. There were eight submission points<sup>222</sup> in support of Objective INF-04. Forest & Bird (S560.136) sought INF-04 be amended as follows:

*To consider natural hazard and biodiversity resilience and impacts of climate change in infrastructure location, design and provision.*

### **INF-05**

839. There were nine submission points<sup>223</sup> on Objective INF-05.
840. Forest & Bird (S560.137) sought to amend INF-05 as the RPS provides specific direction for considering biodiversity adverse effects as follows:
- ...—minimised avoided, remedied, and mitigated in accordance with the Natural Environment and District Wide chapters of this Plan, while recognising:*
841. RNZ (FS141.017) and KiwiRail (FS236.007) opposed the Forest & Bird submission as they considered ‘*minimise*’ a more appropriate term because this recognised the importance of infrastructure and it would not always be possible to ‘*avoid, remedy or mitigate*’ the effects of infrastructure.
842. Poutini Ngāi Tahu (S620.091) sought amendment to Objective INF-05 to clarify that effects on the environment include Poutini Ngāi Tahu values and to ensure consistency with Policy INF-P2. They sought a further subclause as follows:
- Poutini Ngāi Tahu requirements for discharge of wastewater to land*
843. Forest & Bird (S560.136), RNZ (FS141.017), and KiwiRail (FS236.007) sought to include the word ‘*needs*’ after the word functional in clause (a).

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<sup>220</sup> S190.073, S442.021, S450.025, S476.015, S519.010, S608.502, FS34.047

<sup>221</sup> S190.074, S450.026, S608.503, S663.011

<sup>222</sup> S190.075, S442.022, S450.027, S560.136, S608.504, S612.008, S663.012, FS34.052

<sup>223</sup> S190.074, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S620.091, S663.013, FS141.017, FS236.007

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### Section 42A Reports

844. The Reporting Officers rejected the amendment sought by Forest & Bird on INF-O1 because they considered that specifying particular chapters of the pTTPP would limit and restrict the assessment and consideration required. They noted the Plan should be read in full and that the Infrastructure Chapter Overview provided guidance regarding what other chapters are to be read. They considered it would be a duplication to include it under specific standards.
845. In terms of the submission by BDC to amend INF-O1 to ensure infrastructure provides for both '*current and future needs*', the Reporting Officers were supportive of the wording requested.
846. In response to the GDC request to clearly define '*incompatible*' in INF-O2, the Reporting Officers noted that the pTTPP lacked provisions to enforce INF-O2, specifically what defines '*incompatible*'. For that reason, they recommended deleting '*incompatible*' which would be consistent with INF-P3.
847. The Reporting Officers considered that no amendment was required to INF-O3. They noted in response to the GDC submission that the intent of the objective was the efficient and proficient use of infrastructure, which was achieved by coordinating the provision of utilities and infrastructure. Further, they noted that INF-P4 and INF-P5 enforce INF-O4; and that this policy direction was given effect to by both private development in accordance with Subdivision Chapter provisions and public development in accordance with the infrastructure provisions. They considered the relief sought by GDC would reduce the scope and intent of INF-O3, consequently reducing the scope of standards that could be imposed.
848. The Reporting Officers did not support Forest & Bird's request to provide for '*biodiversity*' within INF-O4. In their opinion, the district-wide ECO Chapter would apply and provided sufficient direction on this matter. They considered Forest & Bird had not provided specific reasoning to outline the issue with INF-O4 and why this amendment was required. The Reporting Officers did accept the inclusion of '*location*', which was a key factor when considering how infrastructure may be affected by natural hazards and climate change.
849. In response to Forest & Bird's requested amendment to INF-O5, the Reporting Officers considered the district-wide ECO Chapter would apply to all activities and the pTTPP was intended to be read as a whole document. In their opinion, '*avoid, remedy or mitigate*' was inconsistent with the RPS, and therefore they did not support this amendment.
850. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu to INF-O5 because they considered INF-P2 provided appropriate recognition for Poutini Ngāi Tahu values. Further, they noted that INF-O5 was clear and provided a proper direction as an objective, setting out a direction for the effects on the environment. It is supported by INF-P2, which provides details as required.
851. While there is no discussion in the s42A Report of the submissions seeking to include the word '*needs*' INF-O5 as sought by submitters, the word was included in the changes shown to INF-O5. However, when considering submission points<sup>224</sup> and evidence on other provisions that

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<sup>224</sup> Manawa (S438.044), NZ Energy (FS127) at paragraph 217 of the s42A Report

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included the words operational and or functional the Reporting Officers supported the inclusion of the word ‘needs’ as doing so was consistent with the National Planning Standards.

### Hearing and Submitter Evidence/Statements

852. Forest & Bird considered it was important to ensure appropriate wording was used to distinguish between and capture different types of infrastructure in provisions to give effect to higher order documents, including the NPSET, NPSREG, the NZCPS and the RPS, to effectively manage adverse effects and locational considerations.
853. Mr Leckie’s legal submissions<sup>225</sup> noted that, while not directly relevant to Bathurst’s relief, Bathurst supported consistent language where functional and operational needs formed part of the plan provisions. He noted these were defined in the National Planning Standards and that definition encompasses technical and locational needs.
854. Forest & Bird agreed that the ECO Chapter should be relied on with respect to adverse effects of ENG, INF and TRN activities on ecosystems and indigenous biodiversity. Ms Snoyink noted their submission sought to ensure that provision for activities in these chapters was made in the context of recognising that adverse effects would need to be “*avoided, remedied or mitigated*”. She considered using these words provided for integration and avoided potential conflicts with provisions in other chapters. She noted their submission sought to replace the word “*minimise*” with “*avoid, remedy or mitigate*”.
855. Ms Snoyink was critical of the Reporting Officers’ approach, where in some circumstances they considered ‘*minimising*’ as an alternative to ‘*avoiding, remedying or mitigating*’, and in other circumstances equated ‘*minimise*’ with ‘*avoid, remedy or mitigate*’. She noted in paragraph 173 of the s42A Report in relation to ENG provisions they considered ‘*minimise*’ reflected that there were scenarios where it was not possible or practical to avoid, remedy or mitigate all effects from energy activities. Also, in paragraph 175, she noted that the Reporting Officers consider that “*the RMA requires adverse effects on communities and the environment of activities to be minimised.*” She disagreed with these approaches.
856. Ms Snoyink noted that at paragraph 385, of the s42A Report concerning INF-O5, the Reporting Officers considered that “*In our opinion, ‘avoid, remedy or mitigate’ is inconsistent with the RPS and we therefore do not support this amendment.*” She considered that it was not clear how they had reached that conclusion. However, she said, presumably it related to their interpretation of RPS Chapter 6 Regionally Significant Infrastructure provisions. However, even on that basis, she considered “*such reasoning does not stack up*”. She noted that RPS Chapter 6 specifically states that “*All relevant provisions in this RPS must be considered in managing the adverse effects of RSI activities.*” She considered this meant that any Plan provisions giving effect to the RPS provisions for RSI must be in the context of addressing adverse effects as directed under other chapters of the RPS, including Chapter 7 Ecosystems and Indigenous Biological Diversity. She noted all three effects management measures “*avoid, remedy or mitigate*” were relevant in this context. She noted ‘*Infrastructure*’ as defined by the RMA, was broader than RSI (as defined by the RPS) and that INF-O5 refers to “*the adverse*

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<sup>225</sup> Legal Submissions for Bathurst dated 13 November 2023 paragraphs 16 to 17

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*effects of infrastructure on the environment ...*". She noted RMA section 5 requires "avoiding, remedying or mitigating" adverse effects of activities on the environment.

857. Ms Snoyink noted in the updated Addendum s42A Report suggested that "avoid, remedy or mitigate" was not appropriate in Objective ENG-O2 because objectives should be directing an outcome sought and because of the wording of objectives in the NPSREG. She said Forest & Bird's position was that adverse effects being "avoided, remedied or mitigated" was a more appropriate outcome than "minimised". The former, she contended, was consistent with the RMA and the latter was uncertain as to how adverse effects would be "avoided, remedied or mitigated". She considered this uncertainty was reinforced in the case of INF-O5 by the lack of INF policy direction to "avoid, remedy or mitigate" adverse effects of infrastructure activities on the environment.
858. Ms Pull detailed how provisions of the RPS Chapter 3, notably Policies 2 and 3, recognised and provided for Ngāi Tahu values, particularly in managing discharges, including wastewater. She noted the RPS provisions record that discharge to land, particularly when the discharge was sewage effluent, was preferred where practicable and where the effects are less than if the discharge were to water. Building on those provisions and to give effect to the RPS, she considered the pTTPP would need to include provisions relating to the cultural impacts of discharges.
859. Ms Pull sought that INF-O5 be amended to include Ngāi Tahu requirements for wastewater discharge to land as a new clause. She noted that the s42A Report recommended rejection because INF-P1 and INF-P2 recognised the importance of the wastewater discharge issue for Poutini Ngāi Tahu. However, Ms Pull noted these policies exist to implement infrastructure objectives, which are focused on the efficiency and positive effects of infrastructure rather than recognising or providing for environmental considerations.
860. Ms Pull recognised that INF-O5 aimed to minimise adverse environmental effects while recognising infrastructure needs and positive effects. However, she said it only stated 'environment', which she considered was an extensive term and it was unclear whether it included cultural wellbeing in this context. She further noted that INF-P2 clauses (a), (e) and (f) essentially repeated INF-O5 with the same wording, leaving the assumption that clause (c), which refers to Poutini Ngāi Tahu values, was not connected to objective INF-O5. She therefore sought an amendment to INF-O5 to recognise Poutini Ngāi Tahu values, clarify that INF-O5 considers the well-being of communities in Te Tai o Poutini, and provide more clarity on the link between INF-O2 and the clauses of INF-P2.
861. Ms Pull sought was that INF-O5 was amended as follows:
- The adverse effects of infrastructure on the environment are minimised, while recognising:
- a. The functional and operational needs of infrastructure
  - b. Poutini Ngāi Tahu requirements for discharge of wastewater to land; and
  - c. The positive effects of infrastructure may be realised locally, regionally, or nationally.

### Reporting Officers' Position Statement and Reply Evidence

#### INF-01

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862. The Reporting Officers made no further recommendations in Reply.

### **INF-02**

863. The Reply Report noted that the s42A Report recommendation and position discussed in the hearing was that the retention of the word *'incompatible'* in ENG-O3, ENG-P9 and INF-O2 was not supported due to the limitation of the scope of the objective or policy and the potential uncertainty of what was incompatible.

864. However, the Reporting Officers detailed their reconsideration of this recommendation<sup>226</sup> in light of the evidence presented<sup>227</sup> at the hearing and further discussions in EWC. They recommended that the word *'incompatible'* be included in these provisions, as it would provide the ability to enable compatible subdivision, use and development in specific circumstances, which they understood to be sufficient to afford protection of the relevant infrastructure. Furthermore, they considered retention of the word *'incompatible'* was consistent with RPS Chapter 6, Policy 4.

### **INF-03**

865. The Reporting Officers made no further recommendations in Reply.

### **INF-04**

866. The Reporting Officers made no further recommendations in Reply.

### **INF-05**

867. The Reporting Officers stated that *"further to evidence and discussions at the hearing, we consider that replacing the term 'minimise' with 'manage' will provide a clear target whilst ensuring consistency with the Energy Chapter. Further manage can be achieved via avoidance, remediation or mitigation."* The Panel notes, however, that no wording change to that effect was shown in Attachment 1 of the Right of Reply.

868. Following EWC, the Reporting Officers and Ms Pull met online to conference outstanding issues raised by the Poutini Ngāi Tahu submission in relation to the Energy, Infrastructure and Transport chapters that were not addressed at the EWC. The outcome of that meeting was that Ms Pull produced a Position Paper, in which, among other things, she provided proposed wording for an amended INF-05.

869. The Reporting Officers (in their Position Statement of 8 February 2024) altered their position from that held in the s42A Report to acknowledge that the RPS requires district councils to manage land use, referring to Chapter 8 Policy 2, Chapter 8, Methods 2 and 3, and Objective 2 of Chapter 3. They noted that these provisions reference Ngai Tahu's preference for discharges to land over water where practicable; and also provide direction to district councils to consult and include in district plan policies, rules, guidelines and other information to avoid,

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<sup>226</sup> Right of Reply Section 3.2 paragraph (18) page 6.

<sup>227</sup> Evidence of Stephanie Styles, paragraphs 7.1 - 7.4

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remedy or mitigate the adverse effects of land use activities and management practices on water quality. The highlighted the subject of the direction to consult was to avoid, remedy or mitigate adverse effects originating from land and freshwater use on cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.

870. To give effect to the RPS, the Reporting Officers recommended amending INF-O5 as follows:

The adverse effects of infrastructure on the environment are, minimised including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water, while recognising:

- a) The functional needs and operational needs of infrastructure; and
- b) That positive effects of infrastructure may be realised locally, regionally, or nationally.

871. The Reporting Officers noted that this wording differed from that detailed in Ms Pull's Position Paper but considered their wording reflected the RPS, whilst maintaining the intent of the objective.

872. The Reply Report confirmed this position.

### **Hearing Panel's Evaluation**

#### ***INF-01***

873. The Panel accepts the reasoning set out in the s42A Report<sup>228</sup> to reject the Forest & Bird submission to specifying particular chapters in INF-O1. We accept the BDC submission to add '*current and future needs*' to the objective which aligns with s5 of the RMA.

#### ***INF-02***

874. The Panel accepts the reasoning, as set out in the Reply Report,<sup>229</sup> to reject the GDC submission to deal with the alleged uncertainty as to the meaning of the word '*incompatible*' by deleting it from the objective. We agree with the evidence of Ms Styles on this matter generally and the revised position of the Reporting Officers and recommend the word '*incompatible*' is retained.

#### ***INF-03***

875. The Panel accepts the reasoning set out in the s42A Report<sup>230</sup> to reject the GDC submission.

#### ***INF-04***

876. The Panel agree with Forest & Bird and Mr Leckie that the language in the plan provisions needs to be consistent and that it must also give effect to the National Planning Standards.

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<sup>228</sup> S42A Report paragraphs 371 -372, page 113.

<sup>229</sup> Right of Reply paragraph 18, page 6

<sup>230</sup> S42A Report paragraph 378, page 114

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The inclusion of the word ‘location’ in INF-04 enables consideration of the effects of a proposal on location and enables consideration of any technical and operational needs of a proposal that may have constrained or limited locational options due to those needs.

877. The Panel accepts the reasoning set out in the s42A Report<sup>231</sup> not to include biodiversity in INF-04 as sought by Forest & Bird. We consider this objective is specific to natural hazards and associated infrastructure provision.

878. The Panel recommend accepting in part the Forest & Bird submission as a result of the above.

### **INF-05**

879. The Panel agree in this context, retention of the word ‘minimise’ within the objective is appropriate because it recognises the importance of infrastructure and that it will not always be possible to ‘avoid, remedy or mitigate’ the effects of infrastructure.

880. The Panel agrees with the recommendation to include the word ‘needs’ as it gives effect to the National Planning Standards and assists in making the objective clear.

881. The Panel agree with the Reporting Officers' revised recommendation and associated reasoning to address the Poutini Ngāi Tahu submission on discharge of wastewater to land. We consider the Reporting Officers' recommended wording better reflects the focus of the RPS provisions than that of Ms Pull. For example, she uses the word "requirements," which lacks clarity. Also, we consider the use of the word "requirements" is at odds with the RPS language, which uses words such as “preference” and “where practicable”.

### **Panel’s Recommendation**

882. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Infrastructure objectives**:

<b>INF – 01</b>	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of <del>utilities and</del> infrastructure, to meet the <b>current and future</b> needs of the West Coast/Te Tai o Poutini. <sup>232</sup>
<b>INF – 02</b>	To protect <del>utilities and</del> <sup>233</sup> infrastructure from the adverse effects of incompatible subdivision, land use and development.
<b>INF – 03</b>	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.

<sup>231</sup> S42A Report paragraph 382, page 114

<sup>232</sup> Buller District Council (S538.040), Radio NZ (FS141.015)

<sup>233</sup> Buller District Council (S538.040)

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<b>INF – 04</b>	To consider natural hazard resilience and impacts of climate change in infrastructure <b>location</b> , <sup>234</sup> design and provision.
<b>INF – 05</b>	The adverse effects of infrastructure on the environment are minimised, <b>including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water</b> , <sup>235</sup> while recognising: <ul style="list-style-type: none"><li>a. The functional <b>need</b> and operational needs<sup>236</sup> of infrastructure; and</li><li>b. That positive effects of the infrastructure may be realised locally, regionally, or nationally.</li></ul>

### 5.5. Infrastructure Policies as a whole

#### Submissions and Further Submission

883. There were four submission points<sup>237</sup> in support of the infrastructure policies collectively.
884. RNZ (S476.045) sought that the infrastructure policies be amended to better recognise:
- a) The critical contribution that infrastructure and network utility operations (such as RNZ's facilities) make to the social, economic and cultural wellbeing of the district, as well as health and safety;
  - b) The technical and operational constraints that limit the geographic location in which network utilities in general, and RNZ's facilities in particular, cooperate, particularly in relation to land use, subdivision and development; and
  - c) The need to avoid reverse sensitivity effects on network utilities for the benefit of the community.

#### Section 42A Reports

885. The Reporting Officers did not recommend amendments based on the RNZ submission because they considered that INF-P1 recognises the importance of infrastructure, INF-P2 recognises technical and operational needs, and INF-P3 recognises reverse sensitivity.

#### Hearing Panel's Evaluation and Recommendation

886. The Panel accepts the Reporting Officers' analysis and reasons. We do not recommend any changes in response to submissions on the policies as a whole.

#### Submissions and Further Submissions

<sup>234</sup> Forest and Bird (S560.136)

<sup>235</sup> Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.091)

<sup>236</sup> Forest and Bird (S560.137), Radio NZ (FS141.017), KiwiRail (FS236.007)

<sup>237</sup> S558.472, S566.472, S567.052, S574.472

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### **INF-P1**

887. There were eight submission points<sup>238</sup> on INF-P1, of which five were in support.

888. RNZ (S476) sought that INF-P1 be amended as follows:

...utilities and infrastructure, in particular critical infrastructure.

889. Forest & Bird (S560.138) sought that INF-P1 be amended as follows because the RPS did not require the provision of RSI in all cases, nor for infrastructure in general:

Recognise ~~and provide for~~ the positive social, economic, cultural and environmental benefits from the development, continued operation, and upgrading of utilities network and infrastructure.

890. RNZ (FS141.014) opposed this submission as it considered the inclusion of ‘*provide for*’ was important.

891. GDC (S608.506) sought to amend Policy INF-P1 to provide for the maintenance of utilities and infrastructure to give effect to Objective INF-O1.

### **INF-P2**

892. There were ten submission points<sup>239</sup> on Policy INF-P2 of which three were in support.

893. RNZ (S476.018) seek INF-P2 be amended as follows:

The positive effects of infrastructure, in particular critical infrastructure;

894. This amendment is requested to support RNZ’s relief sought in relation to the definition of ‘*critical infrastructure*’. RNZ specifically considers that INF-P2 ought to address the importance of critical infrastructure.

895. Forest & Bird (S560.139) sought Policy INF-P2 be amended as follows:

Manage the design and location of network utilities and infrastructure, ~~including when sited in overlays,~~ in a way that considers:

- a. ... ;
- b. Whether there are alternative locations or a functional need to locate within an Overlay area or any Significant Natural Area (being areas meeting criteria in Appendix 1 of the WCRPS, whether mapped in the Plan or not);
- c. Resilience of the natural environment and of the infrastructure to natural hazards and climate change;
- d. ...

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<sup>238</sup> S190.078, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S663.013, FS141.014

<sup>239</sup> S190.079, S442.025, S476.018, S560.139, S594.003, S602.035, S608.507, S612.009, S620.411, S663.015, FS141.018, FS141.019, FS149.098

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- e. The need to minimise avoid, remedy, or mitigate adverse effects on the environment in accordance with the Natural Environment and District Wide chapters of this Plan.
  - f. ...
896. Forest & Bird considered that ‘*minimise*’ (in clause (e) above) was insufficient to give effect s5 of the RMA, which required adverse effects to be avoided, remedied, and mitigated on the environment. RNZ (FS141) oppose the relief sought by Forest & Bird as they considered ‘*minimise*’ to be a more appropriate term, as it recognised the importance of infrastructure and also that it will not always be possible to ‘*avoid, remedy or mitigate*’ the effects of infrastructure.
897. The Director General (S602.035) seek that the schedules, SNA and the overlay chapter areas were referred to concerning adverse environmental effects.
898. Janie Cook (S594.003) sought deletion of Policy INF-P2 as they considered homeowners would lose the right to consume rain that falls on their property
899. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.015) sought deletion of clause (a) and replacement with ‘*operational need and functional need*’ to reflect the National Planning Standards and the pTTPP definitions.

### **INF-P3**

900. There were seven submission points<sup>240</sup> on Policy INF-P3, of which of which five were in support.
901. KiwiRail (S442.026) and RNZ (FS141.020) sought Policy INF-P3 be amended to provide for maintenance, repair, upgrading, removal and development of infrastructure because the current wording did not apply to all activities (i.e., rail activities) and it was limited to the operation (i.e., operation of the rail network). Kāinga Ora (FS58.033) opposed this submission as they considered that this would result in the requirement for subdivision, use and development to manage reverse sensitivity effects from planned or unplanned future infrastructure, rather than the infrastructure provider needing to assess the effects at the time of planning or development. They considered that this provision should only require the management of reverse sensitivity effects from the current operations.
902. RNZ (S476.019) and NZDF (FS31.008) sought that INF-P3 be amended to specifically reference ‘*critical infrastructure*’ and strengthen the policy wording to replace ‘*manage*’ with ‘*avoid*’. The submitters considered that it is important to provide more stringent wording, as reverse sensitivity can have a significant effect on infrastructure, which is difficult to address once the effect arises. Kāinga Ora (FS58.034) opposed this submission as it considers that the requirement to avoid reverse sensitivity effects from all subdivision, use and development was too onerous and went beyond what was required in the RPS.

### **INF-P4**

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<sup>240</sup> S190.080, S450.030, S476.019, S519.013, S608.508, S663.016, FS31.008, FS58.033, FS58.034, FS58.084, FS58.085, FS141.020

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903. There were six submission points<sup>241</sup> on Policy INF-P4, of which four supported the policy.
904. BDC (S538.041) sought to amend Policy INF-P4 to ensure that subdivision and development were serviced to meet ‘*current and future*’ needs and to include ‘*Water Service Entity*’ as one of the listed parties with whom infrastructure could be vested.
905. Forest & Bird (S560) sought Policy INF-P4 be amended as follows:

Ensure that subdivision and development ~~is~~ can be adequately serviced including:

In site selection and design considerations, assessing the adverse effects of subdivision and development as well as adverse effects of services when determining whether the subdivision or development should occur in that location in the first place; and that adequate services includes:

906. Forest & Bird sought this amendment because they considered that before subdivision and development, there should be consideration of constraints, including where adverse effects on natural values could and should be avoided.

### **INF-P5**

907. There were seven submission points<sup>242</sup> received on Policy INF-P5, of which five supported the policy as notified.
908. Poutini Ngāi Tahu (S620.093) sought Policy INF-P5 be amended to provide for onsite treatment, in addition to detention, as this aligned with Poutini Ngāi Tahu values and safeguards the community wellbeing.

### **INF-P6**

909. There were six submission points<sup>243</sup> on Policy INF-P6, all in support of the policy as notified.

### **New Policy**

910. Te Mana Ora (S190.077) sought an additional policy be included as follows:

Minimise the risk of adverse effects by subdivision, development and activities on drinking water sources through a Drinking Water Source Protection Zone.

911. This new policy was sought in accordance with the NES-SHDW along with a Drinking Water Source Protection Zone which would ensure any drinking water supply was protected from potential adverse effects. The policy was supported by GDC (FS1.340) but not the overlay.

## **Section 42A Reports**

### **INF- P1**

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<sup>241</sup> S190.081, S450.031, S538.041, S560.140, S612.010, S620.412, S663.017

<sup>242</sup> S190.082, S442.027, S450.032, S608.510, S612.011, S620.092, S620.093

<sup>243</sup> S190.083, S442.028, S476.020, S560.141, S608.511, S663.018

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912. The Reporting Officers did not support Forest & Bird’s requested amendments to Policy INF-P1 because they considered them inconsistent with the RPS. They considered that the issue of including critical infrastructure sought by RNZ had already been addressed in their s42A Report.
913. In terms of the GDC amendment to introduce ‘*maintenance*’ into the policy the Reporting Officers supported the relief sought and recommend its inclusion.

### **INF-P2**

914. The Reporting Officers did not support RNZ’s submission to include critical infrastructure within the policy due to adopting the definition for RSI.
915. In respect of the Forest & Bird submission and the related submission of the Director General, the Reporting Officers did not support the amendment to provide for biodiversity within INF-P2, noting that the district-wide ECO Chapter applied to all activities. Further, they noted the Infrastructure Chapter Overview provided guidance regarding other chapters to be read, and therefore it would be a duplication to include it under specific standards.
916. The Reporting Officers also considered ‘*manage*’ more appropriate than ‘*minimise*’ and ‘*avoid, remedy or mitigate*’ because this provided greater certainty, was consistent with the approach taken throughout pTTPP, and aligned with the RPS.
917. In response to Janie Cook's submission, the Reporting Officers considered that the policy did not specifically limit the ability for landowners to have onsite rainwater tanks, so they recommended rejecting the submission.
918. In response to the submission from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd the Reporting Officers supported this submission to make amendments that would ensure consistency of language with definitions and the Energy Chapter, which will improve the Plan's effectiveness and efficiency.

### **INF-P3**

919. The Reporting Officers did not support KiwiRail and RNZ and agreed with Kāinga Ora because the relief sought was inconsistent with the RPS (specifically Policy 4.5 and 4.8).
920. In relation to the amendments sought by RNZ and NZDF, the Reporting Officers did not support the changes proposed. They agreed with Kāinga Ora that ‘*manage*’ provided appropriate policy direction because the RPS required protection, not avoidance, which was overly restrictive.
921. The Reporting Officers did not support the inclusion of ‘*critical infrastructure*’ as sought by RNZ as the definition of infrastructure already encompasses critical infrastructure. They considered it was unnecessary to provide further wording within the policy to include this. They also noted that temporary military activities are provided for in the TEMP Chapter and considered it more appropriate that defence facilities continue to be managed in accordance with each zone's provisions.
922. The Reporting Officers recommended no amendments to the notified version of INF-P3.

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### ***INF-P4***

923. The Reporting Officers supported BDC’s request to include ‘*current and future*’ needs because this was consistent with RPS Chapter 6, Policy 1. However, they considered it was not appropriate to include reference to ‘*Water Service Entity*’ because it did not align with the policy wording (which did not refer to specific providers) and this entity did not currently exist.

924. The Reporting Officers did not support Forest & Bird’s amendment because they considered the Subdivision Chapter policies SUB-P1 and SUB-P2 already addressed these matters, and the relief would result in unnecessary duplication of policy direction.

### ***INF-P5***

925. The Reporting Officers recommend retaining INF-P5 as notified. They did not support the Poutini Ngāi Tahu submission considering the current wording of INF-P5 already allowed for onsite treatment and detention and in their opinion no change was required.

### ***INF-P6***

926. The Reporting Officers recommended retaining INF-P6 as notified.

### ***New Policy***

927. The Reporting Officers did not support adding a new policy because they considered they did not have sufficient information, technical evidence or a section 32 evaluation to support the relief sought. Furthermore, they believed that the INF policies support the provision of safe drinking water. They left the matter open for Te Mana Ora to provide further information through evidence to support the relief sought.

## **Hearing and Submitter Evidence/Statements, including EWC**

### ***INF-P1***

928. None of the submitters on INF-P1 presented evidence or appeared at hearings.

### ***INF-P2***

929. Ms Grinlinton-Hancock, for KiwiRail, opposed the Reporting Officers’ recommendation to amend clause (a) to replace “*locational, technical and operational constraints*” with “*operational need and functional need*”, relying on the reasons provided by Ms Heppelthwaite’s evidence<sup>244</sup> for the Introduction and General Provisions and Strategic Direction hearing. Essentially, Ms Grinlinton-Hancock supported a more nuanced approach to operational and functional need and further considered these tests were more appropriately located in Part 2 Natural Environmental Values.

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<sup>244</sup> Statement of Evidence of Catherine Heppelthwaite 2 October 2023 at 9.24 – 9.27

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930. Ms Snoyink, for Forest & Bird, outlined preference and reasons for utilising ‘*avoid, remedy, and mitigate*’ rather than using the word ‘*minimise*’ within provisions such as clause (f) of INF-P2. She considered the interrelationship between the chapters and did not consider it was appropriate to rely on chapter overviews to provide guidance regarding what other chapters were to be read and considered when a proposal was being assessed. Forest & Bird sought to amend clause (b) to explicitly provide for that linkage.

931. Ms Inta supported retention of ‘*minimise*’ in this policy because she considered it provided better protection than ‘*manage*’ and wanted to see it retained.

932. Mr Horne, for the Telecommunication companies, noted the Reporting Officers supported their submissions on INF-P2.

### ***INF-P3***

933. Ms Grinlinton-Hancock disagreed with the Reporting Officers’ position that KiwiRail’s submission was inconsistent with RPS and noted RPS Chapter 6 Policies 4 and 8 were relevant. She suggested the RPS policy direction supported accepting the submission.

### ***INF-P4***

934. No submitter evidence was received on INF-P4.

### ***INF-P5***

935. Ms Pull agreed that if all development must comply with policies INF-P4 and INF-P5, stormwater treatment was covered in INF-P4. However, she sought clarification within INF-P5 regarding the required acceptable level of flooding risk and considered both policies should be amended to reference the treatment of stormwater.

### ***INF-P6***

936. No submitter evidence was received on INF-P6.

### ***New Policy***

937. No submitter evidence was received on the requested new policy.

## **Reporting Officers' Reply Evidence and Position Statement**

### ***INF-P1***

938. INF-P1 was not addressed further in the Reply. The s42A recommendation remained unchanged.

### ***INF-P2***

939. In responding to evidence presented and discussion at the hearing regarding consistency with other Reporting Officers, the Reporting Officers, recommend that ‘*minimise*’ in clause (f) be replaced with ‘*avoid, remedy, mitigate*’ and that the Forest & Bird submission be accepted.

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Furthermore, they considered that the range of potential adverse effects on the environment was very wide, and the wider action reflected this scope. However, the Panel notes this recommended change was not shown in Appendix 1 of the Reply.

940. The Reporting Officers also included the word “*all*” immediately before “*overlays*” in the Reply version of the amended Plan provisions to clarify that INF-P2 applied to all overlay chapters.

### ***INF-P3***

941. The Reply indicated that the Reporting Officers considered ‘*manage*’ to be appropriate in INF-P3 as this was consistent with their recommendation for ENG-P3.

### ***INF-P4***

942. INF-P4 did not receive further consideration in Reply.

### ***INF-P5***

943. The Reports Officers did not alter their s42A Report recommendation to retain INF-P5 as notified. In Reply, they noted that no submissions have been received seeking to change ‘*minimise*’ in this policy and as such considered there was no scope to recommend changes.

### ***INF-P6***

944. The Report Officers did not alter their s42A Report recommendation to retain INF-P6 as notified.

### ***New Policy***

945. The Reply did not address the inclusion of a new policy further.

### **Hearing Panel’s Evaluation**

946. In terms of the broader RNZ submission, the Panel agrees with the Reporting Officers that INF-P1, INF-P2 and INF-P3, collectively, sufficiently address the matters raised by RNZ. We agree and do not recommend any specific amendments in response to this submission.

### ***INF-P1***

947. The Panel have considered the deletion of ‘*provide for*’ as sought by Forest and Bird. While we accept that ‘*provide for*’ is utilised in the WCRPS specifically for energy supply (which is given effect to in the Energy Chapter), we agree that the WCRPS does not require the provision of Regionally Significant Infrastructure in all cases. In this context we note that Method 2 under Chapter 6 of the WCRPS refers to “*Through regional and district plan rules ... recognise the positive benefits of RSI*”. We therefore consider in relation to the Infrastructure Chapter ‘*provide for*’ in INF-P1 should be removed.

948. We agree with the Reporting Officers reasoning and subsequent recommendations in relation to INF-P1 and recommend including ‘*maintenance*’, as sought by GDC.

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### ***INF-P2***

949. The Panel accept the recommendation to include ‘*all*’ before reference to the overlays to clarify all overlays apply and consider this is an appropriate RMA Schedule 1, clause 16 in response to our questions that will improve clarity. While we agree with the Reporting Officers' reasons for rejecting both the Forest & Bird and Director General submission points and for explicitly including within the policy a reference to overlay areas and significant natural areas, the Panel notes that this change may in part address the concerns of Forest and Bird in relation to the overlays.
950. The Panel consider the amendment to clause (a) is appropriate and prefer ‘*operational need and functional needs*’ over the notified ‘*locational, technical and operational constraints*’ given the former terms are defined in the Plan. We also note that ‘*location*’ is already covered in the opening paragraph. We consider the word ‘*technical*’ is ambiguous and unclear and is encompassed by ‘*operational need and functional need*’. The Panel notes that alignment with the National Planning Standards also supports the recommended amendments and we do not consider a more nuanced approach, as sought by Ms Grinlinton-Hancock, is needed. We therefore agree with the Reporting Officers reasons within the s42A Report for accepting the telecommunications companies' submission to amend clause (a).
951. In terms of clause (f), the Panel agree with the revised recommendation of the Reporting Officers to replace ‘*minimise*’ with ‘*avoid, remedy or mitigate*’ to ensure consistency across the Plan. We consider this change addresses the concerns of Forest & Bird.
952. The Panel accepts the Reporting Officers’ recommendation to reject Janie Cook’s submission point for the reasons provided in the s42A Report.

### ***INF-P3***

953. The Panel considers INF-P3, as notified, assumes the utility or infrastructure is in place and that it is the potential reverse sensitivity effects from new subdivision, use and development that must be managed. Based on this intent, we agree with the Reporting Officers and Kainga Ora that the policy covers existing infrastructure, not new or proposed. We also agree that the word ‘*manage*’ is preferred over ‘*avoid*’ because avoid means not allowing, which excludes the ability to assess measures to manage potential reverse sensitivity effect. We consider that the assessment aspect of the policy is important and needs to be retained. We therefore recommend no changes to INF-P3.

### ***INF-P4***

954. The Panel agree the Reporting Officers’ recommendation to accept in part the BDC submission and reject the submission of Forest & Bird, for the reasons set out in the s42A Report. We recommend deleting the words ‘*network utility*’ from clause (i) in response to BDC’s request.

### ***INF-P5***

955. The Panel accept the Reporting Officers’ recommendation to retain INF-P5 as notified, for the reasons set out in s42A Report. We have considered Ms Pull’s evidence but do not find the reasons outlined for amending the policy compelling. We consider that when an application

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for resource consent is processed, both policies will need to be considered. Therefore, we consider stormwater treatment is provided for in both INF-P4 and INF-P5.

### **INF-P6**

956. The Panel recommends the wording of this policy is retained as notified, except for recommending deleting the words ‘*network utilities*’, sought by BDC.

### **New Policy**

957. The Panel agree with the Reporting Officers’ recommendation not to include a new policy, for the reasons set out in the s42A Report.

### **Hearing Panel’s Recommendation**

958. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the Infrastructure Policies:

<b>INF – P1</b>	Recognise <del>and provide for</del> <sup>245</sup> the positive social, economic, cultural and environmental benefits from the development, continued operation, <b><u>maintenance</u></b> , <sup>246</sup> and upgrading of <del>utilities and</del> <sup>247</sup> infrastructure.
<b>INF – P2</b>	Manage the design and location of <del>utilities and</del> <sup>248</sup> infrastructure, including when sited in <b><u>all</u></b> <sup>249</sup> overlays in a way which considers: <ul style="list-style-type: none"> <li>a. <del>Locational, technical and operational constraints</del> <b><u>Operational need and functional need</u></b>,<sup>250</sup></li> <li>b. Resilience to natural hazards and climate change;</li> <li>c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;</li> <li>d. Benefits of co-location of infrastructure;</li> <li>e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and</li> <li>f. The need to <del>minimise</del> <b><u>avoid, remedy and mitigate</u></b><sup>251</sup> adverse effects on the environment.</li> </ul>
<b>INF – P3</b>	Manage reverse sensitivity effects from subdivision, use and development, on <del>utilities and</del> <sup>252</sup> infrastructure to ensure their safe, secure and efficient operation.
<b>INF – P4</b>	Ensure that subdivision and development, is adequately serviced <b><u>to meet the current and future needs</u></b> <sup>253</sup> including:

<sup>245</sup> Forest and Bird (S560.138)

<sup>246</sup> Grey District Council, S608.505

<sup>247</sup> Buller District Council (S538.040)

<sup>248</sup> Buller District Council (S538.040)

<sup>249</sup> RMA First Schedule Clause 16

<sup>250</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, S663.015

<sup>251</sup> Forest and Bird (S560.139)

<sup>252</sup> Buller District Council (S538.040)

<sup>253</sup> Buller District Council (S538.041)

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	<ul style="list-style-type: none"> <li>a. Safe and efficient vehicle access;</li> <li>b. Drinking water compliant with Safe Drinking Water Standards;</li> <li>c. Adequate water supply for firefighting;</li> <li>d. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk;</li> <li>e. Treatment and safe disposal of wastewater with a preference for land-based treatment;</li> <li>f. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite;</li> <li>g. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity;</li> <li>h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakainga developments, that an ongoing hapū entity may be responsible for maintenance; and</li> <li>i. Financial contributions are provided where additional or upgraded <del>network utility</del><sup>254</sup> infrastructure is required to service development.</li> </ul>
<b>INF – P5</b>	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.
<b>INF – P6</b>	Provide flexibility for <del>network utilities</del> <b>infrastructure</b> to adopt new technologies that: <sup>255</sup> <ul style="list-style-type: none"> <li>a. Improve access to, and efficient use of, networks and services;</li> <li>b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards;</li> <li>c. Increase resilience, safety or reliability of networks and services;</li> <li>d. Result in environmental benefits and enhancements;</li> <li>e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.</li> </ul>

### 5.6. INFRASTRUCTURE RULES

#### Submissions and Further submissions

#### *All Standards and Notes to the Rules*

<sup>254</sup> Buller District Council S538.041

<sup>255</sup> Buller District Council S538.041

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959. Forest and Bird (supported by Poutini Ngāi Tahu)<sup>256</sup> sought to ensure that it was clear that the requirements of the Infrastructure Chapter, as well as other identified chapter plan provisions, needed to be complied with. Forest and Bird also sought that each of the restricted discretionary activities include an additional matter of discretion relating to the adverse effects on natural values.
960. BDC (S538.053) sought a different format for the performance standards without providing details.
961. Paul Finlay (S408.002) (supported by NZEL (FS127.046) sought that the performance standards provide for monitoring buildings and equipment to detect the movement of the plates and the Alpine Fault.
962. Forest & Bird (S560.134) sought that Advice Notes (2), (3) and (4) be amended to clarify the matters covered by the Infrastructure Chapter and those in other chapters.
963. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.019) sought that Advice Note (2) be amended to reflect that the NESTF does not regulate all new poles and antennas.

### ***Permitted Activities***

#### ***INF-R1***

964. There were eight submission points<sup>257</sup> on Rule INF-R1, mostly in support.
965. BDC (S538.053) sought that the heading of Rule INF-R1 be amended to '*Infrastructure Permitted Activity Performance Standards*'.

#### ***INF-R2***

966. Eight submission points<sup>258</sup> supported INF-R2 as notified.
967. Forest & Bird (S560.142) sought that INF-R2 be amended to a controlled activity to allow the Council to assess capacity.
968. Poutini Ngāi Tahu (S620.094) sought the addition of an advice note directed at controlling the volume of waterborne contaminants, litter, and sediments.
969. GDC (S608.512) sought clarification of what buildings are required to connect to reticulated services and proposed the inclusion of '*or structure in which human wastewater is generated*'

#### ***INF-R3***

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<sup>256</sup> S560.143, S560.144, S560.145, S560.146, S560.147, S560.148, S560.149, S560.150, S560.151, S560.152, S560.153, S560.154, S560.155, S560.156, S560.157, S560.158, S560.159, S560.160, S560.161, S560.162, S560.162, S560.163, S560.164, 7 FS41.42, FS41.043, FS41.044, FS41.045, FS41.046, FS41.047, FS41.048, FS41.049, FS41.109, FS41.110, FS41.111, FS41.112, FS41.114, FS41.115, FS41.116, FS41.117, FS41.118, FS41.119, FS41.120

<sup>257</sup> S109.001, S190.085, S476.021, S538.042, S558.483, S566.483, S567.053, S574.483

<sup>258</sup> S190.086, S450.033, S538.043, S558.494, S566.494, S567.054, S574.494, & S612.012

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970. Five submission points<sup>259</sup> supported Rule INF-R3 as notified.

971. BDC (S538.044) sought deletion of Rule INF-R3 because it was not relevant to the region. The Panel notes that this submission does not appear to have been covered in the s42A Report because it was assessed as a submission in support.

### **INF-R4**

972. There were eight submission points<sup>260</sup> in support of INF-R4 as notified.

973. BDC (S538.045) sought INF-R4 be amended by deleting references to ‘Activities’ and ‘activity’ to provide consistency with the rule framework.

974. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.021) sought an additional clause to provide an increased period of 12 months for construction/re-construction activity.

### **INF-R5**

975. Te Mana Ora (S190.089) supported Rule INF-R5 as notified.

976. WCRC (S488.008) (supported by NZEL (FS127.048)) sought that INF-R5 be amended to increase the height from 4m to 10m because 4m was unreasonable given the current provision of 30m in the Rural Zone and the minimal environmental effects of hydrology monitoring structures and aerials in remote locations.

977. BDC (S538.046) sought to incorporate the words ‘environmental monitoring equipment’ into INF-R6 (meteorological facilities). BDC considered the reference to ‘extreme weather event monitoring’ was unnecessary as it was captured within ‘environmental monitoring’.

### **INF-R6**

978. There were five submission points<sup>261</sup> supporting Rule INF-R6 as notified.

979. BDC (S538.047) sought that INF-R6 be amended to give effect to the relief sought concerning INF-R5 as follows:

Navigational aids/beacons, environmental monitoring equipment and Meteorological Facilities Activity Status Permitted ~~Where:~~

~~(1) These are located in a RURZ Zone or INZ – Industrial Zone.~~

### **INF-R7**

980. There were seven submission points<sup>262</sup> supporting Rule INF-R7 as notified.

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<sup>259</sup> S190.087, S558.505, S566.505, S567.055, S574.505

<sup>260</sup> S190.088, S442.029, S476.022, S558.516, S566.516, S567.056, S574.516, S608.513

<sup>261</sup> S190.090, S558.527, S566.527, S567.057, S574.527

<sup>262</sup> S190.091, S476.022, S558.538, S566.538, S567.058, S574.538, S663.022

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981. KiwiRail (S442.030) sought to amend INF-R7 to ensure it applied to '*rail infrastructure*', as it considered it was essential to capture rail activities within the permitted activity rule.
982. BDC (S538.048) sought to amend the heading of INF-R7 to '*Operation, maintenance, repairs and extension of existing network utilities*'.
983. GDC (S608.515) sought that INF-R7 be amended to exclude standard (5) from standard (7) to provide clarity.

### **INF-R8**

984. There were six submission points<sup>263</sup> in support of Rule INF-R8 as notified.
985. BDC (S538.049) sought to remove the advice note relating to connections involving a heritage item and insert a new reference in the Energy Chapter that directs plan users to Rule INF-R8 when considering customer connections for electricity service.

### **INF-R9**

986. There were six submission points<sup>264</sup> in support of Rule INF-R9 as notified.
987. BDC (S538.050) sought that INF-R9 be deleted and inserted into the Energy Chapter because it encompassed the electricity lines and telecommunication poles or towers. BDC suggested moving the electricity component to the Energy Chapter and removing the reference to telecommunications.
988. Frida Inta (S553.043) sought that INF-R9 be changed to a discretionary activity because it would allow a cell phone tower to be built without resource consent.

### **INF-R10**

989. There were seven submission points<sup>265</sup> and one further submitter who supported Rule INF-R10 as notified.

### **INF-R11**

990. There were nine submission points<sup>266</sup> received on Rule INF-R11. Several submitters supported INF-R11 as notified.
991. The Telecommunication Companies (S663.027) sought to include an additional standard to align with the NESTF as follows:

the volume (including any ancillary equipment) but not including any cabling) is not more than 0.11m<sup>3</sup>.

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<sup>263</sup> S190.092, S558.549, S566.549, S567.059, S574.549, S663.024

<sup>264</sup> S190.093, S558.560, S566.560, S567.060, S574.560, S663.025

<sup>265</sup> S190.094, S558.571, S566.571, S567.061, S574.571, S663.026, S663.028, FS98.001

<sup>266</sup> S190.095, S558.582, S566.582, S567.062, S574.582

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### **INF-R12**

992. Te Mana Ora (S190.096) supported Rule INF-R12 as notified.
993. Several submitters (S558.593, S566.593, S567.063 & S574.593) sought that INF-R12 be amended to be more enabling and provide clarity.
994. The Telecommunication Companies (S663.029) sought that the heading of INF-R12 be amended to cover equipment that did not meet the permitted standards of the NESTF, as follows:
- New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NESTF, or regulated equipment not meeting the permitted standards of the NESTF.
995. The Telecommunication Companies also sought a 20m height limit for CMUZ – Commercial and Mixed-Use Zone (other than the NCZ – Neighbourhood Centre Zone) and a 25m height limit for the INZ – Industrial Zone to provide more consistency with the standards in other district plans and to better reflect the ability of these zones to absorb the effects of infrastructure.

### **Controlled Activities**

#### **INF-R13**

996. There were seven submission points<sup>267</sup> in support of Rule INF-R13 as notified.
997. GDC (S608.518) sought to delete clause (4) from INF-R13 or include a separate clause because it referred to the requirements for dish antennae in zoned land and Rule INF-R13 was specifically for road reserve.

#### **INF-R14**

998. There were six submission points<sup>268</sup> supporting Rule INF-R14 as notified.
999. GDC (S608.519) sought that INF-R14 specify the requirements for the width of the panel antenna in the RESZ and SETZ if the limit was not 0.8m, so as to provide clarity on the width of the panel in these two zones. GDC noted the rule limited panel antennas to 0.8m in width, excluding those in the RESZ and SETZ.

### **Restricted Discretionary Activities**

#### **INF-R15**

1000. There were seven submission points<sup>269</sup> supporting Rule INF-R15 as notified.

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<sup>267</sup> S190.097, S538.054, S558.604, S566.604, S567.064, S574.604, S663.030

<sup>268</sup> S190.098, S538.055, S558.615, S566.615, S567.065, S663.031

<sup>269</sup> S190.099, S538.056, S558.626, S566.626, S567.066, S574.626, S663.032

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### ***INF-R16***

1001. There were six submission points<sup>270</sup> supporting Rule INF-R16 as notified.
1002. BDC (S538.057) sought significant amendments to INF-R16 to include provisions relating to onsite stormwater management, wastewater, and water services.

### ***INF-R17***

1003. Te Mana Ora (S190.101) supported Rule INF-R17 as notified.
1004. BDC (S538.058) sought deletion of Rule INF-R17 because it was irrelevant to the region.

### ***INF-R18***

1005. Te Mana Ora (S190.102) supported INF-R18 as notified.
1006. BDC (S538.059) sought the deletion of INF-R18, seeking navigational aids and beacons to be permitted activities.

### ***INF-R19 and INF-R20***

1007. Te Mana Ora (S190.103 & S190.104) supported Rule INF R19 and Rule INF-R20 as notified, and Toka Tū Ake EQC (S612.014) supported INF-R19 as notified.
1008. BDC (S538.060 & S538.061) sought the deletion of INF-R19 and INF-R20 because environmental, extreme weather event monitoring and meteorological facilities should be provided for as permitted activities.

### ***INF-R21***

1009. There were three submission points<sup>271</sup> in support of Rule INF-R21 as notified.

### ***INF-R22***

1010. There were seven submission points<sup>272</sup> in support of Rule INF-R22 as notified.

### ***INF-R23***

1011. There were seven submission points<sup>273</sup> in support of Rule INF-R23 as notified.

### ***Discretionary Activities***

### ***INF-R24***

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<sup>270</sup> S190.100, S558.637, S566.637, S567.067, S574.637, S612.013

<sup>271</sup> S190.105, S612.015, S620.095,

<sup>272</sup> S190.106, S538.062, S558.648, S566.648, S567.068, S574.648, S663.033

<sup>273</sup> S190.107, S538.063, S558.659, S566.659, S567.069, S574.659, S663.034

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1012. There were six submission points<sup>274</sup> in support of Rule INF-R24 as notified.

### **INF-R25**

1013. There were seven submission points<sup>275</sup> in support of Rule INF-R25 as notified.

### **INF-R26**

1014. There were eight submission points<sup>276</sup> in support of Rule INF-R26 as notified.

1015. KiwiRail (S442.031) sought that INF-R26 be amended to provide for 'rail infrastructure'.

1016. GDC (S608.523) sought that INF-R26 be amended to remove reference to '*minor*' as there is no other allowance for upgrading these structures.

### **INF-R27**

1017. There were eight submission points<sup>277</sup> in support of Rule INF-R27 as notified.

### **Non-Complying Activities**

#### **INF-R28**

1018. There were eight submission points<sup>278</sup> in support of Rule INF-R28 as notified.

### **New Rules/Standards**

1019. GDC (S608.624) sought the insertion of a new permitted activity rule as follows:

INF-R13 New lighthouses, navigational aids and beacons Activity Status Permitted

Where:

- (1) This meets the performance standards in Rule INF-R1. Activity status where compliance not achieved: Restricted Discretionary.

1020. Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. (S109.001) noted that Rule INF-R1(2) states that Radio Frequency Fields shall not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3kHz to 300 GHz. They pointed out that that the Amateur General User Radio Licence lists permitted frequencies up to 1000 GHz; and therefore, questioned whether INF-R1(2) should be amended. They suggested a new section specifically for Amateur Radio Communications as a permitted activity as follows:

Amateur Radio Communications.

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<sup>274</sup> S190.108, S558.670, S560.165, S566.670, S567.070, S574.670

<sup>275</sup> S190.109, S538.064, S558.681, S560.166, S566.681, S567.071, S574.681

<sup>276</sup> S190.110, S476.024, S538.065, S558.692, S560.167, S566.692, S567.072, S574.692

<sup>277</sup> S190.111, S476.025, S538.066, S558.703, S560.168, S566.703, S567.073, S574.703

<sup>278</sup> S190.112, S476.026, S538.067, S558.714, S560.169, S566.714, S567.074, S574.714

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- (1) Amateur Radio Communication means that communication permitted by the General User Licence (Radio) (ZZ) for Amateur Radio Operators – issued Pursuant to Regulation 9 of the Radiocommunications Regulations 2001 (“Regulations”) made under section 116(1)(b) of the Radiocommunications Act 1989 for the transmission of radio waves by amateur radio operators in New Zealand, for the purpose of communications in the amateur radio service in accordance with the applicable terms, conditions and restrictions of such licence. Operators must have: [1] a current General Amateur Operator’s Certificate of Competency (GAOC), and [2] a callsign.
  - (2) The following equipment shall be permitted under Amateur Radio Communications:
    - a. A single tower with a maximum height of 25 metres.
    - b. Four supplementary poles each having a maximum height of 15 metres, or including an antenna or lightning spike, 20 metres
    - c. A transmission building (including ancillary buildings) with a maximum area of 250 square metres. This shall apply in cases where transmission equipment is not located in an existing building, such a house or shed/garage.
  - (3) The following equipment attached to or erected on the existing tower and buildings or at the site on a permanent basis (in addition to the masts referred to above):
    - a. Radio communication antennas including whip, grid, yagi, dipoles and panels or similar, and ancillary equipment, but no single dish or panel antenna shall have a solid frontal surface area greater than 7 square metres or 2.5 metres in diameter in the case of dish antenna unless otherwise coming within the abovementioned sections and/or Regulations.
  - (4) Any beacon or repeater established per the abovementioned Regulations shall be allowed.
    - a. Where such repeater or beacon is permanently established and colocated in the premises of another qualifying operator/service (such as Kiwirail, Chorus, Department of Conservation etc) it shall meet any necessary conditions as agreed with that operator/service - such as not creating any unwanted interference with the operation of the transmission equipment of the other operator/service.
  - (5) Temporary or emergency operation of radio transmission equipment and antenna systems shall be permitted for a period of 7 days without notification – so long as no undue interference is created. Periods of operation longer than 7 days should be notified to the Regional/District Council concerned, with the reason for the temporary/emergency operation provided an indication of timeframe the communication is needed.
    - a. With respect to any temporary or emergency operation of amateur radio equipment, the amateur radio operator(s) involved shall comply with any lawful direction from any officer if the Regional/District Council and/or Police or Civil Defence Officer.
1021. Poutini Ngāi Tahu (S620.096) sought a new rule for systems that discharge wastewater to water as a non-complying activity.
1022. Frank and Jo Dooley (S478.092) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.020) sought a new rule to allow underground lines and backup electricity generators as a permitted activity.
1023. Transpower (S299.051) and Forest & Bird (FS34.031) sought a new standard/rule to capture any energy activities not explicitly provided for within the Plan.

### Section 42A Reports

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1024. The Reporting Officers opened with a planning summary statement noting that they had recommended relatively minor changes to the Plan provisions to improve clarity, efficiency, and effectiveness. They noted the outstanding matters related to the amendment of Rule INF-05, including Poutini Ngai Tahu requirements for wastewater discharge to land and Rule INF-R2, which covered reticulated connections, particularly the certification that capacity was available.

### ***New Standards for Permitted and Restricted Discretionary Activities***

1025. The Reporting Officers rejected the Forest and Bird request (supported by Poutini Ngāi Tahu) that permitted and restricted discretionary activities include new standards, including an additional matter of discretion to allow for consideration of natural values, and requiring other provisions in other chapters, including the values of zone overlays and district-wide chapters to be met. They noted the pTTPP was intended to be read in its entirety, and other chapters and provisions would be assessed. They also considered the overview already provided guidance that other chapters must be read and considered, so, adding further provisions would be, in their view, unnecessary duplication. The Reporting Officers considered Advice Notes (2), (3), and (4) did not need to be amended as they were clear and address the relevant matters covered by the infrastructure chapter.

1026. The Reporting Officers were open to the submission to include monitoring equipment for movement of the Alpine fault. However, they noted that they had insufficient technical evidence and no section 32 evaluation to support the relief sought.

1027. The Reporting Officers recommended accepting the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd to amend Advice Note (2) because it was consistent with the NESTF. The Addendum Report addressed Mr Horne's pre-circulated evidence and recommended amendments to Advice Note (2) to accommodate the relief sought.

1028. The Reporting Officers considered that Advice Notes (2), (3) and (4) were clear and appropriately addressed matters relevant to the Infrastructure Chapter; and therefore, recommended rejecting Forest & Birds submission.

### ***INF-R1***

1029. The Reporting Officers recommended accepting BDC's requested amendment to the rule heading, agreeing that the inclusion of '*Permitted*' was unnecessary and would be consistent with the recommendation made for equivalent Rule ENG-R1.

### ***INF-R2***

1030. The Reporting Officers recommended rejection in part of the Forest & Bird submission because they considered providing for the activity as a controlled activity created an unnecessary burden and cost to applicants seeking a consent that could not be declined based on capacity. They recommended an amendment to INF-R2 to enable connections as a permitted activity where certification was provided from the relevant Council that capacity was available. They also recommended that additional matters of discretion be added to INF-R16 to address the appropriate scale of activities.

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1031. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu because they considered this issue a regional council function related to water quality.
1032. Regarding GDC's submission, the Reporting Officers accepted that the current wording of INF-R2 was unclear and recommended amendments to include '*certification*'.

### ***INF-R3***

1033. The Reporting Officers recommend retaining Rule INF-R3 as notified.

### ***INF-R4***

1034. The Reporting Officers did not support the BDC submission because they considered the inclusion of '*activity*' was needed to ensure Rule INF-R4 read correctly, and its retention was consistent with the Temporary Activities Chapter.
1035. The Reporting Officers did not support the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd because it was part of construction or reconstruction and the Energy Chapter and INF-R7 would apply addressing the concern. They considered this amendment would result in unnecessary duplication.

### ***INF-R5 and INF-R6***

1036. The Reporting Officers did not agree with increasing height as sought by WCRC considering that within an area of 25m<sup>2</sup> it could result in structures of a significant scale, and there was no evidence to support such an amendment.
1037. The Reporting Officers accepted BDC's request to combine INF-R5 and INF-R6 because this was consistent with the Energy Chapter. They noted the resulted in a consequential amendment to Rule INF-R18 and Rule INF-R20.
1038. The Addendum Report responded to submitter evidence with the Reporting Officers agreeing to delete INF-R19 and make consequential amendments to Rule INF-R6. They noted that this was consistent with the recommendation made in relation to Rule ENG-R10.

### ***INF-R7***

1039. The Reporting Officers did not support KiwiRail's requested relief because rail infrastructure was appropriately provided for within the Transport Chapter.
1040. The Reporting Officers supported the relief sought by BDC to amend the heading of INF-R7 on the basis that it simplified it for ease of reference. They noted that based on this, they had recommended consequential amendments throughout the Energy Chapter to ensure consistency in the pTTPP.
1041. The Reporting Officers rejected GDC's request to excluded standard (5) from standard (7) because they considered this would result in a gap in the standard.

### ***INF-R8***

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1042. The Reporting Officers agreed with the BDC submission but recommended that the rule be removed and inserted into the Energy Chapter to remove the duplication with Rule INF-R2.

### ***INF-R9***

1043. The Reporting Officers rejected BDC's request to delete INF-R9 and insert it in the Energy Chapter. They considered the current wording was clearly limited to telecommunications and it was necessary to retain this to ensure the telecommunication component could be reinforced.

1044. The Reporting Officers did not support Frida Inta's request to alter the rule status to discretionary, as they considered Rule INF-R9 was consistent with the General Residential Zone and Industrial Zone outcomes defaulting to discretionary.

### ***INF-R10***

1045. The s42A Report recommended retaining Rule INF-R10 as notified.

### ***INF-R11***

1046. The Reporting Officers supported the Telecommunication Companies' request to amend and align Rule INF-R11 with the NESTF.

### ***INF-R12***

1047. The Reporting Officers did not support the submissions that sought amendments to INF-R12 to make it more enabling because no specific relief was provided.

1048. The Reporting Officers supported the Telecommunication Companies' request to increase the height limit of poles and antenna to 20m in the Commercial and Mixed-Use Zone (CMUZ) because this was consistent with the relevant zone chapters in the pTTPP. However, they did not support increasing the height limit to 25m in the Industrial Zone because this was inconsistent with Rule GIZ-R1.

### ***INF-R13***

1049. The Reporting Officers recommended rejecting the GDC's request to delete clause (4) or to include a separate clause because it referred to the requirements for dish antennae in zone. They noted Rule INF-R13 was specifically for road reserve and INF-R14 applies to zoned land, so they considered the Plan already addressed the issue.

### ***INF-R14***

1050. The Reporting Officers did not support the relief sought by GDC relating to clarifying the width of panel antenna in a RESZ or SETZ zone due to a lack of technical evidence on the need for such a change. They recommended retaining Rule INF-R14 as notified.

### ***INF-R15***

1051. The Reporting Officers recommended retaining Rule INF-R15 as notified.

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### ***INF-R16***

1052. The Reporting Officers did not support the relief sought by BDC. They considered the amendment requested would completely change the intent of the rule, as notified, which addressed connections to reticulated services.

### ***INF-R17***

1053. The Reporting Officers did not support the deletion of Rule INF-R17, as sought by BDC, because was linked to INF-R3 and it could provide a gap in future if deleted.

### ***INF-R18, INF-R19 and INF-R20***

1054. Given the recommended amendments to INF-R5 and INF-R6, the Reporting Officers recommended the deletion of Rule INF-R18 and Rule INF-R20 and the amendment of Rule INF-R19. However, the Panel notes that Attachment 1 to the s42A Report retained INF-R18 as notified, with no amendments, but deleted INF-R20 and amended INF-R19. This is discussed further below.

1055. In relation to Rule INF-R19, the Addendum Report noted that both WCRC and BDC considered Rule INF-R19 should be deleted as a consequence of other recommended changes because if no permitted conditions were breached there was no basis for a restricted discretionary rule. The Reporting Officers agreed and supported deleting Rule INF-R19 but considered consequential amendments were required to Rule INF-R6 to be consistent with Rule ENG-R10. They therefore recommended adding new clauses to Rule INF-R6 to require compliance with height limits for structures or buildings in the relevant zone provisions. They noted this rule could change following the zone hearings.

### ***INF-R21, INF-R22, INF-R23, INF-R24 and INF-R25***

1056. The Reporting Officers recommend retaining rules INF-R21, INF-R22, INF-R23 INF-R24 and INF-R25 as notified.

### ***INF-R26***

1057. The Reporting Officers did not support the relief sought by KiwiRail because they considered rail infrastructure was appropriately provided for in the Transport Chapter. They did support the GDC amendment to remove '*minor*' in the heading because they considered it provided clarity and removed unnecessary wording.

### ***INF-R27 and INF-R28***

1058. The Reporting Officers recommended retaining rules INF-R27 and INF-R28 as notified.

### ***New Rules***

1059. Transpower (S299.051) and Forest and Bird (FS34.031) sought a new rule to capture any energy activities not specifically provided for within the Plan at a discretionary status. The Reporting Officers recognised that the notified Plan lacked such a catch-all rule and

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- recommended that the submissions were accepted. They recommended that the same rule be included in the Infrastructure and Transportation Chapters but at a non-complying status.
1060. The Reporting Officers did not support GDC's request for a new rule for new lighthouses, navigation aids and beacons because they considered these were already provided for within rules INF-R6 and INF-R19.
1061. The Reporting Officers accepted Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. request to include a new permitted activity rule for Amateur Radio Communications; however, this was not included in the amendments to the provisions.
1062. The Reporting Officers did not support Poutini Ngāi Tahu's request for a new rule for systems that discharge wastewater to water because they considered this was regional council function.
1063. The Reporting Officers did not support the submissions by Frank and Jo Dooley and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, which sought a new rule to allow underground lines and backup electricity generators as a permitted activity because they considered Temporary Activity and Energy Chapter rules provided for underground lines and backup electricity generators.

### **Hearing and Submitter Evidence/Statements, including EWC**

1064. Mr Horne, for the Telecommunication Companies, noted the s42A Report had not correctly set out the change in the Plan provisions, within Appendix 1, after recommending acceptance of their submission. He provided further wording to give effect to the relief sought. He disagreed with the Reporting Officers' response to the requested amendment to INF-R4 that rules INF-R7 or TEMP-R2 would provide relief. He highlighted the evidence of Mr McCarrison, Mr Kantor and Mr Clune detailing how temporary telecommunications facilities work and providing examples at Norsewood and Queenstown. He noted that they explain why INF-R2, INF-R4, INF-R4 and TEMP-R2 did not cover all situations entirely; and that the requested change to INF-R4 to provide for up to 12 months for the deployment of a temporary facility while an existing site was being reconstructed or replaced was required to ensure existing service disruption was minimised.
1065. Mr Horne considered permanent standby backup generators should be specifically provided for by INF rules as a permitted activity, noting that the district-wide noise rules would continue to apply. He noted the intent of the submission was for fixed standby generators rather than temporary generators that may for example be moved to a site during a natural disaster. He considered it was not necessary to include a permanent stand-by generator in the temporary activity provisions, and he supported adding wording for a 12-month period in Rule INF-R4.
1066. Mr Horne noted that Rule INF-R9 appeared to provide for telecommunication lines generally, notwithstanding that the standards were only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary.
1067. Mr Horne addressed the Reporting Officers' position on Rule INF-R12 in relation to retaining a 20m height limit for poles and antennas in the Industrial Zone. He noted that their reasoning would be inconsistent with heights in the GIZ as provided by GIZ-R1. He referred to both his

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experience with telecommunication projects and the evidence provided by Mr McCarrison, Mr Kantor and Mr Clune that a margin was required above local obstructions, such as buildings, to enable line of sight for effective coverage. He noted a height limit of 20m may result in telecommunication facilities being unable to provide coverage. He considered a height limit of 25m in the Industrial Zone would incentivise the Companies to utilise those zones to secure better height and coverage compared to other urban zones with higher amenities. He therefore considered a height of 25m appropriate, reasonable and standard within district plans; and would be consistent with INF-P2 by recognising operational and functional needs and recognising the benefits of the service provided while appropriately managing adverse effects on the environment using zones enabling larger and utilitarian building forms commonly associated with industrial activities.

1068. Mr Horne considered Rule INF-R14 did not make sense and noted the reference to the NESTF clause was incorrect. He also noted the rule standards addressed equipment in residential and industrial settlements and industrial zones where the NESTF did not regulate new poles and antennas. He considered the scope of the rule needed amendment but not the proposed standards and their intent. He considered clause 16 of the First Schedule RMA would be available to ensure the rule made sense and was workable without seeking to change the actual controlled activity envelope provided within the rule.

1069. Ms Pull, for Poutini Ngāi Tahu, challenged the Reporting Officers' response to the submission on INF-R2 that the amendment be declined as providing water quality was a regional council function. She referenced clause 3.5 of the NPS-FM to support her view that district councils have a role in addressing and providing for water quality. To resolve matters, she recommended that INF-R2 be amended to include an advice note as follows:

Capacity for the purpose of this rule includes volume and the ability for the network to control the amount of water-borne contaminants, litter and sediments as set out in the consents for the network.

1070. Ms Pull position statement (dated 2 February 2024) records that conditional agreement was reached with the Reporting Officers to use an advice note regarding the water quality issue.

1071. In legal submissions for Poutini Ngāi Tahu, Ms Viskovic highlighted their strong desire for treated wastewater to not be discharged into water and sought that the Plan recognised this position to assist in deterring discharges into water. She submitted this could be achieved by providing planning support for the elements of wastewater discharge projects regulated through the district plan where the proposed project was for a discharge to land.

1072. Ms Pull contended that Poutini Ngāi Tahu values should be included as an additional matter of control or discretion for Rules INF-R13 to INF-R23. She noted Poutini Ngāi Tahu supported Forest and Bird's submission, particularly where that enhanced consideration of those values.

1073. Ms Viskovic acknowledged that including an additional matter of control/discretion would require an additional level of analysis to be undertaken by an applicant but considered the potential effects on Poutini Ngāi Tahu values was justified. In responding to questions from the Panel as to whether s104(1)(c) meant that the relief was not in fact necessary, she noted that the matters that can be considered in relation to controlled and restricted discretionary activities were specifically constrained by sections 104A and 104C respectively. She noted the

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Plan did not comprehensively map or identify all Poutini Ngāi Tahu values and that the key concern was potential effects on Poutini Ngāi Tahu values (for example an adverse effect on mahinga kai) not located within identified SASM. She considered Ms Pull's refinement of the matter of discretion to only reference "*significant adverse effects*" on Poutini Ngāi Tahu values would limit the circumstances in which this matter of discretion would be engaged, while ensuring that the strategic direction objectives and policies in the Poutini Ngāi Tahu Chapter were achieved

1074. In her Addendum evidence, Ms Pull provided Table 2 identifying the relevant controlled and restricted discretionary rules that relate to activities that could potentially impact Poutini Ngāi Tahu values. She concluded that the rule which reached the threshold of '*significant*' potential effects on Poutini Ngāi Tahu values was INF-R16. She said the benefits of including Poutini Ngāi Tahu values as a matter of discretion included better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She noted the costs of undertaking a more detailed assessment of environmental effects and/or discussion with representatives of the relevant rūnanga only applied to the one rule identified and therefore the additional cost was minimised and reasonable, was efficient compared to restoration of the values if damaged. Ms Pull's proposed matter of discretion was as follows:

The management of impacts on Poutini Ngāi Tahu values as set out in the tangata whenua chapter.

1075. Ms Pull noted the Reporting Officers acknowledged infrastructure could adversely affect cultural values if not inappropriately managed but that despite this, they opposed amending the controlled activity and discretionary activity rules as sought by Poutini Ngāi Tahu.
1076. In relation to INF-R17, Ms Pull did not agree with the Reporting Officers approach of relying on the Overview to alert Plan users that other chapters may be engaged. She considered that the principles of the Te Tiriti o Waitangi and Poutini Ngāi Tahu values needed to be woven across the entirety of the Plan and not only considered within the context of the Māori Chapters.
1077. In relation to the overlays, Ms Pull noted that the Poutini Ngāi Tahu submission was limited to including the overlay chapters and/or sites listed in Appendix Ten. She identified several rules, including INF-R23, that contained inconsistent language in terms of matters of control or discretion in referencing overlays.
1078. Ms Inta noted concern about the lack of standards in Rule INF-R6, despite not making a submission on this rule. She also sought Rule INF-R9 be changed to a discretionary activity so that building a cell phone tower required a resource consent.
1079. WCRC's tabled statement noted it supported deletion of clause (1) because if it was retained meteorological facilities would only be permitted activities in the Rural Zone and the Industrial Zone and in the Natural Open Space Zone on conservation land and other zones it would be a restricted discretionary activity. WCRC considered this would be unnecessarily onerous.
1080. WCRC also provided context and examples to support their submission on Rule INF-R5 to increase the height limit to 10m for environmental monitoring and extreme weather event

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monitoring facilities, noting that the lattice rainfall monitoring towers at alpine sites were between 3-4m in height but there were four alpine repeater towers which were between 9-10m tall and that at lowland sites, poles and posts with solar panels, antennae and a telemetry cabinet were up to 10-12m tall.

1081. KiwiRail accepted the Reporting Officers' position on INF-R7 that rail infrastructure was appropriately provided for within the Transport Chapter. KiwiRail also accepted this position for INF-R26.

### **Reporting Officers' Reply Evidence**

#### ***General***

1082. At the hearing the Panel questioned the language used within various rules in relation to compliance with Rule INF-R1. We highlighted inconsistent language in the standards, such as some rules requiring "All performance standards in Rule INF - R1 are complied with", while other rules require "This meets the performance standards in Rule INF – R1". The Reporting Officers agreed there was an inconsistency and recommended the former wording be used with amendments made using RMA Schedule 1 clause 16 (2).

#### ***INF-R2 and INF-R16***

1083. The Reporting Officers recommended rewording and amending Rule INF-R2 and Rule INF-R16 as follows:

**INF-R2** ~~Connections to w~~Water, wastewater, stormwater and reticulated systems

Activity Status Permitted

Where:

**1. Any proposed allotment or activity is located within 50m of a public reticulated water, wastewater or stormwater system:**

- a) **The proposed allotment or activity shall be provided with a connection to the reticulated system; and**
- b) **The building is serviced by, and Certification is provided from the relevant local authority that capacity exists within the reticulated water supply, wastewater or stormwater system networks to service the proposed allotment or activity.**

**Note: Certification shall confirm that the system has the capacity to accommodate the additional connections, including confirmation that volume and treatment of the reticulated systems will continue to comply with resource consent requirements.**

**2. Any proposed allotment or activity is located further than 50m of a public reticulated water, wastewater or stormwater system.**

**Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.**

Activity status where compliance not achieved: Restricted Discretionary

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**INF-R16** ~~Connections to w~~Water, wastewater and stormwater reticulated system not meeting Permitted Activity standards.

Activity Status Restricted Discretionary Matters of control **discretion:**

- a) Level of flood hazard mitigation through stormwater control;
- b) Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system;
- c) Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards;
- d) Provision for wastewater connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards.
- e) **Scope and scale of proposed activity and potential demand on reticulated services.**
- f) **Cumulative effects on reticulated systems.**
- g) **Any adverse effects on areas and values listed in Schedules 1-8.**

Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.

1084. The Reporting Officers noted the purpose of INF-R2 was to ensure developers connected to reticulated services when they were available. They considered whether the permitted activity status for this rule was appropriate given the uncertainty as to capacity and the need for the Council to certify that capacity was available. They noted that, as notified, the rule did not include consideration of the proximity between the subdivision and the service; and that it applied to all zones. In assuming connection to a reticulated service was either not taken up or unavailable, they noted all onsite systems throughout the region would require a resource consent via the default rule INF-R16, which would lead to a duplication between the pTTPP and the West Coast Regional Land and Water Plan Rule 79, (On-site discharge of sewage effluent) and Rule 81 (Stormwater discharge). They acknowledged the scope to amend this was limited but considered the recommend rewording of both INF-R2 and INF-R16 overcame the issues identified by including three new matters of discretion in INF-R16.
1085. In terms of Ms Pull's suggested matter of control or discretion, the Reporting Officers expressed concerns that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities, noting that Ngai Tahu's involvement would be needed as specialists in tikanga in all applications. They suggested that if the Panel were of a mind to include such matters, that an advice note also be included that a cultural impact assessment would need to accompany any resource consent application. They also noted Ms Pull had, during the reconvened hearing, offered a further solution of including a notification advice note to notify Plan users that consultation with iwi was required.
1086. The Panel note the recommended provision in Reply included '*Any adverse effects on areas and values listed in Schedules 1-8*' as a matter of discretion, which seemed to stem from the Reporting Officers agreeing with Ms Pull that specific reference to Schedules 1-8 would provide direction to plan users, be consistent with other provisions and afford appropriate consideration of SASM. However, the Panel notes Rule INF-R16 was not mentioned in the Reply as one of the rules to which this was recommended to apply.

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### **INF-R4**

1087. The Addendum Report records that the Reporting Officers now accepted the relief sought by the Telecommunication Companies to include a new clause in INF-R4 to add wording addressing the 12 months for reasons outlined in Mr Horne’s evidence.

### **INF-R6**

1088. The Reporting Officers recommended amendments to Rule INF-R6 within their Addendum Report to be consistent with amendment recommended for Rule ENG-R10. They recommended the rule require compliance with the structure or building height limits in relevant zone provisions.

### **INF-R8**

1089. Subsequent to their s42A Report, which recommended that the INF-R8 be deleted and inserted into the Energy Chapter, the Reporting Officers further considered the differentiation between the Energy and Infrastructure Chapters. They identified that in the Infrastructure Chapter had permitted activity Rule INF-R8 “*new network utility customer connections*” and that with the separation of chapters this permitted activity would not be available to Energy Activities. They noted that Westpower had sought the inclusion of customer connections within their proposed definition of ‘*minor upgrading*’ to clarify that distribution lines included customer connections. Further, they said that evidence at the hearing and further clarification during the EWC led them to reach the conclusion that separate provisions for customer connections were not necessary because a connection was simply part of the distribution network and sufficiently provided for by permitted activity Rule ENG-RX3 (now ENG-R10).

### **INF-R9**

1090. In response to Mr Horne, the Reporting Officers indicated in the Addendum Report that they considered underground lines were provided for as a permitted activity under Rule INF-R9. However, subsequent to this, the Reporting Officers included the addition of a further requirement without explanation in Attachment 1 of the Reply, as follows:

The activity is located below ground.

### **INF-R12**

1091. Attachment 1 of the Reply included two further changes to Rule INF-R12 by recommending amending clauses (1) and (2) to delete “*This*” from the beginning of both clause and replace it with “*The telecommunication pole or antenna*”, in response to the Panel’s queries, to make it clearer by identifying the structures. They also recommended amending clause (2)(i)(c) to change the height limit in the General Industrial Zone (GIZ) to 25m, as sought by the Telecommunication Companies.
1092. The Addendum Report responded to Mr Horne’s evidence for the Telecommunication Companies relating to including activities not regulated by NES-TF in the heading to the rule. The Reporting Officers did not support amending INF-R12 but instead recommended a new rule to achieve the same outcome and be easier for plan users to understand the rule cascade as follows:

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INF – RX2 New telecommunications poles and antennas meeting the permitted standards of the NES-IF

Activity Status Permitted

Where:

1. This meets the performance standards in Rule INF-R1.

Activity status where compliance not achieved: Various

### ***INF-R17, INF-R19, and INF-R20 Landscape Measures: Matters of Control or Discretion***

1093. The Reporting Officers agreed with Ms Pull that the wording “*landscape measures*” as a matter of discretion was unclear. They noted that their recommendations included the replacement of “*landscape measures*” with “*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*”. They therefore supported the amendment of Rule INF-R17 to include this wording to afford consistency across the provisions.

1094. The Reporting Officers recommended rules INF-R19 and INF-R20 be deleted.

### ***INF-R13, INF-R14, INF-R15, INF-R22 and INF-R23 ‘Visual Effect’ Matters of Control or Discretion.***

1095. The Reporting Officers noted that Ms Pull considered the reference in the matters of discretion to ‘*visual effects in particular on amenity values*’ was unclear. She had recommended adding ‘*including attributes*’ to ensure that the effects on Poutini Ngāi Tahu values would be included as a matter of control and/or discretion. While the Reporting Officers did not support Ms Pull’s recommendations, considering that “*attributes*” was attached only to cultural and recreational in terms of the definition of amenity values in the RMA, they concluded that separate criterion for ‘*visual effects*’ and ‘*effects on amenity values*’ would avoid the potential to muddle visual and amenity effects, whilst enabling amenity values to be considered including cultural attributes. They recommended the following wording:

a) Visual effects;

b) Effects on amenity values in particular of the locality and streetscape;

1096. In Reply, the Reporting Officers considered removing the extra words qualifying amenity values to resolve potential interpretation issues. They recorded their agreement to do so, leaving the additional wording for inclusion to be ‘*Effects on Amenity values*’.

### ***Impacts on Overlay Matters, Matters of Control and Discretion***

1097. In response to Ms Pull’s concern regarding inconsistent language in the Plan within matters of discretion, the Reporting Officers supported consistency of wording across these rules and proposed the following words:

The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

### ***New Rules***

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1098. In terms of the new rule requested for backup generators, the Reporting Officers changed their position within the Addendum and agreed with Mr Horne that no rules within the Temporary activities chapter provided for permanent backup generators. They therefore supported the inclusion of a new rule to provide for backup generators.

### Hearing Panel's Evaluation

#### Notes to the Rules and Additional Standards

1099. The Panel agree with Mr Horne that the notified pTTPP does not correctly explain the relationship between the NESTF and the Plan. We accept his suggested amendments to Advice Note (2) appropriately explain that relationship and therefore recommend it is amended as shown below.

1100. The Panel agrees with Forest and Bird that consideration of effects on natural values should be a matter of discretion/control for the restricted discretionary and controlled activity rules where appropriate. We consider this should be '*Effects on indigenous biodiversity*' rather than natural values. This acknowledges that not all significant natural values are yet identified within the Plan (where adverse effects must be avoided) and significant adverse effects on indigenous biodiversity must be addressed by applying the effects management hierarchy. We consider this in relation to each of the relevant rules below.

1101. In all other respects, we accept the Reporting Officer's recommendation to reject submissions that sought amendment to the Notes and inclusion of additional standards for the reasons set out in s42A.

1102. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnotes below is accepted and recommends the following changes to the **Infrastructure Rules Note**:

#### Infrastructure Rules

Note:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases,<sup>279</sup> unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. The installation and operation of telecommunications facilities (such as cabinets, antennas, poles, small cell-units and telecommunications lines) undertaken by a telecommunications facility operator are controlled **in some instances**<sup>280</sup> by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016, separate to Te Tai o Poutini Plan. Te Tai o Poutini Plan

<sup>279</sup> RMA Schedule 1 Clause 16(2)

<sup>280</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

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applies where these telecommunications facilities **are either not covered by the Regulations, are covered but do not meet permitted standards of the Regulations, or**<sup>281</sup> are located within the following overlays:

- a. Outstanding Natural Features
  - b. Outstanding Natural Landscapes
  - c. Outstanding Coastal Natural Character
  - d. High Coastal Natural Character
  - e. Significant Natural Areas
  - f. Sites and Areas of Significance to Māori
  - g. Sites and Areas of Historic Heritage
  - h. Notable Trees
3. Infrastructure includes the Ports and Airports, the specific provisions for these utilities are within the Port Zone and Airport Zone provisions.
  4. Provisions relating to energy activities and associated infrastructure are contained in the Energy Chapter and provisions for transport infrastructure are contained in the Transport Chapter.

### **Permitted Activities**

#### ***General Matters***

1103. The Panel agrees with the Reporting Officers that separating the criterion for ‘*visual effects*’ and ‘*effects on amenity values*’ would avoid confusion and enable amenity values to be considered including cultural attributes. We acknowledge that the Reporting Officers also agreed with the removal of the extra words which qualifying amenity values and that the matter of control/discretion be simply ‘*effects on amenity values*’. We consider this will ensure potential interpretation issues do not arise.
1104. The Panel notes that the Reporting Officers’ and Ms Pull’s recommended amendment responds to submissions by Forest and Bird and Poutini Ngāi Tahu in relation to notified rules INF-R13, INF-R14, INF-R15, INF-R22 and INF-23. However, we do not consider those submissions provide sufficient scope to make the amendments recommended by the Reporting Officers. We agree that the wording, as notified, is unclear and is inconsistent the language used in the RMA in relation to the definition of ‘*amenity values*’. We therefore rely on RMA Schedule 1, clause 16(2) to recommend that the relevant matters of control/discretion in each rule be amended as follows:
  - a) Visual effects ~~in particular on the amenity values of the locality and streetscape;~~
  - b) **Effects on amenity values;**

#### ***INF-R1***

1105. The Panel agree with BDC that the word ‘*Permitted*’ in the rule heading is superfluous given the words ‘*Permitted Activities*’ begin this section of Rules. We recommend it is deleted.

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<sup>281</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

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1106. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R1**:

Permitted Activities	
INF - R1	Infrastructure Permitted <sup>282</sup> Activity Performance Standards
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the <b>World Health Organisation's</b> monograph Environmental Health Criteria 238, June 2007; and</li><li>2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard <b>NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels</b> - 3kHz to 300 GHz.</li></ol>	
<b>Activity status where compliance not achieved:</b> Non-complying	

### **INF-R2**

1107. The Panel understands that the purpose of Rule INF-R2 is to have subdivisions and developments connect to services where they are available. We use the word 'available' in this context to mean the services are both available and have sufficient capacity to service the demand. We agree that, as worded, Rule INF-R2 is problematic by effectively making any building not connected to services a restricted discretionary activity, regardless of location or zone. We consider it is unlikely this was the intent of the rule (although we cannot be certain) and agree with the Reporting Officers and Ms Pull that its purpose was more likely to require connection to reticulated services where there was the ability for such connection.
1108. The Reporting Officers have identified that they consider scope to amend INF-R2 is limited. Nevertheless, they have proposed a rewrite of the rule including introduction 'water' and providing a distance of 50m from services within which the activity status is permitted provided certification from the local authority is obtained; and that beyond a distance of 50m a connection would not be required.
1109. The Panel agree that scope is limited with Forest and Bird's submission seeking a controlled activity status providing the greatest level of scope available. In this context, our view is that a rewrite of the rule or its deletion is beyond the scope available to us; and we do not consider, based on the limited information before us, that a controlled activity status is appropriate. We have considered whether use of RMA, Schedule 1, clause 16(2) is appropriate but conclude that describing the amendments proposed as an alteration of minor effect, or a minor error would be stretching use of the clause. Even if we are wrong on this view, we have concerns

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<sup>282</sup> Buller District Council S538.053

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that the 50m distance proposed is not supported by evidence providing the rationale for that distance and could potentially lead to the ability for urban style development to not need to connect to services. In our view, such an outcome has not been appropriately assessed, and parties have not had sufficient opportunity to comment.

1110. In conclusion, the Panel agree that the INF-R2 needs to be reconsidered, however, we consider this must be achieved via a plan change, which looks into the various options and appropriately assesses these. Given lack of scope enabling change to INF-R2, we have no option but to recommend INF-R2 is retained as notified. However, we consider our recommended amendments to the heading of Rule INF-R16 (now INF-R14) below should be made under RMA Schedule 1, clause 16(2).

INF – R2	Connections to <u>water</u> , wastewater, stormwater <del>and</del> reticulated systems <sup>283</sup>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.</li></ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	

### INF-R3

1111. The Panel notes that BDC sought to delete INF-R3 on the basis that it was not relevant to the region. As we understand, it there is at least one gas pipeline in the Te Kinga/Iveagh Bay area which operates through the road reserve. On this basis, we recommend that **Rule INF-R3** is retained as notified.

INF – R3	Maintenance and operation of existing gas pipeline under 2,000 kilopascals
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. The pipeline is located underground and is not on or within a natural waterbody, except where it is:<ol style="list-style-type: none"><li>a. Attached to and/or incorporated within an existing bridge structure; or</li><li>b. Within an existing attached conduit or duct; and</li></ol></li><li>2. Any realignment, relocation or replacement of a pipeline is within:<ol style="list-style-type: none"><li>a. An existing easement in favour of the pipeline; and</li><li>b. Is within 12 metres of the existing alignment or location.</li></ol></li></ol>	
<b>Activity status where compliance not achieved:</b> Discretionary	

### INF-R4

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<sup>283</sup> RMA Schedule 1, clause 16(2)

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1112. For the reasons outlined in Mr Horne’s evidence and supported by the Reporting Officers, we accept the inclusion new clause (2)(iii) to provide temporary activities for 12 months as part of construction or re-construction activity is an appropriate outcome.
1113. The Panel notes that for consistency reasons an amendment has been made to the activity status where compliance is not achieved with the standards. Non-compliance with Rule INF-R1 is non-complying, however, is indicated in INF-R4 as discretionary. We consider this is an error and can be corrected using RMA Schedule 1, clause 16 (2).
1114. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R4**:

INF – R4	Temporary Network Activities
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. The temporary network is operated by a network utility operator;</li><li>2. The temporary network activity is:<ol style="list-style-type: none"><li>i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or</li><li>ii. For up to a period of four weeks to provide for additional capacity; <u>and or</u></li><li>iii. <b><u>For a period of up to 12 months as part of construction or re-construction activity; and</u></b><sup>284</sup></li></ol></li><li>3. All performance standards in Rule INF-R1 are complied with; and</li><li>4. The utility must be removed from the site when operation ceases and the site reinstated.</li></ol>	
<b>Activity status where compliance not achieved: <u>Non-complying where standard 3 is not complied with.</u> Discretionary <u>where standards 1, 2 and 4 are not complied with</u></b> <sup>285</sup>	

### **INF-R5 and INF-R6**

1115. The Panel notes that our recommendation in the Energy Chapter that Rule ENG-R10 (dealing with environmental monitoring and meteorological facilities) is not necessary and that any such provision is better placed within the Infrastructure Chapter to avoid duplication. We note that our recommendation on Rule ENG-R10 also recognises that there is sufficient scope to address the concerns of Manawa in relation height limits and their concern about the activity status within a revised Rule INF-R6.
1116. The Panel agree with the BDC that Rule INF-R5 and Rule INF-R6 should be combined, resulting in the deletion of Rule INF-R5 and consequential amendments to other rules. In that context, we agree that Rule INF-19 and Rule INF-20 should be deleted and that this also necessitates consequential amendments to Rule INF-R6, in relation to compliance with the relevant zone provisions. For the reasons contained within the BDC submission and s42A Report, we recommend Rule INF-R5 is deleted.

<sup>284</sup> Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.021

<sup>285</sup> RMA Schedule 1, clause 16(2)

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1117. In terms of INF-R6, the Panel notes that the deletion of INF-R5 means the heading of INF-R6 requires amendment to include ‘*environmental monitoring*’. We also accept the Reporting Officers’ recommendation that the rule should require compliance with the relevant underlying zone structure or building height limits. However, consistent with other recommendations we have made, we consider this should reference other zones provision to ensure the effects of the activity are addressed within the context of the relevant zone.
1118. For the reasons advanced by BDC and WCRC, we recommend that clause (1) in the notified version of INF-R6 is deleted.
1119. The Panel notes that the consequential amendments to INF-R6 would go some way to addressing the concerns of WCRC and Manawa in relation to the height limit and scale for monitoring equipment given that they become zone based.
1120. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.
1121. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that **Rule INF-R5** is deleted and that **Rule INF-R6** is amended as follows:

<b>INF – R5</b>	<del><b>Environmental monitoring and extreme weather event monitoring facility</b></del>
<del><b>Activity Status Permitted</b></del>	
<del>Where:</del>	
<del>1. Monitoring equipment is not more than 4m in height 25m<sup>2</sup> in area.</del>	
<del><b>Activity status where compliance not achieved:</b> Restricted Discretionary<sup>286</sup></del>	
<b>INF – R6<sup>5</sup></b>	<b><u>Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities</u></b> <sup>287</sup>
<b>Activity Status Permitted</b>	
Where:	
<del>1. These are located in a RURZ – Rural Zone or INZ – Industrial Zone.</del>	
1. <b><u>All performance standards in Rule INF-R1 are complied with;</u></b>	
2. <b><u>Monitoring equipment is not more than 25m<sup>2</sup> in area; and</u></b>	
3. <b><u>Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:</u></b>	
<ul style="list-style-type: none"> <li>• <b><u>Settlement Zone - SETZ – R2</u></b></li> </ul>	

<sup>286</sup> Buller District Council S538.046

<sup>287</sup> Buller District Council S538.047

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- **Buller Coalfield Zone - BCZ – R3**
- **Mineral Extraction Zone - MINZ – R3**<sup>288</sup>

**Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Restricted Discretionary where standards 2 and 3 are not complied**<sup>289</sup>

### ***INF-R7***

1123. The Panel agree with the BDC submission and the Reporting Officers recommendation to amend the heading to this rule to clarify what the rule addresses.
1124. During the hearing, the Panel raised questions about the readability of clause (2), particularly the use of the word ‘*These.*’ The Reporting Officers agreed that the word could be replaced with ‘*The network utilities*’ rather than utilising a word that does not identify what the standard applies to. We support the amendment to clause (2) and consider it resolves the uncertainty arising from the use of the word ‘*these*’ as notified; and consider this is consequence of the amended heading.
1125. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.
1126. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted, and recommend that **Rule INF-R7** is amended as follows:

<b>INF – R76</b>	<b><del>Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator</del> <u>Operation, maintenance, repair and extension of existing network utilities</u></b> <sup>290</sup>
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<sup>288</sup> Buller District Council S538.047, Grey District Council S608.514, Manawa Energy Limited S438.051

<sup>289</sup> RMA Schedule 1, clause 16(2)

<sup>290</sup> Buller District Council S538.048

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### Activity Status Permitted

Where:

1. All performance standards in Rule INF-R1 are complied with;
2. ~~These~~ **The network utilities**<sup>291</sup> are not gas pipelines regulated under Rule INF - R3;
3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure;
4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent;
7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above;
8. The largest face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent;
9. There are no additional towers; and
10. A pole is not replaced with a tower.

### Advice Note:

1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.

**Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-10 are not complied with.**<sup>292</sup>

### INF-R8

1127. The Panel agrees that Rule INF-R8 addresses connections to electricity networks and therefore its placement in the Infrastructure Chapter is incorrect. We recommend it is deleted, as sought by BDC.
1128. The Panel notes the Reporting Officers revised position with regards the need for the rule to be inserted into the Energy Chapter, where they now consider this unnecessary because a connection is simply part of the distribution network and sufficiently provided for by new permitted activity rule ENG-R10. We have looked at this closely and agree that a connection to electricity network would fall under Rule ENG-R10.

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<sup>291</sup> Consequential amendment from Buller District Council S538.048

<sup>292</sup> RMA Schedule 1, clause 16(2)

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1129. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend that **Rule INF-R8** is deleted as follows:

<b>INF – R8</b>	<b>New Network Utility Customer Connections</b>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. The connection does not include a new tower;</li><li>2. The connection does not exceed three additional poles; and</li><li>3. The diameter of conductors, lines or cables does not exceed 30mm.</li></ol> <b>Advice Note:</b> Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH – R5.	
<b>Activity status where compliance not achieved:</b> Discretionary <sup>293</sup>	

### **INF-R9**

1130. The Panel do not agree with BDC that Rule INF-R9 belongs in the Energy Chapter. The rule refers to infrastructure associated primarily with telecommunications and therefore we consider the Infrastructure Chapter is the appropriate location for it.
1131. The Panel accept with the Reporting Officers response to Frida Inta’s submission. We agree that cell phone towers located within the GRUZ- General Rural Zone or the INZ- Industrial Zone should be permitted activities because that is consistent with the outcomes for those zones.
1132. The Panel acknowledge Mr Horne’s comments that Rule INF-R9 appears to provide for telecommunication lines generally, notwithstanding that the standards are only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary. We note that the Reporting Officers in their Addendum appear to agree with Mr Horne’s interpretation, nevertheless, in the Reply they recommended adding a new clause “*The activity is located below ground*”.
1133. The Panel accept this new clause clarifies the rule provides for underground lines as a permitted activity and recommend it is added.
1134. The Panel recommend amending clause (1) to be consistent with other similar provisions.
1135. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend that **Rule INF-R9** is amended as follows:

<b>INF – R97</b>	<b>New Lines, Telecommunication Poles or Towers</b>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. This meets the <b>All</b> performance standards in Rule INF - R1 <b>are complied with;</b><sup>294</sup></li></ol>	

<sup>293</sup> Buller District Council S538.049

<sup>294</sup> RMA Schedule 1, clause 16(2)

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2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone;
3. Poles do not exceed a height of 25m; **and**
4. Towers do not exceed a height of 15m; **or**
5. **The activity is located below ground.**<sup>295</sup>

**Activity status where compliance not achieved:** Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.

### **INF-R10**

1136. The Panel recommend retaining **Rule INF-R10** as notified, except for making consistency changes to the wording of clause (1) using RMA Schedule 1, clause 16 (2) as follows:

<b>INF – R108</b>	<b>New Telecommunications Kiosk</b>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. <del>This meets the</del> <b>All</b> performance standards in Rule INF - R1 <b>are complied with;</b> and<sup>296</sup></li><li>2. The maximum height is 3.5m and gross floor area is 1.5m<sup>2</sup>.</li></ol>	
<b>Activity status where compliance not achieved:</b> Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with	

### **INF- R11**

1137. For the reasons set out in Mr Horne’s evidence and in the Reporting Officers’ reports, the Panel agree with the addition of a new clause (2). We recommend a consequential amendment to the default status to address the new clause to make non-compliance with the new standard discretionary.
1138. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.
1139. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted, and recommend that **Rule INF-R11** is amended as follows:

<b>INF – R119</b>	<b>New Small Cell Utility</b>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. <del>This meets the</del> <b>All</b> performance standards in Rule INF – R1 <b>are complied with; and</b><sup>297</sup></li></ol>	

<sup>295</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020

<sup>296</sup> RMA Schedule 1, clause 16(2)

<sup>297</sup> RMA Schedule 1, clause 16(2)

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2. **The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m<sup>3</sup>.**<sup>298</sup>

**Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with**<sup>299</sup>

### ***INF- R12***

1140. For the reasons set out in Mr Horne’s evidence, the Panel agree with the Telecommunication Companies' amendment to the heading of INF-R12 to reflect the permitted standards of the NES-TF. We also agree that the height for the Commercial and Mixed Use Zone should be increased to 20m and the General Industrial Zone increased to 25m. We agree that both zones are the type of zone within which to locate larger telecommunications facilities where practical and that this is consistent with Policy INF-P2 in terms of recognising operational need and functional need, and positive effects for the community, whilst appropriately managing adverse effects.
1141. The Panel recommend amending clauses (1) and (2) and consider it resolves the uncertainty arising from the use of the word ‘*This*’ as notified and can be seen as partly addressing the concerns of BDC.
1142. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **Rule INF-R12** is amended as follows:

<b><u>INF – R120</u></b>	<b><u>New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF</u></b> <sup>300</sup>
<b>Activity Status Permitted</b>	
Where:	
1. <b><u>This The telecommunication pole, or antenna</u></b> <sup>301</sup> is located within a <del>land</del> <sup>302</sup> transport corridor;	
and	
i. The combined height of the pole and antenna does not exceed:	
a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone;	
b. 20m in an INZ - Industrial Zone; or	
c. 35m in all other zones.	
ii. A panel antenna:	
a. Does not exceed a width of 0.7m; and	

<sup>298</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027

<sup>299</sup> Consequential amendment from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027

<sup>300</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029

<sup>301</sup> Buller District Council S538.053

<sup>302</sup> Grey District Council S608.517

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- b. When in a ~~land~~<sup>303</sup> transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter;
- iii. A dish antenna does not exceed a diameter:
  - a. Within a railway corridor of:
    - I. 1.2-metres in a GRUZ - General Rural Zone or INZ - Industrial Zone;
    - II. 0.9m in a CMUZ - Commercial and Mixed Use Zone
  - b. Outside of a railway corridor:
    - I. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone
- iv. Omni directional "whip" or dipole antennas do not exceed:
  - I. 1.6m in vertical length;
  - II. 60mm in diameter; and
  - III. 1.5m in horizontal length.
- v. A headframe does not exceed the following:
  - I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;
  - II. 6m in diameter in all other zones (including unformed legal road).
- 2. ~~This~~ **The telecommunication pole, or antenna**<sup>304</sup> is located outside a ~~land~~<sup>305</sup> transport corridor:
  - i. The combined height (network utility) of a telecommunications pole and antenna does not exceed:
    - a. 15m in a RESZ - Residential Zone, ~~CMUZ – Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;
    - b. **20m in a CMUZ - Commercial and Mixed Use Zone**,<sup>306</sup>
    - c. **20m in a ~~HLIZ – Light~~ Industrial Zone or 25m in a GIZ – General Industrial Zone**,<sup>307</sup>
    - d. 25m in all other locations, or 30m where there are two or more users of the same pole.
      - ii. A panel antenna does not exceed a width of 0.7m;
      - iii. A dish antenna does not exceed a diameter of 1.2m;
      - iv. Omni directional "whip" or dipole antennas do not exceed:
        - a. 1.6m in vertical length;
        - b. 60mm in diameter; and
        - c. 1.5m in horizontal length
      - v. A headframe does not exceed:
        - a. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;
        - b. 6m in diameter in all other zones.
      - vi. A new panel antenna face does not exceed 1.5m<sup>2</sup>, and a new dish antenna does not exceed 1.2m; and
        - a. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

<sup>303</sup> Grey District Council S608.517

<sup>304</sup> Buller District Council S538.053

<sup>305</sup> Grey District Council S608.517

<sup>306</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029

<sup>307</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029

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**Activity status where compliance not achieved:** Restricted Discretionary

### ***New Rule***

1143. The Panel agree with Mr Horne that permanent stand-by generators would not necessary be covered by the temporary activity provisions in Rule INF-R4 or the Temporary Activity provisions. We agree that permanent standby backup generators should be specifically provided for in the rules as a permitted activity and note that the Reporting Officers now consider that appropriate and have proposed a new rule.
1144. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **new rule INF-R11** be added as follows:

<b>INF-R11</b>	<b><u>Back-up Generators</u></b>
<b><u>Activity Status Permitted</u></b>	
<b><u>Where:</u></b>	
<b><u>1. All performance standards in Rule INF-R1 are complied with; and</u></b>	
<b><u>2. The equipment is:</u></b>	
<b><u>a. being tested and maintained for a period not exceeding 48 hours in duration; or</u></b>	
<b><u>b. to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or</u></b>	
<b><u>c. for emergency purposes only and operates for a maximum of 12 months.</u></b>	
<b><u>Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with.</u></b> <sup>308</sup>	

### ***New Rule***

1145. The Panel considers the Reporting Officers proposed new rule for new telecommunication poles and antennas meeting the permitted standards of the NES-TF is not necessary because it is already addressed in the NES-TF and additionally, Rule INF-R1 requires all infrastructure activities to meet the standards.
1146. For the reasons outlined the Panel recommends no new rule is added.

### **Controlled Activities**

#### ***INF-R13***

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<sup>308</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020

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1147. The Panel agree with GDC in relation to clause (4), which seems to have been misunderstood by the Reporting Officers. The rule relates to new telecommunications poles and antennas within road reserve and therefore the reference to zones is of limited value. We consider deleting clause (4) would create an inconsistency between panel antenna, which are controlled by clause (3), and dish antenna, which then would not be controlled. We consider a more appropriate approach is to utilise the least restrictive requirement of a diameter of 0.9m in clause (4) and delete the references to zones, as recommended below.
1148. The Panel recommends the same amendment to Rule INF-R13 relating to visual effects and amenity values, as previously discussed.
1149. The Panel considers adding a new matter of control relating to ‘Effects on indigenous biodiversity’ in response to Forest and Birds submission is unnecessary in the context of this rule.
1150. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Rule INF-R13**, (including consequential renumbering), as follows:

<b>Controlled Activities</b>	
<b>INF – R13<del>2</del></b>	<b>New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)</b>
<b>Activity Status Controlled</b>	
Where:	
<ol style="list-style-type: none"><li>1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m;</li><li>2. The telecommunications pole permitted activity notional envelope is<sup>309</sup> exceeded by a maximum of 1m in height up to 4.5m;</li><li>3. A panel antenna does not exceed a width of 0.8m;</li><li>4. A dish antenna does not exceed a diameter of <b>0.9m</b>.<ol style="list-style-type: none"><li>i. <del>0.6m in a RESZ – Residential Zone or SETZ – Settlement Zone;</del></li><li>ii. <del>0.9m in all other zones.</del><sup>310</sup></li></ol></li></ol>	
Matters of control are:	
<ol style="list-style-type: none"><li>a. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del></li><li>b. <b>Effects on amenity values</b>,<sup>311</sup></li><li>c. Potential impacts on the operation, maintenance and upgrade of other network utilities.</li></ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	

### **INF-R14**

<sup>309</sup> Grey District Council S608.518

<sup>310</sup> Grey District Council S608.518

<sup>311</sup> RMA Schedule 1 Clause 16(2)

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1151. The Panel agree with Mr Horne that the heading of the rule as it stands is problematic and that RMA Schedule 1, clause 16(2) is available because the alterations are of minor effect and correct minor errors in the rule as drafted relating to the NES-TF. We also recommend including his suggested new advice note to clarify the relationship with Rule INF-R12.
1152. The Panel agree with GDC that it is unclear what the requirements are for panel antenna width within the RESZ or SETZ given their exclusion from the 0.8m requirement. We accept that clarity is required in this instance. We recommend removing the exclusion to address GDC's concerns.
1153. The Panel considers adding a new matter of control relating to 'Effects on indigenous biodiversity' in response to Forest and Birds submission is unnecessary in the context of this rule.
1154. The Panel recommends the same amendment to Rule INF-R14 relating to visual effects and amenity values, as previously discussed.
1155. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend the following changes to **Rule INF-R14** (including consequential renumbering):

<b>INF-R143</b>	<b>New telecommunications poles and antennas not in road reserve (regulated by Regulations <del>30, 32 or 34</del> of the NES - TF that do not meet the permitted activity standards in Regulations <del>31, 33 or 35</del> or subject to Rule INF-R10(2) and not meeting the permitted activity standards<sup>312</sup></b>
<b>Activity Status Controlled</b> Where: <ul style="list-style-type: none"><li>a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole;</li><li>b. A panel antenna does not exceed a width of 0.8m (<del>excluding those in a RESZ – Residential Zone or SETZ – Settlement Zone</del>);<sup>313</sup></li><li>c. A dish antenna does not exceed a diameter of:<ul style="list-style-type: none"><li>i. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;</li><li>ii. 2m in all other zones.</li></ul></li></ul> Matters of control: <ul style="list-style-type: none"><li>a. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del></li><li>b. <b><u>Effects on amenity values.</u></b><sup>314</sup></li></ul> <b>Advice Note:</b> <b><u>For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.</u></b> <sup>315</sup>	

<sup>312</sup> RMA Schedule 1 Clause 16(2)

<sup>313</sup> Grey District Council S608.519

<sup>314</sup> Consequential amendment from the change to the heading of the rule

<sup>315</sup> RMA Schedule 1 Clause 16(2)

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**Activity status where compliance not achieved:** Restricted Discretionary

### Restricted Discretionary Activities

#### **INF-R15**

1156. The Panel notes that this rule was mistakenly been included in the Restricted Discretionary Activities section in the Reporting Officers Reply, rather than in the Controlled Activities, as per the notified Plan. We have therefore corrected this.
1157. The Panel considers adding a new matter of control relating to ‘*Effects on indigenous biodiversity*’ in response to Forest and Birds submission is unnecessary in the context of this rule.
1158. The only amendment to Rule INF-R15 is that relating to visual effects and amenity values as previously discussed.
1159. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommend the following changes to **Rule INF-R15** (including consequential renumbering):

<b>INF-R154</b>	<b>New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
a. A single telecommunications cabinet does not have a footprint exceeding 2.5m <sup>2</sup> or a height (network utility) of 2m; and	
b. A group of telecommunications cabinets does not have a footprint exceeding 3m <sup>2</sup> .	
Matters of control:	
a. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del>	
b. <b>Effects on amenity values.</b> <sup>316</sup>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	

#### **INF-R16**

1160. The Panel note that Rule INF-R16 was amended initially in the s42A Report by adding two new matters of discretion as clause (e) and (f) relating to scale of the activity and the cumulative effects. While there is no specific cross-reference to a submission that sought to include these new matters of discretion, it appears the Reporting Officers used Forest and Bird’s submissions on Rule INF-R2 seeking for it become a controlled activity to provide for these matters of discretion in INF-R16.<sup>317</sup> We also note there is a generic Forest and Bird submission on the restricted discretionary rules to amend the matters of discretion in each rule to include adverse effects on natural values, including those not yet identified on overlays, and the

<sup>316</sup> Consequential amendment

<sup>317</sup> Section 42A Report, paragraph 425

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requirement to manage those effects in accordance with the Natural Environment and District-Wide chapters of the Plan.

1161. The Panel considers that given the significant problems we have identified with Rule INF-R2 and this rule, it would be inappropriate to add any new matters of discretion. We consider the issues raised by Forest and Bird submission (supported by Poutini Ngāi Tahu's further submission) in relation to the assessment of effects on natural values and cultural values should be considered when this rule is reviewed.

1162. However, given this rule will remain until it is reviewed, the Panel recommends the heading to the rule include 'water' as it forms part of the matters of discretion; and 'and' is deleted to improve clarity. We see these amendments are RMA Schedule 1, clause 16(2) matters.

1163. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R16** (including consequential renumbering):

Restricted Discretionary Activities	
<b>INF-R165</b>	<b>Connections to <u>water</u>, wastewater and stormwater <del>and</del> reticulated systems not meeting Permitted Activity standards<sup>318</sup></b>
<b>Activity Status Restricted Discretionary</b>	
<b>Discretion is restricted to:</b>	
a. Level of flood hazard mitigation through stormwater control;	
b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system;	
c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; <b>and</b> <sup>319</sup>	
d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards.	
<b>Advice Note:</b> Any discharge to land and/or water may require <sup>320</sup> a discharge permit from the West Coastal Regional Council under the relevant regional plan.	
<b>Activity status where compliance not achieved:</b> N/A	

### **INF-R17**

1164. The Panel note that Ms Pull considered 'Landscape measures' to be unclear and uncertain as to whether those words include cultural landscape. The Reporting Officers agreed and recommended those words be deleted and replaced with:

<sup>318</sup> RMA Schedule 1, clause 16(2)

<sup>319</sup> RMA Schedule 1, clause 16(2)

<sup>320</sup> RMA Schedule 1, clause 16(2)

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*The effects of the proposal on the amenity, character and landscape values of the underlying Zone.*

1165. The Panel acknowledge that the issue of the wording ‘*landscape measures*’ arose in other hearings and that it had been opposed by Manawa (S438.100). We note that landscape architects Mr Bentley and Ms Gilbert, in the Natural Landscapes and Features hearing stream, agreed that the wording was ambiguous and unclear. In the Natural Landscape and Features Chapter Recommendation Report the Panel recommends replacing ‘*Landscape measures*’ with ‘*Measures to mitigate landscape effects*’ throughout the Plan to provide clarity and ensure consistency. We recommend the same wording is used to replace ‘*Landscape measures*’ in Rule INF-R17 (now Rule INF-R15).
1166. The Panel recommends clause (1) is deleted, noting that compliance with Rule INF-R1 in the reciprocal Rule INF-R3 was not required. We consider this an RMA Schedule 1, clause 16(2) matter.
1167. As discussed above, the Panel recommends including a new matter of discretion relating to ‘*Effects on indigenous biodiversity*’ as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.
1168. In response to BDC, the Panel consider rule remains relevant in that it addresses the existing gas pipeline and any new gas pipelines.
1169. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R17** (including consequential renumbering):

<b>INF-R176</b>	<b>New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
<del>1. Performance standards in Rule INF-R1 are complied with;</del> <sup>321</sup>	
<b>1.</b> The gas pipeline will be underground.	
Discretion is restricted to:	
a. <del>Landscape measures</del> <b>Measures to mitigate landscape effects;</b> <sup>322</sup>	
b. Locational, technical and operational constraints; <del>and</del>	
c. Benefits to the community; <b>and</b>	
d. <b>Effects on indigenous biodiversity.</b> <sup>323</sup>	
<b>Activity status where compliance not achieved:</b> Discretionary	

### **INF-R18, INF-R19 and INF-R20**

<sup>321</sup> RMA Schedule 1 Clause 16(2)

<sup>322</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>323</sup> Forest and Bird S560.158

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1170. The Panel recommend deleting INF-R19 and INF-R20 and agree coverage for those rules is adequately provided for in amended INF-R18. As a consequence of deleting INF-R19 and INF-R20, we recommend including ‘*environmental monitoring equipment and Meteorological facilities*’ in the heading for INF-R18.
1171. As with INF-R17, the Panel recommends replacing ‘*landscape measures*’ with ‘*Measures to mitigate landscape effects*’ as a consequential Plan-wide amendment.
1172. As discussed above, the Panel recommends including a new matter of discretion relating to ‘*Effects on indigenous biodiversity*’ as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.
1173. For consistency with Rule INF-R1, the Panel recommends amending clause (1) and the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.
1174. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part, and recommend the following changes to **Rule INF-R18** (including consequential renumbering) and the deletion of **Rule INF-R19** and **Rule INF-R20**:

<b>INF-R187</b>	<b>Lighthouses, navigational aids and beacons, <u>environmental monitoring equipment and Meteorological facilities</u><sup>324</sup> not meeting Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
<b>1. All performance standards in Rule INF-R1 are complied with.</b> <sup>325</sup>	
Discretion is restricted to:	
a. <del>Landscape measures</del> <b><u>Measures to mitigate landscape effects;</u></b> <sup>326</sup>	
b. Locational, technical and operational constraints; <del>and</del>	
c. Benefits to the community; <del>and</del>	
d. <b><u>Effects on indigenous biodiversity.</u></b> <sup>327</sup>	
<b>Activity status where compliance not achieved: Non-complying</b>	

<b>INF-R19</b>	<del><b>Environmental monitoring and extreme weather event monitoring and meteorological facilities not meeting Permitted Activity standards</b></del>
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<sup>324</sup> Consequential amendment resulting from the deletion of INF-R19 and INF-R20, Buller District Council S538.060 & S538.061

<sup>325</sup> RMA Schedule 1 Clause 16(2)

<sup>326</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>327</sup> Forest and Bird S560.158

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<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>2. —Impact on the resilience of the community to natural hazards and climate change;</li> <li>3. —Benefits to the community;</li> <li>4. Locational, technical and operational constraints; and</li> <li>5. —Landscape measures.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> N/A<sup>328</sup></p>	
<b>INF-R20</b>	<b>Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards</b>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. —Locational, technical and operational constraints; and</li> <li>b. —Landscape measures.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> N/A<sup>329</sup></p>	

**INF-R21**

1175. The Panel recommends **Rule INF-R21** is retained as notified, except for consequential renumbering, as follows:

<b>INF-R218</b>	<b>Community Wastewater Treatment Facility in the Community Living Precinct</b>
<p><b>Activity Status Restricted Discretionary</b> Where:</p> <ol style="list-style-type: none"> <li>1. This is located in accordance with a Concept Plan in Appendix Eight;</li> <li>2. Disposal of treated effluent is through a land based effluent system.</li> </ol> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. The design of the wastewater treatment plant and land based disposal method;</li> <li>b. Effects on Poutini Ngāi Tahu values within or adjacent to the site;</li> <li>c. Natural hazards or geotechnical <del>constraints</del> <b>considerations</b>,<sup>330</sup></li> <li>d. Effects on natural character, landscape, water quality and ecosystems;</li> <li>e. Any requirements arising from meeting the <b>NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure</b> or the Council Engineering Standards.</li> </ol> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required.</li> <li>2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	

**INF-R22**

<sup>328</sup> Buller District Council S538.060

<sup>329</sup> Buller District Council S538.061

<sup>330</sup> Consequential amendment stemming Natural Hazards recommendation

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1176. The Panel recommends amending Rule INF-R22 relating to visual effects and amenity values as previously discussed.
1177. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to **Rule INF-R22** (now renumbered INF-R20):

<b>INF-R19</b>	<b>New Telecommunications Kiosk not meeting Permitted Activity Standards</b>
<b>Activity Status Restricted Discretionary</b> Discretion is restricted to: a. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del> b. <b>Effects on amenity values.</b> <sup>331</sup>	
<b>Activity status where compliance not achieved: N/A</b>	

### **INF-R23**

1178. The Panel recommend amending Rule INF-R23 relating to visual effects and amenity values as previously discussed.
1179. As discussed above, the Panel recommends amending clause (d) to include adverse effects on indigenous biodiversity in addition to the reference to the overlay chapters.
1180. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R23** (now renumbered INF-R21):

<b>INF-R230</b>	<b>New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards</b>
<b>Activity Status Restricted Discretionary</b> Discretion is restricted to: a. The functional and operation needs of, and benefits derived from the network utility; b. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del> c. <b>Effects on amenity values,</b> <sup>332</sup> d. <del>significant adverse effects on the values and attributes</del> <b>indigenous biodiversity and Overlay Chapter matters.</b> <del>adverse effects on of scheduled overlay chapter areas;</del> <sup>333</sup> e. The potential impacts on the operation, maintenance and upgrade of other network utilities.	
<b>Activity status where compliance not achieved: N/A</b>	

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<sup>331</sup> RMA Schedule 1 Clause 16(2)

<sup>332</sup> RMA Schedule 1, clause 16(2)

<sup>333</sup> Forest and Bird S560.164

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### **INF-R24**

1181. The Panel recommend **Rule INF-R24** is retained as notified with the consequential re-numbering.

<b>Discretionary Activities</b>	
<b>INF-R21</b>	<b>New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	

### **INF-R25**

1182. The Panel recommend **Rule INF-R25** is retained as notified with the consequential re-numbering..

<b>INF-R22</b>	<b>Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	

### **INF-R26**

1183. The Panel recommend amending the heading to INF-R26 by deleting the word '*minor*' from the title to provide clarity and remove unnecessary wording. We also agree with the Reporting Officers in relation to KiwiRail's submission and consider rail infrastructure is appropriately provided for in the Transport Chapter.

1184. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R26**:

<b>INF-R23</b>	<b>Installation, extension, maintenance, operation, <del>minor</del> upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards<sup>334</sup></b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	

### **INF-R27**

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<sup>334</sup> Grey District Council S608.523

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1185. The Panel recommend **Rule INF-R27** is retained as notified with the consequential re-numbering.

<b>INF-R24</b>	<b>Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	

### ***INF-RX1***

1186. The Reporting Officer's recommended a 'catch-all' non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment responds to a submission by Transpower, however, the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower's submission, the Panel notes that the s42A Report (paragraph 321) addresses the submission and recommended it be accepted; and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.
1187. What is unclear to the Panel is why the default position for this 'catch-all' rule became non-complying in the s42A Report. In our view, there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.
1188. The Panel recommends that a catch-all rule for the Infrastructure Chapter is added as new discretionary activity Rule INF-R28. We consider the rule title can be simplified to "*Any Energy Activity not provided for in another rule*".
1189. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following **new Rule INF-R25**:

<b>INF-R25</b>	<b>Any Infrastructure Activity not provided for in another rule</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b> <sup>335</sup>	

### ***INF-R28***

1190. The Panel recommend **Rule INF-R28** is retained as notified.

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<sup>335</sup> Consequential amendment from Transpower S299.051

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<b>Non-complying Activities</b>	
<b>INF-R268</b>	<b>Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields</b>
<b>Activity Status Non-complying</b>	
Activity status where compliance not achieved: N/A	

### Other New Standards and Rules

#### ***Amateur Radio communications***

1191. The Panel accept that a rule addressing Amateur Radio communications is appropriate and we have reviewed the provisions in other recent district plans, including Porirua, Napier and Waimakariri. All have differing rules at a permitted status, however we note that the scale of structures being sought by Branch 49 in their submission are in excess of the provisions we have seen in those other plans.
1192. The Panel's concern is that the scale of structures proposed by Branch 49 may not be appropriate in certain zones or in certain locations and that no detailed analysis on this has been undertaken or is before us. We consider that 25m towers and 250m<sup>2</sup> transmission buildings are not insubstantial structures.
1193. For these reasons, the Panel recommends rejecting the submission by Branch 49, however, we consider this is a matter that requires further investigation and should be addressed through a subsequent plan change.

#### **New lighthouses, navigational aids and beacons.**

1194. GDC sought the insertion of a new permitted activity to provide for new lighthouses, navigational aids and beacons.
1195. The Panel agree with the Reporting Officers that Rules INF-R6 and INF-R19 already provide for the relief sought and further note Rule INF-R18 addresses the default activity. We therefore do not recommend a new permitted activity rule and reject the GDC submission.

#### **Waste Water Discharge Rule**

1196. Poutini Ngāi Tahu sought a new rule for systems that that address the discharge wastewater into water as a non-complying activity.
1197. The Panel agrees with the Reporting Officers discharges of wastewater to land or water are regulated by the WCRC and does not require management in the pTTPP. We therefore do not recommend a new permitted activity rule and reject the Poutini Ngāi Tahu submission.

### Section 32AA Evaluation for Infrastructure Chapter Recommended Amendment

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1198. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA of the RMA.
1199. The Panel considers the amendments proposed will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the pTTPP.
1200. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.
1201. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions which will be difficult and potentially impossible in meet. We have not identified any risks from acting.

## **6. TRANSPORT**

### **6.1. TRN General/Whole Chapter**

#### **Submissions and Further Submissions**

1202. Suzanne Hills (S443.016) sought that the Transport (**TRN**) Chapter be reviewed to enable a significant reduction in regional transport emissions.
1203. Rocky Mining Ltd (S474.030) and Papahaua Resources Ltd (S500.019) sought recognition of the importance of efficiently and effectively using and operating the transport network.
1204. Foodstuffs (S464.005), supported by Martin & Co Westport Ltd, and Lumberland Building Market Westport (FS140), sought that the Transport chapter remove the emphasis on amenity.
1205. Jane Neale (S262.006) sought disability access to be provided in all areas.
1206. In multiple submission points KiwiRail (S442) sought that the TRN Chapter include a series of new rules, standards and figures to protect the sightlines of railway level crossings.

#### **Section 42A Reports**

1207. Responding to Suzanne Hills, the s42A Report considered that the proposed provisions support alternative modes of transport and the consolidation of development, which will contribute to reducing transport emissions.
1208. Responding to Rocky Mining Ltd and Papahaua Resources Ltd, the s42A Report considered objective TRN-O1 afforded appropriate recognition of the transport network.

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1209. Responding to Foodstuffs, the s42A Report considered that, given that the pTTPP did not provide for amenity standards, the TRN Chapter should include the consideration of amenity given it is important for transport and the experience of transport users.
1210. Responding to Jane Neale, the s42A Report did not support the relief sought because disability access and parking are required in accordance with the Building Code.
1211. Responding to KiwiRail, the s42A Report agreed that railway level crossing sightlines and design should be considered. However, it noted insufficient technical evidence and lack of a S32 evaluation to support the relief sought.

### **Hearing Panel's Evaluation**

1212. The Panel accepts the Reporting Officers' evaluation and reasoning not to change the provisions concerning issues raised in submissions and further submissions made on general matters.
1213. The Panel note the evidence of Ms Michelle Grinlinton-Hancock for KiwiRail responded to the lack of information to support the submission point relating to railway level crossings. We consider this matter in relation to the specific provision below.

### **Hearing Panel's Recommendation**

1214. No changes to the TRN Chapter are recommended in response to submissions and further submissions on general matters.

## **6.2. TRN Definitions**

### **Submissions and Further Submissions**

1215. Buller District Council (BDC) (S538.005 and S538.009) sought a definition to be provided for 'transport corridor'. NZTA Waka Kotahi (S450.004 and S450.010) supported the definitions of 'heavy vehicle' and 'vehicle crossing' as notified. KiwiRail (S442.014) sought a definition to be provided for 'transport network' as follows:

*Means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.*

### **Section 42A Reports**

1216. The s42A Report agreed with BDC that a definition for 'transport corridor' should be provided because the term is used in several standards and needed to be clearly defined in its extent. It recommended it be referred to as 'land transport corridor' to be consistent with the pTTPP and ensure that it is not confused with coastal transport.
1217. The s42A Report disagreed with the KiwiRail submission, considering it unnecessary to provide a definition of 'transport network' because this is appropriately summarised in the overview of the Transport Chapter.

### **Hearing Panel's Evaluation**

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1218. The Panel notes that GDC (S608) sought a definition of ‘Land Transport Corridor’ be included which we have addressed in the Infrastructure Chapter. BDC’s request is for a definition for ‘*transport corridor*’ while KiwiRail sought a definition be provided for ‘*land transport infrastructure*’ which is also discussed in the Infrastructure Chapter.
1219. We note the Reporting Officers’ recommendation to include a new definition for ‘*land transport corridor*’ appears to be as a consequential amendment to their recommendation to include a new objective that uses the term and appears at odds with the recommendation in their recommendation in the Infrastructure Chapter not to provide a definition. The Panel recommends not including a new objective (see below) and therefore consider there is no scope to make a consequential amendment in relation to adding the two new definitions recommended by the Reporting Officers.
1220. The Panel has therefore limited its consideration to BDC’s request for a definition for ‘*transport corridor*’. We agree with the submitter that including a definition is helpful given the term is used in the rules. We note that this would pick up any situations in the Plan where ‘*land transport corridor*’ is used and as such consider there is no need for a definition of ‘*land transport corridor*’ as a result. We have made minor amendments to the wording requested.
1221. The Panel consider the request by KiwiRail (S442.014) for a new definition for ‘*transport network*’ is a useful addition to the Plan. We have also made minor amendments to the wording requested.

### Hearing Panel’s Recommendation

1222. Subject to our consideration of Part 2 of the RMA, the Panel recommends including a new definition for ‘*land transport corridor*’ to assist with Plan clarity:

<b><u>TRANSPORT CORRIDOR</u></b> <sup>336</sup>	<b><u>Means the legal road or rail corridor from the adjacent property boundary on one side of the legal road or rail corridor to the adjacent property boundary on the other side.</u></b>
<b><u>TRANSPORT NETWORK</u></b> <sup>337</sup>	<b><u>Means all rail; public roads; public pedestrian, cycle and micro-mobility facilities; public transport; and associated infrastructure.</u></b>

## 6.3. TRN Overview

### Submissions and Further Submissions

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<sup>336</sup> Buller District Council S538.005

<sup>337</sup> KiwiRail S442.014

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1223. There were nine submission points and three further submission points<sup>338</sup> identified in the s42A Report in relation to the TRN Overview and it notes two submissions supported the strategic overview as notified.
1224. HNZPT (S140.012) sought to amend the *‘Other relevant Te Tai o Poutini Plan provisions’* section of the Overview to provide for historic heritage under the Overlay Chapters heading.
1225. Karen Lippiatt (S439.013) sought to amend paragraph 1 of the Overview to emphasise active transport.
1226. Forest & Bird (S560.170) sought the deletion of the first sentence of paragraph 2 and clarification of the relationship between the Transport chapter and other chapters. They considered that the scope and relationship of the Transport chapter to other chapters was unclear.
1227. Grey District Council (GDC) (S608.009), opposed by Poutini Ngāi Tahu (FS41.3), sought removal of performance standards referencing Sites and Areas of Significance to Māori (**SASM**) and deletion of *‘Sites and Areas of Significance to Māori’* from the Overlay section of the Overview; and requested identified sites be reassessed.
1228. GDC also (S608.010) sought clarification on how the wording in the Overview corresponds to standard best practices in the planning sector.

### **Section 42A Reports**

1229. The s42A Report supported the relief sought by HNZPT because providing for historic heritage under the overlay chapters would ensure consistency across the pTTPP.
1230. The s42A Report did not support the amendments sought by Karen Lippiatt because it considered this would alter the scope and intent of the Overview. It also did not support the changes sought by Forest & Bird because it considered the Overview, particularly the *“Other relevant Te Tai o Poutini Plan Provisions”* section, provided sufficient clarity of the relationship between chapters.
1231. The s42A Report supported GDC’s request to remove the reference to SASM in the TRN Chapter performance standards because it considered the Sites and Areas of Significance to Māori Chapter manages the effects of activities in proximity to SASM. Appendix 1 of the s42A Report showed this as recommended for deletion from the overview section. However, contrary to this Appendix 2 of the s42A Report recommends rejecting S608.009 and accepting FS41.003.
1232. The s42A Report invited GDC to provide further information on how the wording of the Overview corresponds with best planning practices. Nothing further was provided.

### **Hearing and Submitter Evidence/Statements**

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<sup>338</sup> S140.012, S190.113, S439.013, S560.466, S560.467, S560.468, S560.469, S608.009, S608.537, FS41.3, FS230.0374, FS230.0435

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1233. Ms Pull highlighted Poutini Ngāi Tahu's general support of how the notified pTTPP used cross-referencing to relevant provisions within the Overviews to clarify the relationship between chapters. However, she noted inconsistencies in the recommendations of the s42As reports for different chapters of the Plan and in what should or shouldn't be cross-referenced.
1234. Ms Pull noted the SASM Chapter included provisions that relate to Energy, Infrastructure and Transport and therefore she supported cross-referencing to SASM included in the Overview under the heading Overlay Chapters. She considered the s42A Report consideration of the further submission was incorrect (paragraph 520) and did not accurately reflect the request to retain references to the SASM on the performance standards.
1235. In support of her position, Ms Pull noted that the National Planning Standards include a mandatory direction<sup>339</sup> that states:

*The chapters under the energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections*

1236. Ms Pull also referred to mandatory direction five which states:

*Tangata whenua/mana whenua content must be integrated throughout the policy statement or plan where the local authority determines it appropriate.*

1237. Ms Pull noted the s42A Report recommended adding 'Historic Heritage' to the overlay chapters and highlighted the RMA definition of 'Historic Heritage' includes SASM, which is why the SASM Chapter is in the Historical and Cultural Values section of the Plan.
1238. Ms Grinlinton-Hancock's tabled evidence for KiwiRail, accepted the s42A Report recommendation to not alter the Overview as sought in submission.

### **Reporting Officer Reply Evidence**

1239. The issue of SASM being referenced within the Overview under the heading of overlay chapters was not discussed in Reply and the tracked changes to the provisions showed the Reporting Officers continued to recommend 'Sites and Areas of Significance to Māori' be deleted from the Overview.

### **Hearing Panel's Evaluation**

1240. The Panel disagrees with the Reporting Officers and recommends retention of the reference in the Overlay Chapters section of the Overview to 'Sites and Areas of Significance to Māori' for the reasons advanced by Ms Pull in her evidence. We consider this is consistent with cross referencing throughout the Plan. The Panel recommends rejecting GDC's submission point S608.009 and accepts Poutini Ngāi Tahu's further submission point FS41.3.

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<sup>339</sup> National Planning Standards (2002) Mandatory Direction 6, page 32

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1241. The Panel agrees with the Reporting Officers that it is appropriate to add ‘*Historic Heritage*’ and consider this will achieve Plan consistency.
1242. The Panel considers the overview wording appropriately acknowledges a range of transport modes.

### Hearing Panel’s Recommendations

1243. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Overview**:

#### Transport - Te Tūnuku

##### Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roding Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District<sup>340</sup>Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

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Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide<sup>341</sup> Matters chapters also contain provisions that may be relevant for energy activities, including:

**Noise** - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.

**Signs** - The Signs Chapter contains the provisions for signs, including those within the transport corridors.

**Light** - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.

**Subdivision** - The Subdivisions Chapter<sup>342</sup> sets out the requirements for the development of new transport connections.

**Financial Contributions** - The Financial Contributions Chapter<sup>343</sup> sets out the requirements for contributions of costs for activities which impact on the local roading network.

**Overlay Chapters** - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**;<sup>344</sup> Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes;<sup>345</sup> Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

## 6.4. Transport Objectives

### Submissions and Further submissions

1244. The s42A Report identified 12 submission points<sup>346</sup> on the TRN objectives collectively and noted eight submission points supported the objectives as notified.

#### **TRN-01**

1245. The s42A Report identified 10 submission points and five further submission points<sup>347</sup> relating to TRN-01 and noted six submission points supported TRN-01 as notified.

1246. TiGa Minerals and Metals Ltd (S493.026), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.002 and S599.030) and Birchfield Coal Mines Ltd (S601.024) sought TRN-01 be retained but moved to 'Connections and Resilience' under the Strategic Directions Chapter to recognise

<sup>341</sup> RMA First Schedule Clause 16

<sup>342</sup> RMA First Schedule Clause 16

<sup>343</sup> RMA First Schedule Clause 16

<sup>344</sup> Heritage New Zealand S140.012

<sup>345</sup> RMA First Schedule Clause 16

<sup>346</sup> S538.082 S181.003, S493.025, S538.068, S558.718, S563.005, S564.008, S566.718, S567.075, S574.718, S577.008, S599.029, S601.023

<sup>347</sup> S190.114, S442.032, S450.034, S464.039, S493.026, S599.002, S599.030, S608.524, S614.020, S615.020, FS68.011, FS72.011, FS144.011, FS147.011, FS218.013

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the critical role of transport infrastructure. Katherine Crick (FS68.011) and Mike Spruce (FS218.013) opposed the relief sought by TiGa Minerals and Metals Ltd.

### **TRN-02**

1247. The s42A Report identified 11 submission points and five further submission points<sup>348</sup> and noted four submissions points supported TRN-02 as notified.

1248. NZTA Waka Kotahi (S450.035) sought to replace ‘*minimise*’ with ‘*mitigate*’ because minimise can be interpreted in a way that would be a disproportionately onerous to the requirement to manage adverse effects.

1249. Foodstuffs (S464.040), supported by Martin & Co Westport Ltd and Lumberland Building Market Westport (FS140.019), sought deletion of TRN-02 or amendment as follows:

*To provide for the safe and efficient operation of the land transport infrastructure, while managing adverse effects on the surrounding environment*

1250. TiGa Minerals and Metals Ltd (S493.027), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.031) and Birchfield Coal Mines Ltd (S601.025) sought the deletion of TRN-02 or amendment as follows:

*To ~~manage the effects~~ provide for the safe and efficient operation of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~ while managing adverse effects on the surrounding environment.*

1251. Four further submissions opposed this amendment (FS147.005, FS72.005, FS77.14 and FS144.005) opposed this amendment.

1252. Two submitters sought the replacement of ‘*minimise*’ with alternative wording. Forest & Bird (S560.172) sought its replacement with ‘*avoid, remedy or mitigate following the Natural Environment and District Wide chapters of this Plan*’. GDC (S608.525) sought its replacement with ‘*mitigate*’.

### **TRN-03**

1253. The s42A Report identified 16 submission points and six further submission points<sup>349</sup> and noted eight submissions points supported TRN-03 as notified.

1254. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.002) sought that TRN-03 be amended to ensure accessibility, safety, connectivity and amenity are provided for all

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<sup>348</sup> S65.002, S190.115, S450.035, S464.040, S493.027, S560.172, S599.031, S601.025, S608.025, S614.021, S615.021, FS140.019, FS147.005, FS72.005, FS77.14, FS144.005

<sup>349</sup> S65.003, S190.116, S274.002, S439.014, S442.033, S450.036, S456.006, S464.005, S464.041, S493.028, S500.020, S599.032, S601.026, S608.526, S614.022, S615.022, FS53.10, FS68.012, FS72.012, FS147.012, FS140.020, FS218.014

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transport users, rather than giving less importance to cyclists and pedestrians and only providing for amenity.

1255. Karen Lippiatt (S439.014), supported by Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53.10) sought to amend TRN-O3 to replace ‘consider’ with ‘provide for’ so as to provide more emphasis on active transport.

1256. Six submission points (S464.005, S464.041, S493.028, S500.020, S599.032 and S601.026, supported by FS140.020) sought that TRN-O3 be amended to remove reference to ‘amenity’ because it is inappropriate to introduce a requirement to consider amenity in relation to land transport infrastructure. Several further submitters (FS68.012, FS72.002, FS72.006, FS147.006, FS53.12, FS53.13 FS77.15 FS218.014 and FS144.006) opposed this amendment because the overlays are an important and essential sustainable management tool and ensure compliance with higher order statutory instruments.

### **TRN-04**

1257. The s42A Report identified seven submission points<sup>350</sup> supporting TRN-O4 as notified. The reasons provided include:

- Improved resilience to hazards and climate change has good public health outcomes for people and communities;
- Encourages a resilient transport network to natural hazards and climate change; and
- Recognises the provision of emergency and core infrastructure services.

### **TRN-05**

1258. The s42A Report noted six submissions supported TRN-O5 as notified.

### **New Objectives**

1259. TiGa Minerals and Metals Ltd (S493.025), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.029) and Birchfield Coal Mines Ltd (S601.023) sought two new objectives to give effect to the RPS, as follows:

*To provide for the safe, effective and efficient operation and use of land transport infrastructure to enable the movement of goods and people across the region.*

*Land transport corridors and land transport infrastructure are protected from incompatible land use activities and subdivision development, where these are defined as critical infrastructure.*

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<sup>350</sup> S190.117, S442.034, S450.037, S608.527, S612.016, S614.023, S615.023

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1260. Four further submissions opposed these new objectives (FS147.003, FS72.020, FS144.021 and FS144.018).

### **Section 42A Report**

#### ***TRN-01***

1261. The s42A Report did not support moving TRN-01 to the Strategic Direction Chapter because it considered CR-01 – CR-04 (as notified) already afford appropriate strategic direction and TRN-01 refines this for the purpose of the TRN Chapter.

#### ***TRN-02***

1262. The s42A Report did not support replacing ‘*minimise*’ with ‘*manage*’ as sought by NZTA Waka Kotahi because this was inconsistent with the recommendations for the ENG Chapter and INF Chapter. It considered ‘*minimise*’ provided greater certainty and was consistent with the approach taken plan wide. However, the Panel notes that the submitter sought ‘*mitigate*’.
1263. The s42A Report did not support deletion of TRN-02 or its amendment because it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters. It also considered the proposed wording aligned with the methods outlined in the RPS, which seek to provide for safe and efficient operation of regionally significant infrastructure, including land transport infrastructure. However, contrary to these recommendations (s42A Report paragraphs 530 and 531), Appendix 1 of the s42A Report showed amendments to TRN-02, including deleting ‘*manage the effects*’ and adding ‘*provide for the safe and efficient operation*’. It also showed the words ‘*on the character, landscape and amenity of the towns, settlements and rural areas*’ as deleted.
1264. The Reporting Officers’ Position Statement (paragraph 31) records they had considered Ms Pulls’ evidence disagreeing with their recommendation to delete references to character, landscape and amenity but retained the s42A Report recommendation.
1265. The s42A Report also did not support the amendment sought by Forest & Bird and GDC to replace ‘*minimise*’ with ‘*avoid, remedy or mitigate*’ as they considered that ‘*avoid, remedy or mitigate*’ is too general for an objective. Further, it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters.

#### ***TRN-03***

1266. The s42A Report considered the current wording of TRN-03 did not give less importance to cyclists and pedestrians and noted it specifically highlights their importance. It did not support the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission.
1267. The s42A Report supported replacing ‘*consider*’ with ‘*provide for*’ because it considered this would strengthen the amenity requirement within the TRN Chapter and gives effect to s7 of Part 2 of the RMA which provides for amenity.
1268. The s42A Report did not support removing reference to ‘*amenity*’ because this is an important consideration for transport and the experience of transport users. It noted that without amenity effects the objective would be redundant and would not give effect to RMA s7.

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### ***TRN-04***

1269. The s42A Report recommended retaining TRN-04 as notified.

### ***TRN-05***

1270. The s42A Report recommend retaining TRN-05 as notified.

### ***New Objectives***

1271. The s42A Report did not support the first proposed new objective because it considered the issue was already appropriately addressed within the notified objectives. It supported the second new objective because it considered this would ensure consistency with ENG and INF Chapters (ENG-03 and INF-03) and it was appropriate to provide an objective related to reverse sensitivity effects.

### **Hearing and Submitter Evidence/Statements**

1272. Ms Alex Hansby and Ms Alex Booker provided a short legal memorandum on behalf of Birchfield Coal Mines Ltd, Papahaua Resources Ltd, Rocky Mining Ltd, TiGa Minerals and Metals Ltd, WMS Group and WMS Land Co, confirming no evidence or legal submissions would be provided, but noted that questions were welcome. The memorandum repeated the submission points relevant to this part of our recommendations (TRN-01, TRN-02, TRN-03 and proposed New Objectives). These points are recorded above.

1273. Ms Snoyink, for Forest & Bird, challenged the Reporting Officers' reasons for relying on the Overview to guide what other chapters may apply and for rejecting its relief for TRN-02. She noted that the Overview, while helpful, did not influence the interpretation of provision wording. She was concerned that if there was no direction to avoid, remedy, mitigate, or alternative measures, such as minimise as directed in the TRN chapter, could be read to override the direction of other chapter provisions regarding how adverse effects are to be addressed. She also reiterated Forest & Birds request to replace '*minimise*' with '*avoid, remedy or mitigate.*'

1274. Mr Stuart Pearson, for NZTA Waka Kotahi, advised that the agency accepted the recommendations in the s42A Report on all the objectives.

1275. Ms Pull's evidence challenged the s42A Report recommendation to amend TRN-02 by deleting references to effects on character, landscape, and amenity of towns, settlements, and rural areas. She considered that in determining if the TTPP is giving effect to the RPS, the Plan must be read as a whole, and that cultural, historic, and amenity values need to be considered. She considered that if the s42A Report's recommended deletions were supported, none of the TRN objectives would allow for consideration of the potential effects of transport on cultural and amenity values in the surrounding environment.

1276. Ms Pull's position statement (1 February 2024) records the Reporting Officers agreed with her criticisms of TRN-02 and, in theory, agreed to retain references to '*character, landscape, and amenity*' within the objective to provide clarity on what is meant by the word '*environment*'.

### **Reporting Officer Reply Evidence**

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1277. No further changes to the TRN objectives were shown in Attachment 1 of the Reporting Officers' Reply.

### Hearing Panel's Evaluation

1278. TRN-02, TRN-03 and new TRN-06 are the only amendments recommended by the Reporting Officers to the objectives. The Panel accept the Reporting Officers' recommendation to retain **TRN-01, TRN-04 and TRN-05** as notified.

1279. In relation to **TRN-02**, the Panel notes that the Reporting Officers mistakenly considered replacing that '*minimise*' with '*manage*'.

1280. The objective, as notified, sought to manage effects of land transport infrastructure on character, landscape and amenity of towns, settlements and rural areas, and to minimise adverse effects on the environment. The Panel considers this is unnecessarily complicated and should be simplified. We prefer the amended objective proposed by Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited, which uses clear and concise wording.

1281. The Panel notes that Poutini Ngāi Tahu did not submit on TRN-02, or any TRN objectives.

1282. In relation to **TRN-03**, the Panel accepts the Reporting Officers' recommendation to replace '*consider*' with '*to provide for*' in relation to amenity, for the reasons provided in s42A Report.

1283. The Panel agree with the Reporting Officers' reasoning to reject the first of the two proposed **new objectives** because it would lead to duplication. However, we consider including proposed new Objective TRN-06 could result in a perverse outcome where lighting, footpaths, signage and cycleways would be required to be protected from reverse sensitivity effects from land use activities, which would be inconsistent with the RPS. We also note there is no policy which would implement this proposed objective. We therefore disagree with the Reporting Officers and recommend not including this proposed objective; and reject the submission points requesting this. We consider the Reporting Officers concerns regarding reverse sensitivity are provided for under TRN-02.

### Hearing Panel's Recommendations

1284. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Objectives**:

Transport Objectives	
<b>TRN-01</b>	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
<b>TRN - 02</b>	To <del>manage the effects</del> <b>provide for the safe and efficient operation</b> of land transport infrastructure <del>on the character, landscape and amenity of the towns, settlements and rural areas and minimise,</del> <b>while managing</b> adverse effects on the

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	environment. <sup>351</sup>
<b>TRN – O3</b>	To enable accessibility, safety and connectivity of land transport infrastructure and <del>consider</del> <b>to provide for</b> <sup>352</sup> the amenity of all transport users, including pedestrians and cyclists.
<b>TRN– O4</b>	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
<b>TRN – O5</b>	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

### 6.5. Transport Policies

1285. The s42A Report identified 11 submission points<sup>353</sup> relating to the Transport policies collectively and noted four submissions supported the policies as notified.

#### **TRN-P1**

1286. The s42A Report identified 10 submission points and one further submission point<sup>354</sup> in relation to TRN-P1 and noted four submissions supported it as notified. BDC (S538.069), supported by NZTA Waka Kotahi (FS62.003), sought to amend TRN-P1 to recognise road classification under the most current National Transport Network classification system.

1287. Two submission points (S450.039 and S608.529) sought to replace ‘*minimise*’ with ‘*mitigate*’ to align with TRN-O2 and because mitigate is considered more appropriate in managing adverse effects.

1288. Four submission points (S464.042, S493.030, S599.033 and S601.028) sought the deletion of clause (c) from TRN-P2 because it provides for amenity, which is not considered relevant to land transport infrastructure.

#### **TRN-P2**

1289. The s42A Report identified four submission points<sup>355</sup> relating to TRN-P2 and noted two supported it as notified.

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<sup>351</sup> Foodstuffs South Island) Properties Limited and Foodstuffs South Island Limited S464.040

<sup>352</sup> Karen Lippiatt S439.014

<sup>353</sup> S181.003, S493.029, S538.068, S538.069, S558.719, S566.719, S567.076, S574.719, S599.033, S601.027, S613.012

<sup>354</sup> S65.004, S190.119, S442.036, S450.039, S456.007, S464.042, S493.030, S599.034, S601.028, S608.529, FS62.003

<sup>355</sup> S190.120, S442.037, S450.040, S608.530

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1290. KiwiRail (S442.037) sought to amend TRN-P2 to include '*rail level crossings*' to ensure that rail level crossings are considered in addition to intersections and State Highways.

1291. NZTA Waka Kotahi (S450.040) sought to amend TRN-P2 to delete clause (c) because it considered it achieved similar outcomes to clause (a) and resulted in repetition.

### ***TRN-P3***

1292. The s42A Report identified four submission points<sup>356</sup> relating to TRN-P3 and noted three submission points supported TRN-P3 as notified.

1293. KiwiRail (S442.038) sought to amend TRN-P3 to restrict buildings, structures, planting, or other visual obstructions within the sightlines of rail level crossings.

### ***TRN-P4***

1294. The s42A Report identified four submissions<sup>357</sup> relating to TRN-P4 and noted three submission points supported it as notified.

1295. KiwiRail (S442.039) sought to amend TRN-P4 to strengthen the wording and requirement to achieve safety at all rail crossings, not just at grade-level crossings.

### ***TRN-P5***

1296. The s42A Report identified five submission points<sup>358</sup> supporting TRN-P5 as notified.

### ***TRN-P6***

1297. The s42A Report identified four submission points<sup>359</sup> supporting TRN-P6 as notified.

### ***TRN-P7***

1298. The s42A Report identified six submission points<sup>360</sup> relating to TRN-P7 and noted four submissions supported TRN-P7 as notified. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.007) sought to amend TRN-P7 to include an additional clause supporting increased cycling and walking.

1299. NZTA Waka Kotahi (S450.004) recommended reviewing the rules and standards relating to cycle parking facilities to better align with TRN-P7.

### ***TRN-P8***

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<sup>356</sup> S190.121, S442.038, S450.041, S608.531

<sup>357</sup> S190.122, S442.039, S450.042, S608.532

<sup>358</sup> S65.005, S190.123, S442.040, S450.043, S608.533

<sup>359</sup> S65.006, S190.124, S450.044, S613.012

<sup>360</sup> S65.007, S190.125, S274.007, S439.015, S608.534

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1300. The s42A Report identified 10 submission points<sup>361</sup> supporting TRN-P8 as notified. NZTA Waka Kotahi (S450.046) sought TRN-P8 be amended to delete clause (c) as it repeats (b).

### **TRN-P9**

1301. The s42A Report identified four submission points<sup>362</sup> supporting TRN-P9 as notified.

### **New Policies**

1302. TiGa Minerals and Metals Ltd (S493.029), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.033) and Birchfield Coal Mines Ltd (S601.027) sought the insertion of a new policy to protect and enable vital land transport links. This request for a new policy was opposed by three further submissions (FS147.004, FS72.004 and FS144.004).
1303. NZTA Waka Kotahi (S450.048) sought the insertion of a new policy reflecting the high trip-generating standards. Foodstuffs (FS107.001) opposed this submission in part, unless it appropriately recognised activities (such as supermarkets) with operational and functional needs, and where customers require using a vehicle for shopping. BDC (FS149.003) agreed with NZTA Waka Kotahi that the policy framework did not specifically address high trip-generating activities but considered that adopting TRN-S14 was inappropriate, and that instead, a specific policy should be developed.

### **Section 42A Reports**

#### **TRN-P1**

1304. The s42A Report agreed with the relief sought by BDC and NZTA Waka Kotahi because it would provide consistent wording throughout the pTTPP. It agreed that including the reference to the classification system was appropriate given there was no policy direction supporting this within the performance standards.
1305. The s42A Report did not support replacing ‘*minimise*’ with ‘*mitigate*’ because they considered minimising effects was appropriate to give effect to TRN-O2.
1306. The s42A Report did not support submissions seeking the deletion of clause (c) because it considered amenity is an important consideration for transport and the experience of transport users. It also noted that the inclusion of amenity in this policy also affects TRN-O3.

#### **TRN-P2**

1307. The s42A Report agreed TRN-P2 should include a provision for rail, particularly given the wording of TRN-P3, which explicitly provides for rail level crossings. The Addendum Report, Attachment 1 (meeting notes at item 3 Vehicle Crossing) records TRN-P2 refers to the design, and that this matter should flow to the rules and standards. The Reporting Officers considered

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<sup>361</sup> S65.008, S190.126, S450.046, S456.008, S558.727, S566.727, S567.084, S574.727, S608.535, S613.012

<sup>362</sup> S190.127, S450.047, S456.009, S608.536

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there was a gap in the rules due to the absence of design standards. This matter is discussed further in relation to Appendix One: Transport Performance Standards below.

1308. The s42A Report agreed that clauses (a) and (c) overlapped, but they recommended refining clause (c) so that both could be retained.

### ***TRN-P3***

1309. The s42A Report did not support KiwiRail's request to include '*restricting*' because this was too onerous, and KiwiRail had not provided a s32 evaluation to support this amendment. It considered that structures and planting were essentially caught by '*other visual obstructions*'; and therefore, this amendment would be unnecessary.

### ***TRN-P4***

1310. The s42A Report agreed with KiwiRail that the words '*carefully consider*' do not provide strong enough policy direction and that the inclusion of '*ensure*' improves the policy's readability.

### ***TRN-P5 and TRN-P6***

1311. The s42A Report acknowledged the submissions in support and recommended retention of both policies as notified.

### ***TRN-P7***

1312. The s42A Report supported the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission because this aligned with the NPSUD, which aims to provide for connectivity, specifically active mode networks, within new development.

1313. In relation to cycle parking facilities, the s42A Report agreed that the standards were unclear and could be amended to better align with TRN-P7, particularly TRN Table 5. In response to submission S538.088, it recommended that the heading of TRN Table 5 is amended to improve clarity.

### ***TRN-P8***

1314. The s42A Report agreed that clauses (b) and (c) had duplicate content and recommended that clause (c) was deleted.

### ***TRN-P9***

1315. The s42A Report recommend retaining TRN-P9 as notified.

### ***New Policies***

1316. In relation to the first new policy sought by TiGa Minerals and Metals Ltd, WMS Group (HQ) Ltd and WMS Land Co. Ltd, and Birchfield Coal Mines Ltd, the s42A Report did not support its inclusion because it considered the matters were appropriately addressed within the notified objectives and policies. However, contrary to this recommendation (paragraph 566), the new policy was included in Appendix 1 of the s42A Report as TRN-P10. Appendix 2 recommends

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rejecting the requests for a new policy and accepting the further submissions opposing this new policy.

1317. The wording of new policy TRN-P10 in Appendix 1 of the s42A Report reflected the new policy requested except it replaced 'protect and enable' with 'provide', as follows:

Recognise and provide for the function of land transport infrastructure to ensure the safe and efficient movement of people and goods.

1318. The s42A Report supported NZTA Waka Kotahi's request to include a new policy to reflect high trip-generating standards because the policy framework did not specifically address this identified gap. However, it considered adopting TRN-S14 was inappropriate, and recommended development of a specific policy. It noted agreement that the TRN Chapter did not appropriately provide a policy for high trip generation activities and that the Plan should provide guidance. However, it did not support the submitter's proposed wording because it would more appropriately be included as an assessment criterion and repeated TRN-R14. The Reporting Officers therefore recommended alternative wording for new TRN-P11 as follows:

Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA). All ITAs should be completed by a suitably qualified and experienced transport professional.

1319. In addition to this new policy, the Reporting Officers also recommended including the above assessment criteria (TRN S14) in TRN-R12.

### **Hearing and Submitter Evidence/Statements**

1320. Ms Booker's legal submissions highlighted her client's submission points.
1321. Mr Pearson (for NZTA Waka Kotahi) confirmed that the s42A Report recommendations were acceptable and either addressed the submission points or provided sufficient explanation as to why the changes sought are not required.
1322. Ms Grinlinton-Hancock (for KiwiRail) provided detailed evidence and diagrams on level crossings for both approach and restart sightlines in relation to TRN-P3. She outlined the purpose of sightlines for managing risks at rail crossings. She noted KiwiRail had statutory powers to remove vegetation and other obstructions under the Railways Act 2005 but stressed the need to exercise the power meant that a compromise of sightlines had already occurred. She sought to avoid that outcome, noting the relief sought meant sightlines would apply at the development point, minimising the risk of obstructions. She noted that sight lines rules and standards are regularly included in district plans, automatically.
1323. Ms Grinlinton-Hancock responded to the reasons stated in the s42A Report for rejecting the KiwiRail relief, noting that the sight line controls affect only a small portion of land near a rail crossing. She stressed that obstructing sightlines could significantly affect road and rail users and obstructions should be by 'restricting' rather than just 'considering' by their location, as suggested in the s42A Report. She added that 'restricting' does not mean prohibited, but conveys clearly that buildings, structures, planting, and other visual obstructions should not

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generally be located within sightlines. She added that including the words '*structures and plantings*' clarified what an obstruction might be for plan users.

1324. Ms Grinlinton-Hancock provided a detailed s32 analysis of the KiwiRail relief, noting that relief would affect TRN-P3 and gives effect to Policy 6.4 of the RPS, which protects RSI from reverse sensitivity effects. She also noted that the relief included two new rules dealing with sightlines at railway level crossings and sight triangles.

### Reporting Officer Reply Evidence

1325. In Reply, the Reporting Officers recommended replacing '*minimise*' with '*mitigate*' in TRN-P2(b). However, they considered there was no submission to replace '*minimise*' in TRN-P1(c) and concluded there was no scope for change.
1326. Attachment 1 of the Right of Reply showed new policy TRN-10.

### Hearing Panel's Evaluation

1327. In relation to **TRN-P1**, the Panel disagrees with the Reporting Officers that there is no scope to address use of '*minimise*' in clause (c). We note submission points from NZTA Waka Kotahi (S450.039) seeking replacement with '*mitigate*'; and Foodstuffs (S464.042), TiGa (S493.030), WMS (S599.034) and Birchfield (S601.028) seeking deletion of clause (c). We consider these submissions provide scope for amendments.
1328. The Panel assumes the Reporting Officers have confused the submission points relating to TRN-P1 with TRN-P2. We acknowledge there is no submission seeking to replace '*minimise*' with '*mitigate*' in relation to TRN-P2(b). We therefore reject the Reporting Officers recommendation to amend TRN-P2(b) shown in Attachment 1 of the Reply because this is not within the scope of submissions.
1329. We agree with the BDC and NZTA Waka Kotahi request and the Reporting Officers' recommendations to add clause (d) to TRN-P1 because this issue was omitted from the notified version of the Plan and needs coverage. However, we have deleted the words '*most current*' because it must refer to the National Transport Classification in effect at the time of notification.
1330. In relation to **TRN-P2**, the Panel recommends retaining clause (c) to implement TRN- 02 and agree that including '*separation of*' and '*rail level crossings*' is appropriate to improve clarity and to provide complete coverage.
1331. In relation to **TRN-P3**, the Panel accept the evidence of Ms Grinlinton-Hancock's and agree that the language used must be very clear. We consider her recommended wording achieves this clarity. We acknowledge safety at rail crossings is a significant issue and accept protecting critical sightlines will assist in achieving safety. We agree that adding '*structures, planting*' is appropriate to maximise user safety at road and rail crossings.
1332. In relation to **TRN-P4**, the Panel accept KiwiRail's request to amend TRN-P4 to provide more directive language by rewording the provision and deleting the words '*carefully consider*' and replacing them with '*ensure*', which is a much higher and appropriate threshold given the policy context.

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1333. In relation to **TRN-P7**, the Panel agree with adding a new clause (c) to TRN-P7 because the amendment addresses providing for connectivity, which was omitted from the notified Plan. We accept connectivity between subdivisions and communities is an important consideration in relation to transport and consider its inclusion assists in giving effect to TRN-03.
1334. In relation to **TRN-P8**, the Panel accepts the recommendation to delete clause (c) to remove duplication with clause (b), which provides for the functional and operational requirements of activities covering all clause (c) matters.
1335. Despite the Reporting Officers conflicting recommendations, the Panel considers a **new policy**, such as TRN-P10, is necessary, primarily because all the other policies have a discrete focus. We note that this new proposed policy is much wider in its ambit, addressing safety and efficiency for the entire transport infrastructure, which was not covered by the notified Plan. We agree with the Reporting Officers that the requested '*recognise, protect and enable*' (as requested by submitters) is not appropriate. We consider '*recognise and provide for*' is consistent with the language used in the RPS in relation to regionally significant infrastructure. However, we recommend rewording the new policy to recognise the function of land transport infrastructure and to provide for the efficient and safe transport of people and goods.
1336. The Panel agrees that a **new policy TRN-P11** is required to address the identified gap in relation to high trip generation activities. We also agree with the Reporting Officers that the wording proposed by NZTA Waka Kotahi is more appropriately included as assessment criteria. We note the Reporting Officers also recommend an amendment to TRN rules to utilise some of this recommended wording, which is addressed below. However, we recommend the last sentence as proposed be included in the relevant rule and standards.

### Hearing Panel's Recommendation

1337. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Policies**:

### Transport Policies

<b>TRN – P1</b>	The road and rail <b>transport</b> networks shall: <sup>363</sup> <ul style="list-style-type: none"><li>a. Be maintained or enhanced to provide safe and efficient transportation;</li><li>b. Consider the needs of all transport users and modes of transport;</li><li>and<sup>364</sup></li><li>c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare; <b>and</b><sup>365</sup></li><li>d. <b><u>Recognise the different functions and design requirements for</u></b></li></ul>
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<sup>363</sup> RMA First Schedule Clause 16

<sup>364</sup> RMA First Schedule Clause 16

<sup>365</sup> RMA First Schedule Clause 16

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	<u>each road classification under the National Transport Network classification system.</u> <sup>366</sup>
<b>TRN – P2</b>	Vehicle crossings and associated access will; <sup>367</sup> <ol style="list-style-type: none"> <li>Be designed and located to provide for safe, effective and efficient movement to and from sites;</li> <li>Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and</li> <li>Manage <b>separation of</b> vehicle access to and from sites adjacent to intersections, <b>rail level crossings</b>, and where State Highways meet.<sup>368</sup></li> </ol>
<b>TRN – P3</b>	Maximise user safety at road and rail level crossings by <del>considering the location of</del> <b>restricting buildings, structures, planting</b> and other visual obstructions within sightlines. <sup>369</sup>
<b>TRN – P4</b>	<del>Ensure any new r</del> Road and pedestrian rail level crossings <del>carefully consider</del> <b>ensure</b> the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network. <sup>370</sup>
<b>TRN – P5</b>	Control vehicle access to sites adjacent to all road <b>and</b> <del>f</del> <sup>371</sup> rail level crossings to improve safety for road users on the approach to level crossings.
<b>TRN – P6</b>	Enable provision of electric vehicle and bicycle charging stations.
<b>TRN – P7</b>	Support increased cycling and walking by: <ol style="list-style-type: none"> <li>Requiring larger developments to provide bicycle parking; <del>and</del></li> <li>Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network; <b>and</b></li> <li><b>Providing for connectivity within, between and across subdivisions and communities.</b><sup>372</sup></li> </ol>
<b>TRN – P8</b>	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the

<sup>366</sup> Buller District Council S538.068

<sup>367</sup> RMA First Schedule Clause 16

<sup>368</sup> KiwiRail S442.037

<sup>369</sup> KiwiRail S442.038

<sup>370</sup> KiwiRail S442.039

<sup>371</sup> RMA First Schedule Clause 16

<sup>372</sup> Herenga a Nuku Aotearoa Outdoor Access Commission S274.007

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	<p>following:</p> <ul style="list-style-type: none"> <li>a. The safe, efficient and effective operation of the transport network;</li> <li>b. The functional and operational requirements of activities;</li> <li>c. <del>The recognition of different activities having different trip characteristics;</del><sup>373</sup></li> <li>c. The use of sustainable transport options including cycling and walking;</li> <li>d. Provision of safe access and egress for vehicles, pedestrians and cyclists;</li> <li>e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists;</li> <li>f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; <b>and</b><sup>374</sup></li> <li>g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.</li> </ul>
TRN – P9	<p>Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:</p> <ul style="list-style-type: none"> <li>a. The safe, effective and efficient operation of roads including State Highways; or</li> <li>b. Pedestrian access and amenity; or</li> <li>c. Safe and functional access.</li> </ul>
TRN – P10	<p><b><u>Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.</u></b><sup>375</sup></p>
TRN – P11	<p><b><u>Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).</u></b><sup>376</sup></p>

## 6.6. Transport Rules

### Submissions and Further Submissions

1338. KiwiRail (S442.041) supported the **Advice Note** advising plan users that they need approval from KiwiRail where any crossing will intersect with the rail corridor.
1339. BDC (S538.070) sought **Advice Note 2** be amended to replace ‘road opening’ with ‘relevant road controlling’ to alert plan users that additional approvals may be necessary for activities within the road reserve/transport corridor.

<sup>373</sup> NZTA Waka Kotahi S450.046

<sup>374</sup> RMA First Schedule Clause 16

<sup>375</sup> TiGa Minerals and Metals Ltd S493.029, WMS Group HQ Ltd and WMS Land Co Ltd S599.033 and Birchfield Coal Mines Ltd S601.027

<sup>376</sup> NZTA Waka Kotahi S450.048

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1340. GDC (S608.538) sought the **Advice Notes** be amended to ensure no ambiguity. Based on GDC's submission, the specific relief sought was limited to amending Advice Note 2 as follows:

*A road works permit is required prior to works undertaken in a road reserve / transport corridor or areas subject to a District Council designation ~~also require road opening approval from the relevant District Council.~~*

1341. The s42A Report identified sixteen submission points and five further submission points<sup>377</sup> in relation to the **Transport Standards** and noted all submission points sought changes to the rules, standards, and/or advice note wording.

1342. The s42A Report identified eleven submission points and one further submission point<sup>378</sup> relating to **TRN-R1** and noted one supported the provisions, and ten sought changes to the wording of the rules and standards.

1343. The s42A Report identified nine submission points and one further submission point<sup>379</sup> relating to **TRN-R2** and noted five supported the provisions, and four sought changes to the wording of the rules and standards.

1344. The s42A Report identified fourteen submission points and three further submission points<sup>380</sup> relating to **TRN-R3** and noted one supported the provisions, and sixteen sought changes to the wording of the rules and standards.

1345. The s42A Report identified four submission points<sup>381</sup> relating to **TRN-R4** and noted one supported the provisions, one sought deletion and three sought changes to the wording of the rules and standards.

1346. The s42A Report identified six submission points and one further submission point<sup>382</sup> relating to **TRN-R5** and noted one supported the provisions, and six sought changes to the wording of the rules and standards.

1347. The s42A Report identified twelve submission points<sup>383</sup> relating to **TRN-R6** and noted six supported the provisions, and six sought changes to the wording of the rules and standards.

1348. The s42A Report identified ten submission points and one further submission point<sup>384</sup> relating to **TRN-R7** and noted seven supported the provisions and two sought changes to the wording of the rules and standards.

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<sup>377</sup> S474.031, S500.020, S560.171, S560.173, S560.174, S560.175, S560.176, S560.177, S560.178, S560.179, S560.180, S560.181, S560.182, S560.183, S442.041, S538.070, S608.538, S456.013, FS230.0364, FS230.0365, FS230.0366, FS230.0367, FS230.0368

<sup>378</sup> S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127

<sup>379</sup> S190.129, S450.050, S538.072, S558.722, S560.174, S566.722, S567.079, S574.722, S608.451, FS149.005

<sup>380</sup> S190.030, S450.051, S538.073, S538.074, S558.723, S558.724, S560.175, S566.723, S566.724, S567.080, S567.081, S574.723, S574.724, S608.542, FS1.383, FS1.385, FS149.006

<sup>381</sup> S190.131, S450.052, S538.075, S608

<sup>382</sup> S190.132, S274.008, S439.016, S450.053, S538.076, S560.176, FS53.8

<sup>383</sup> S190.133, S450.054, S474.023, S536.067, S538.077, S558.726, S560.177, S566.726, S567.083, S574.726, S608.544, S613.013

<sup>384</sup> S190.134, S450.055, S538.079, S558.725, S560.178, S566.725, S567.082, S574.725, S608.545, S612.017, FS230.0364

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1349. The s42A Report identified six submission points and one further submission point<sup>385</sup> relating to **TRN–R8** and noted three supported the provisions, and four sought changes to the wording of the rules and standards.
1350. The s42A Report identified ten submission points and one further submission point<sup>386</sup> relating to **TRN–R9** and noted eight supported the provisions, and two sought changes to the wording of the rules and standards.
1351. The s42A Report identified ten submission points and two further submission points<sup>387</sup> relating to **TRN–R10** and noted seven supported the provisions, and four sought changes to the wording of the rules and standards.
1352. The s42A Report identified nine submission points and one further submission point<sup>388</sup> relating to **TRN–R11** and noted six supported the provisions, and two sought changes to the wording of the rules and standards.
1353. The s42A Report identified nine submission points and six further submission points<sup>389</sup> relating to **TRN–R12** and noted two supported the provisions, and ten sought changes to the wording of the rules and standards.
1354. The s42A Report identified eight submission points<sup>390</sup> relating to **TRN–R13** and noted one supported the provisions, and seven sought changes to the wording of the rules and standards.
1355. The s42A Report identified six submission points<sup>391</sup> and three further submission points relating to **TRN–R14** and noted one supported the provisions, and the remainder sought changes to the rules and standards' wording and/or deletion.
1356. The s42A detailed **New Standards** sought by submitters, identifying BDC (S538.078), sought the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

*Trip Generation Activities*

*Activity Status: Permitted*

*Where: (1) The activity complies with the thresholds listed in Table TRN-6a those submitters who sought those new standards.*

1357. NZTA Waka Kotahi (S450.336) sought to insert a **new standard** in the Transport chapter that requires resource consent for any new activity or change in land use where the activity will

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<sup>385</sup> S190.135, S450.056, S538.080, S560.179, S608.546, S612.018, FS230.0365

<sup>386</sup> S190.136, S450.057, S538.081, S558.728, S560.180, S566.728, S567.085, S574.728, S608.547, S612.019, FS230.0366

<sup>387</sup> S190.137, S439.017, S456.010, S538.082, S558.729, S560.181, S566.729, S567.086, S574.729, S608.548, FS127.002, FS230.0309

<sup>388</sup> S190.138, S538.083, S558.730, S560.182, S566.730, S567.087, S574.730, S608.549, S613.014, FS230.0367

<sup>389</sup> S190.139, S443.017, S450.058, S456.011, S491.010, S538.084, S560.183, S573.011, S608.550, FS1.165, FS64.008, FS104.012, FS230.0368, FS231.015, FS232.013

<sup>390</sup> S190.140, S450.059, S538.085, S558.731, S566.731, S567.088, S574.731, S608.551

<sup>391</sup> S190.141, S538.086, S566.732, S567.089, S574.732, FS104.013, FS231.016, FS232.014

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have direct access to the State Highway network. Waka Kotahi sought that this activity be provided as a restricted discretionary activity, with the safe and efficient operation of the State Highway network and traffic effects included as matters of discretion.

1358. WMS Group (HQ) Ltd and WMS Land Co. Ltd (FS231.014) and Birchfield Coal Mines Ltd (FS232.012) opposed the NZTA Waka Kotahi submission as unnecessary, and unconnected from adverse effects and is appropriately covered under the access and trip generator standards. BDC (FS149.007) partially supported the relief NZTA Waka Kotahi sought because a new standard should differentiate between activities using an existing vehicle crossing and a new vehicle crossing. GDC (FS1) opposed the relief sought by Waka Kotahi as they considered a ‘catch-all’ approach unreasonable. Further, they considered that many use-related changes do not exacerbate effects. Likewise, there are many new activities with less than minor effects.
1359. The s42A Report identified one submission<sup>392</sup> that supported **Appendix One: Transport Performance Standards** as notified. GDC (S608.845) sought to include the standards with **Appendix One: Transport Performance Standards** within the TRN Chapter, rather than as a separate Appendix. Sixteen submission points<sup>393</sup> sought that **Appendix One: Transport Performance Standards** be amended to be less onerous, more consistent and correct errors. One submission (S360.058) sought **Appendix One: Transport Performance Standards** to be amended to enable development.
1360. The s42A Report identified KiwiRail (S442.042) as supporting **TRN S1** as notified; and GDC (S608.850 and S608.851) supporting TRN S2 and TRN S3 as notified; and Rocky Mining Ltd (S474.024) as supporting **TRN S14** as notified. The s42A identified a submission from BDC (S538.088) that sought to reformat **TRN S7**, amend the **TRN S12** table, and delete **TRN S14**. NZTA Waka Kotahi (S450.339) sought to retain **TRN S10**.
1361. The s42A Report identified several submitters (S65.055, S82.001, S101.017, S129.004, S355.007, S356.003, S377.013, S443.018, FS.028 and FS77.8) relating to **TRN S14** within Appendix One, who sought that **TRN S14** be amended to consider the cumulative effects of truck movements associated with heavy mineral concentrate or any other extraction associated with large bulk carrier vehicle movements.
1362. Fire and Emergency (S573.013) sought the insertion of a new standard as follows:

### **TRAN-S15 – Firefighting Access**

*As follows:*

*1. Any access to a site located in an area where no fully reticulated water supply system is available, or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants, must be designed to accommodate a fire appliance design vehicle of*

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<sup>392</sup> S599.158

<sup>393</sup> S516.160, S558.709, S558.721, S563.167, S564.176, S566.709, S566.721, S574.709, S574.721, S577.140, S614.233, S614.234, S614.235, S615.233, S615.234, S615.235

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at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne.

1363. As to amendments to the **Tables and Figures within Appendix One**, the s42A Report identified submissions from BDC (S538.088) that sought the following amendments:

- **TRN Figure 1:** show distance 'y' on Figure 1;
- **TRN Tables 4 and 5** – amend the first heading of the tables to read: 'Total number of vehicle spaces provided';
- **TRN S7** – reformat the last three bullet points; and
- **TRN S12:** amend Table 6 that follows the standard.

1364. The s42A Report identified further submissions from BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd (FS64.007) that supported BDC's proposed amendment to the trip generation thresholds to relate to gross floor area as opposed to filling pumps at service stations, as service stations do not generate a significant number of new trips as they are predominantly vehicles using the road network on their way to another destination. It noted that this would result in a consequential amendment to TRN-R12.

1365. The Ministry of Education (S456.012) requested that the '*Education—Schools*' qualifier in **TRN Table 6** be increased from 30 as notified to 100 students. Kāinga Ora (FS58.016) supported the Ministry of Education's submission for matters unrelated to transport (financial contributions), and for these reasons, the Reporting Officers disregarded that submission.

1366. NZTA Waka Kotahi (S450.334, S450.0335, S450.338 and S450.339) sought that Appendix One: Transport Performance Standards retain **TRN Tables 1 and 3, TRN Figure 1 and TRN S10**. They sought amendments as follows:

- Include the Transport Standards within the chapter rather than in an appendix;
- Amend the table or add a new table to recognise the local road accessway separations from a state highway;
- Include new transport standard for state highway vehicle crossings requiring the approval of Waka Kotahi;
- Amend TRN Table 6 to include drive-throughs;
- Elevate the assessment criteria to form a new policy for the assessment of high trip-generating activities; and
- Clarify the meaning of hvm/d.

### **Section 42A Reports**

1367. In relation to **Transport Standards**, the s42A Report did not support deleting the amenity assessment because they considered it an important consideration for transport and the experience of transport users. It noted it was appropriate to include effects on amenity given the recommended wording of TRN-O3.

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1368. The s42A Report did not support an new additional standard added to all permitted activities requiring adherence to standards in other chapters of the pTTPP, including ECO, NC, NFL and CE because it considered specifying particular chapters of the pTTPP limits and restricts the assessment, when the pTTPP should be read in full and the TRN Chapter overview guides other chapters to be read. It concluded a new standard would result in duplication with specific standards.
1369. The s42A Report rejected Forest & Bird’s request to include an additional matter of discretion to allow for consideration of natural values and Poutini Ngāi Tahu’s further submission to incorporate the values of any zone, overlays and district wide chapters, such as SASM, as matters of discretion in each rule. It considered this would be inconsistent with the TRN objectives and policies, and the overall format of the pTTPP. It noted the TRN Overview provided guidance as to other relevant chapters and that given this it would be duplication to include it under specific standards.
1370. The s42A Report agreed with BDC and GDC that the **Advice Notes** needed to be amended to ensure no ambiguity.

### ***TRN-R1***

1371. The s42A Report agreed with some of the amendments sought by BDC, such as the inclusion of ‘TRN-S12’ because compliance with this standard is necessary (as clause (2) sets down the applicable parking, loading, and queuing standards) but it did not support the balance of the relief sought.
1372. In response to GDC’s concerns regarding referencing ‘The Auckland Design Guide for Stormwater Management’ in the advice note, the s42A Report requested further information to justify any amendment.
1373. The s42A Report agreed with Fire and Emergency and BDC to increase the minimum driveway width from 3 to 3.5 metres to allow for fire appliance access. The amendment is found not in TRN-R1 but in TRN S3. Despite this acceptance, Appendix 1 of the s42A Report did not reflect this recommended amendment. The Panel recommends this.

### ***TRN-R2***

1374. The s42A Report agreed with NZTA Waka Kotahi that reference to designations within the heading and clause (2)(c) of TRN-R2 was unnecessary duplication of functions and methods, and recommended deletion. It noted the deletion resulted in the GDC relief concerning TRN-R2 and TRN-R3 no longer being relevant. It agreed with BDC’s request to simplify the heading wording to clarify that it covers the maintenance and repair of the existing land transport corridor.

### ***TRN-R3***

1375. The s42A Report supported the deletion of clause (c), as sought by NZTA Waka Kotahi and BDC, because the reference to designations duplicated functions and methods.

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1376. The s42A Report did not support an amendment to TRN-R3 to allow for works to be undertaken if written consent has been provided by the road controlling or requiring authority, because third-party approval is *ultra vires* and beyond the scope of the pTTPP.

### **TRN-R4**

1377. The s42A Report accepted NZTA Waka Kotahi's request to delete the rule because a designation's effect is to provide for activities otherwise managed through the pTTPP. It agreed with the submitter that it was appropriate to include a new discretionary activity standard for any new transport corridor for subdivision and development before the vesting of assets. It noted that given the recommended deletion of TRN-R4, the relief sought by BDC and GDC to remove reference to designations was no longer relevant.

### **TRN-R5**

1378. The s42A Report did not support amending TRN-R5 to include all legal roads because that amendment would be limiting compared to the notified wording. It did not support amendments to encourage active transport routes because this is not clearly defined in the pTTPP, and the amendment would result in ambiguity. Amendments seeking to limit the scope of tracks to unformed legal road reserves and strips were not supported because the relief sought results in further wording to provide examples of the types of activities, which is unnecessary and results in lengthy standard headings.

### **TRN-R6**

1379. The s42A Report supported replacing '*land transport authority*' with '*road controlling authority*' to provide clarity. It noted Straterra (S536.067) had not provided evidence to support the relief that 30 vehicle movements per day was unworkable, and no alternative number of heavy vehicle movements was provided.

1380. The s42A Report supported amending the heading of TRN-R6 by deleting the reference to the transport corridor because it made more sense and improved readability. It did not support the amendment seeking to restrict the location of charging stations, considering this to be too limited and to provide unnecessary restrictions to the activity.

1381. The s42A Report did not support deleting clause (2) of **TRN-R6** because it ensures that charging stations remain of a size and scale that is consistent with other network utilities and seeks to maintain amenity, which consequently reduces the opportunity for adverse effects.

### **TRN-R7**

1382. The s42A Report supported adding two new matters of discretion because new clause (f) is more directive than clause (c), and new clause (g) is more specific than clauses (a) and (b). In addition to these amendments, the Panel notes that BDC also sought to amend clause (d) by deleting the word '*flood*' and replacing it with '*future natural*', which were not addressed in the s42A Report. However, Appendix 1 of the s42A Report included the change sought to clause (d) without deleting '*flood*' and did not identify it as an amendment to the notified provisions.

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1383. The s42A Report made no further recommendations for change. It recommended rejecting the submission by GDC that the impact on the road controlling authority and existing infrastructure is unclear.

### **TRN-R8**

1384. The s42A Report noted a consequential amendment to the heading to removing references to the designation. It supported the inclusion of an additional new clause to consider the effects of the safe and efficient operation of the road. However, that recommendation is not included in Appendix 1, nor is the recommendation to amend clause (b) to delete *'flood'* and replace it with *'future natural'* included. A new clause (c) *'Outcome of consultation with the relevant roading authority'* is proposed but the s42A Report does not discuss this new clause.

### **TRN-R9**

1385. The s42A Report supported deleting the word *'system'* as it creates confusion in clause (a). It supported adding design and suitability to the matters of discretion. However, the Panel notes this recommendation is not included in Appendix 1, nor is the recommendation to amend clause (d) to provide for all future natural hazard mitigation.

### **TRN-R10**

1386. The s42A Report supported deleting the reference to *'over 1000m above sea level'* in clause (a) because this was unnecessary wording. It did not support including a reference to *'active transport routes'* because these are not defined in the pTTPP. It did not support the Poutini Ngāi Tahu's request to broaden assessment considerations beyond visual impacts to include effects on cultural heritage and natural environment values because this would be limiting and the District-Wide chapters should manage the impact on cultural and natural environment values.

### **TRN-R11**

1387. The s42A Report supported amendments to the rule heading to correspond with the permitted activity rule TRN-R6 and recommended deleting *'in the transport corridor'*. It supported adding *'safety and efficiency'* to clause (a) but did not support deleting clause (b) because it is an action to contact the relevant transport agency. It recommended replacing the *'transport agency'* with *'road authority'* for consistency across the pTTPP. It did not support the inclusion of amenity effects in this rule because TRN-R11 gives effect to TRN-P6, not TRN-P9, which provides scope for consideration of amenity effects; and such an amendment would be inconsistent with the policy framework.

### **TRN-R12**

1388. The s42A Report did not support amending it to explicitly reference heavy vehicle movements because it considered those movements were already covered within clause (a) of the rule, which refers to high trip-generating activities transport assessment requirements.

1389. The s42A Report disagreed that there was an issue with the clarity of the activity status caused by the lack of clear delineation between TRN-R12 and TRN-R14. It considered that if the activity complied with TRN-R12, it would be a restricted discretionary activity; and if not, it

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would become fully discretionary under TRN-R14. It concluded this lack of clarity claim was not made out, so there was no basis to amend TRN-R12.

1390. The s42A Report concluded amending TRN-R12 to provide for vehicle movements to and from the site was no longer required due to other amendments to TRN-R12.
1391. The s42A Report agreed, in part, with the BDC submission to amend TRN-R12 but rejected the part that sought to delete TRN-R14 because TRN-R14 provided for activities that do not comply with TRN-S12. The balance part of the BDC submission in relation to TRN-R12 was supported.
1392. While Fire and Emergency (S573) opposed TRN-R12 in part, the s42A Report did not support that submission but noted it was agreed that emergency service facilities should have no limit on traffic movements. It noted that the need was addressed by excluding emergency traffic movements from Table TRN6.
1393. The s42A Report accepted that a new policy was needed because this rule refers to *'high trip activities'*. It recommended the new policy TRN-P11, which is addressed above.

### ***TRN-R13***

1394. The s42A Report agreed to delete the advice note requiring notification because retention created an onerous outcome, potentially requiring every subdivision creating a new road to be vested to be notified. It preferred to rely on s95 of the RMA rather than retain the notification advice note. It agreed that the wording *'not meeting Permitted Activity standards'* was unnecessary in the rule heading because the linked rule, TRN-R4 (permitted activity rule), was recommended for deletion.
1395. The s42A Report noted the GDC submission (S608.551) sought clarification on the requirements for Council when considering the creation of a new road, formed or unformed but considered there was no evidence to assist in evaluating the submission.

### ***TRN-R14***

1396. The s42A Report did not support deleting this rule because it provided for activities that do not comply with TRN-R12.

### ***TRN-RXX***

1397. In common with other chapters, a new catch-all rule was proposed to ensure that if an activity is neither permitted nor discretionary, it is non-complying. The rule stemmed from a submission from Transpower on the Energy Chapter and the Reporting Officer's acknowledged that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA. They recommend accepting the submission, and to ensure consistency across the Energy, Infrastructure and Transportation chapters the same rule be included in the Infrastructure and Transportation chapters. The Panel notes that reporting officers for other chapters recommended the same catch all rule because, as notified, such a rule was not included.

### ***New Standards***

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1398. BDC (\$538.078) seek the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

### **Trip Generation Activities**

**Activity Status: Permitted**

**Where:**

**(1) The activity complies with the thresholds listed in Table TRN-6.**

1399. The s42A Report recommend a permitted activity standard for activities not identified as High Trip Generating in Table TRN-6, noting this amendment would cause consequential amendments. However, Appendix 1 of the s42A Report did not include clause (1) as requested by BDC.
1400. The s42A Report did not support NZTA Waka Kotahi's (\$450.060) request to insert a new standard in the Transport Chapter to require resource consent for any new activity or change in land use where the activity will have direct access onto the State Highway network. It considered many changes of use would not exacerbate effects and that many new activities have less than minor effects. It also considered that the high trip-generating activity standards would address this matter. It concluded that it was too onerous to require resource consent as a restricted discretionary activity for every activity gaining access.

### ***Appendix One: Transport Performance Standards***

1401. In terms of Appendix One: Transport Performance Standards, the Reporting Officers supported limited amendments. GDC had sought that the Appendix be included within the Transport chapter itself, but the Reporting Officers rejected this because they considered the chapter appropriately referenced the Appendix and no change was needed.
1402. A number of submitters sought changes, corrections and deletions to the standards and tables. The Reporting Officers rejected most of these due to a lack of evidence in support. They did support minor amendments, some of which were not included within Appendix 1 to the s42A Report.
1403. The s42A Addendum Report (Attachment 1: Meeting Notes) in relation to vehicle crossings records that the design standards within the tables needs to be clarified, and that illustrative figures would benefit plan users. The meeting notes record that there are gaps within these tables that require clarification, and a range of updates are proposed to address these.
1404. The s42A Report supported amending TRN S3 to increase the driveway width to 3.5m from 3m, as sought by Fire and Emergency (\$573.013), but that amendment was not included in Appendix 1 to the s42A Report. They also supported amending **Tables 4** and **5** to include "vehicle" after the word "of" within both tables' titles, as sought by BDC.
1405. The s42A Addendum Report in Attachment 1 in response to the Waka Kotahi evidence included notes of an online meeting held on 23 November 2023 between the Reporting Officers and Robert Swears and Stuart Pearson, both from Waka Kotahi. The notes record Waka Kotahi's recommended approach of utilising equivalent car movements (ECM) within **TRN Table 6**, along with traffic effect assessment information (TIA or ITA) and noted that the

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Reporting Officers were open to further work to establish a set of provisions relating to ECMs before completing their Reply.

1406. The Reporting Officers supported a BDC submission in amending **TRN S12** by deleting the words '*formed*' and '*sealed*' and including the word *metaled* within the first right-hand box and replacing *metaled* with '*formed*' and '*sealed*' in the second right-hand box. BDC also sought the replacement of the word '*less*' with the word '*more*' within the third right-hand box. While the Reporting Officers accepted this amendment, it was not included within Appendix 1 to the s42A Report.
1407. The Reporting Officers supported amending **TRN S14** clause (4) to clarify the meaning of '*hvm/d*' replacing it with '*heavy vehicle movements per day*'.

### Hearing and Submitter Evidence/Statements

1408. The evidence summaries below refer only to areas of outstanding matters of disagreement between the submitter and the recommendation of the Reporting Officers.
1409. Ms Grinlinton-Hancock for KiwiRail (S442.043) sought two new rules for sight lines at railway level crossings and level crossing sight triangles, along with accompanying illustrative diagrams of those sight lines. She provided proposed text for the new rules and included a s32AA analysis of the new rules. She highlighted KiwiRail sought to amend TRN Table 1 (vehicle access design standards and minimum site distances for vehicle access points to the state highway) to include rail crossing sight lines, including diagrams.
1410. Ms Booker, in legal submissions responding to the s42A Report, remained concerned that the recommended reference to TRN Table 6 rather than TRN S14 could result in all new activities requiring resource consent being caught in the catch-all '*other activities not listed in this table*', through compliance with TRN Table 6. She sought a permitted activity rule for activities not exceeding the thresholds in TRN Table 6, the amendment of TRN-R12 to apply to activities exceeding TRN Table 6 thresholds, delete reference to TRN S14, and delete TRN-R14. She noted support for the recommended rejection of NZTA Waka Kotahi's proposal to insert a new transport standard requiring resource consent for any new activity or change in land use where access to the State Highway network occurs.
1411. Mr Leckie's legal submissions highlighted concerns with TRN-Table 6, High Trip-Generating Activities. He initially detailed the relationship between Appendix One and the rules, noting that as notified, mining and quarrying are identified as high-trip-generating activities if there are more than 30 heavy vehicle movements daily. He recorded that if more than 30 heavy vehicle movements occur, Standard TRN S14 sets out the requirements for a high trip generating activity transport assessment. He noted that Rule TRN-R12 provided for establishing a new high trip generating activity, or the expansion of an existing activity listed in TRN-Table 6 that complies with the requirements of Standard TRN S14, as a restricted discretionary activity.
1412. Mr Leckie's submissions sought to ensure that the TRN provisions were consistent with the intended objectives and provisions of both BCZ and MINZ and did not unintentionally restrict anticipated activities in these zones. To achieve that result, he submitted TRN Table 6 required amendment by including additional words as follows:

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### *Mining and Quarrying*

*>30 heavy vehicle movements to or from the site per day*

1413. Mr Leckie disagreed with the s42A Report recommendation to reject the relief due to amendments made to TRN-R12 due to other submissions. He noted TRN Table 6 had not been amended, and the rule still referred to the table, so the interpretation issue remained unresolved. He noted that both the BCZ and MINZ plan provisions clarified that heavy vehicle movements exclude heavy vehicle movements within a site and highlighted the Reporting Officers agreed with him. He contended that the amendment sought to TRN Table 6 would resolve inconsistency and interpretation conflicts.
1414. Additionally, Mr Leckie noted that Rule BCZ-R3 provided for a maximum of 50 heavy vehicle movements per day, Rule MINZ-R3 provided for 30, and Rule TRN-R12 provided for 30. He considered it was unclear which rule would take precedence. Bathurst, he said, preferred 50. He also considered it was unclear if the Plan intended that one vehicle movement equated to a trip to and from a site and requested clarification. He referred to Ms Hunter's evidence provided in hearing Topics 1 and 2, which made it clear that if there was a specific rule within a Special Purpose Zone, then it should apply above the more general transport provisions.
1415. Post Mr Leckie's submissions, the Panel notes that substantial changes arising from expert witness conferencing were recommended to TRN Table 6 and the traffic assessment of heavy vehicle movements.
1416. Ms Snoyink's statement focused on the s42A Addendum Report and Appendix One. She noted Forest & Bird remained concerned that the rules only address significant effects on identified values and did not give effect to the RMA and NZCPS.
1417. Mr Pearson, for NZTA Waka Kotahi, noted that for a new vehicle crossing to a state highway a restricted discretionary activity status was not required, provided the crossing met the performance standards recognised in Rule TRN-R1. However, he considered an additional performance standard should be included to provide further clarity.
1418. Mr Pearson also addressed high trip-generating activities, noting that amendments sought to TRN Table 6 included providing for drive-through facilities and reducing the number of heavy vehicles used for mining and quarrying. He said traffic volumes should be based on equivalent car movements (**ECM**) per day rather than heavy vehicle movements per day.
1419. Referencing Mr Swears' expert advice, Mr Pearson noted that using ECM as a standardised approach for identifying assessment thresholds in TRN Table 6 would simplify when traffic assessments are required and would capture all activities. He also considered using ECM would improve clarity and consistency when assessing transport effects, ensuring the correct mitigations are appropriately managed, and the effects associated with different activities and vehicle types are provided.
1420. Mr Swears noted that the pTTPP did not include a definition of ECM and provided proposed wording to address the relief sought by BDC to include one. He noted the s42A Report commented on the BDC submission but did not make a recommendation. The Panel notes this omission was subsequently addressed in the s42A Addendum Report.

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1421. The BDC submission stated as follows:

*Council also seeks the inclusion of a statement that sets down the equivalent car movements so that the number of vehicle movements can be determined when heavy vehicle movements are involved.*

*As a general comment, the Council notes that trip generation limits are incorporated into the performance standards across the Plan. For example, Home Businesses, Community Facilities, and Mining Activities in the Rural Zone all have vehicle movement limits.*

*Any trip-generating standards in other chapters need to be reviewed to ensure consistency with the Transport Performance Standards.*

1422. The Panel notes the NZTA Waka Kotahi submission (page 59) also raised the issue of utilising ECM to more accurately allow assessment of heavy vehicles when applying TRN Table 6 and its related standards and rules.

1423. Mr Pearson pointed out that amendments to rules in specific zones that refer to light and heavy vehicles would be needed. He identified GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and MINZ-R3. He directed the Panel to Mr Swears' evidence (paragraph 33), where he provided an example of using ECM. Mr Pearson noted that the approach simplified identifying trip generation thresholds for when transport assessments may be required. He noted the approach did not use specific activities with different qualifier thresholds but instead relied on ECM that apply to all activities and how different vehicle trip generation impacts different road hierarchies. He highlighted applying this approach determined whether a traffic impact assessment or an integrated transport assessment was required.

1424. Mr Pearson considered that using ECM provided clarity and would capture any activity adversely affecting the transport system. He also referenced the two proposed transport assessment requirements - Basic Assessment and a Full Integrated Assessment, as set out in the amended TRN S14. He considered these proposed assessments removed potentially onerous requirements by ensuring that the assessment was fit for purpose, for the varying level of effects an activity may have.

1425. Mr Pearson went on to note the linkage between TRN Table 6 and TRN S14 and proposed new Policy TRN-PX, and the evidence of Mr Swears that the new Policy needed to reference the use of both '*Traffic impact assessments*' and '*Integrated transport assessments*', so that whichever is appropriate can be used.

1426. Subsequent to the hearing, Mr Pearson (supplementary statement dated 5 December 2023) considered that, while there was scope to make some changes to TRN Table 6, there was no specific submission point broadly seeking modifications to all the thresholds related to the activities listed in the table. However, despite this, he considered there was benefit in revisiting the thresholds in Table 6 for when a transport assessment (whether basic or full) is required.

1427. Mr Pearson also provided alternate options to be used in the Transport Performance Standard provisions for the assessment criteria for high trip generating activities. He referenced the

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partially operative Selwyn District Plan (within the amended transport provisions) and the Thames Coromandel District Plan.

1428. Mr Pearson disagreed with the Foodstuffs further submissions (FS107) because he considered the operational and functional need for supermarkets should be recognised and that these types of activities needed to be assessed, and where required, their effects on the transport network evaluated via traffic assessments.
1429. Mr Pearson addressed vehicle crossings, detailing amendments to TRN-R1, including new vehicle crossing designs (Diagrams C and E) for the state highway network. He provided a new table (new Table TRN-4) to be referenced within TRN-R1, which links to the diagrams providing details on the accessway type. If included, Mr Pearson considered that effects associated with access to and from the state highway would be addressed by ensuring adequate standards, including sight distances, vehicle access separation, and vehicle crossing design standards. He noted the new table could also apply to local roads as well. The diagrams, by identifying the extent of the areas to be sealed, assist in ensuring loose material and or mud from the access road will not migrate onto the carriageway of the adjoining road, avoiding, for example, the risks loose gravels pose for motorcyclists.
1430. Mr Pearson noted the s42A Report had not responded to NZTA Waka Kotahi's submissions to amend TRN Table 3, which deals with the separation of accessways. Assuming amendments were made to TRN Table 3, he provided Figure 1 in his evidence to accompany that amended table to provide clarity. Mr Swears' evidence in section 5, Separation of Accessways, also addressed this issue.
1431. Mr Swears supported amendments to TRN Table 3 but provided Figure 5 as an alternative to Mr Pearson's Figure 1. He discussed the difference between the two options and had reservations regarding the lengths described in the inset table of Figure 5.
1432. Following the hearing, Mr Swears provided a memorandum (dated 5 December 2023) updating the Panel on the accessway separation matter. He provided two tables accompanying his Figure 5, which provided separation distances. One option was based on the nature of the traffic using the accessway, such as heavy vehicles; the other option was based on land use/zoning. He did not record a preference for either option. He also revisited the transport assessment to assess the effects of a land use activity on the transportation network and provided three additional tables.
1433. Mr Swears also revisited the content of the transport assessment. After considering sources for that assessment, he noted it was desirable for NZTA Waka Kotahi to provide simple but clear guidance to the Region. Based on terminology that is commonly used, he considered it would be best to refer to the 'Basic' assessment as a '*Basic Integrated Transport Assessment*' or as a '*Traffic Impact Assessment*'; and to refer to the 'Full' assessment as either a '*Full Integrated Transport Assessment*' or as an '*Integrated Transport Assessment*'
1434. Within his supplementary statement, Mr Pearson included a new table for vehicle crossing standards for rural environments where the speed limit is 70 km/h or greater with associated changes to TRN-R1, new figures including the vehicle crossing designs, amendments to both TRN Table 1 and TRN Table 3, and a new figure to help clarify how this Table is to be interpreted.

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1435. Mr Pearson noted NZTA Waka Kotahi’s submission recommended that local vehicle crossing standards be included because in urban environments (speed limit of 60 km/h or lower) where there is a kerb and channel, it is often required for sites to construct their vehicle crossings to Council standards. He suggested that the pTTPP could adopt an approach like the Selwyn District Plan, which has provided vehicle crossing design standards for local roads (TRAN-DIAGRAM 5) and arterial and collector roads (TRAN-DIAGRAM 6). Alternatively, urban vehicle crossing designs (Standard Drop Crossing) in Schedule 3 of the Grey District Plan (Standard Residential Drop Crossing) for the residential vehicle crossing design in the Westland Code of Practice for Engineering Works could be adopted and incorporated into the District Plan.
1436. In Mr Pearson's view, including an urban/local vehicle crossing standard would ensure that any new residential development in an urban context has an appropriate vehicle crossing that mitigates potential safety issues on the transport system. He noted activities related to commercial and industrial activity would probably require a bespoke design and would likely trigger a restricted discretionary status in the Transport Chapter.
1437. Mr Pearson addressed the road classification issue, noting that the notified Plan uses the One Network Road Classification (**ONRC**), which has since been superseded by the One Network Framework (**ONF**). He noted NZTA Waka Kotahi utilises ONF to enable better design, planning, and delivery of transport systems by recognising how the roads function to move goods and people and how people experience those roads. He said this matches funding from NZTA Waka Kotahi, which funds state highways and is a co-founder of the local road network. Mr Pearson accepted that there may not be scope in the relevant submissions to make this change; however, to ensure that the changes sought concerning high trip generating activities were appropriately addressed, he considered changes should be made to the roading hierarchy to be consistent with ONF to improve clarity and usability of the pTTPP.
1438. Following the hearing, the Panel requested that Mr Pearson confirm scope within submissions to incorporate ONF into the pTTPP. In his supplementary statement, he confirmed there was scope but noted that there was insufficient data available for roads within the West Coast Region, which prevented the immediate implementation of ONF into the pTTPP. He noted that once ONF was available, it could be incorporated into the pTTPP through a future plan change. He also noted there was currently no schedule to recognise the current hierarchy within the pTTPP. The Panel consider there is no scope within submissions to incorporate the ONF and agree this would require future plan change.
1439. Ms Pull’s addendum evidence confirmed a focus on TRN-R9 and TRN-R10. However, the Panel note Poutini Ngāi Tahu’s did not submit on the TRN Rules.

### **Reporting Officer Reply Evidence**

1440. Both the Position Statement and Reply responded to Ms Pull's evidence relating to TRN-R9 and TRN-R10 to include Poutini Ngāi Values as a matter of discretion, detailing the Reporting Officers’ concerns that inclusion would reduce plan certainty and increase complexity and require input from Poutini Ngāi Tahu on all applications. They considered that if these matters were included as matters of discretion, a cultural impact report would be needed, and Ngai Tahu was the only body capable of providing one.

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1441. Regarding TRN-R10, as to the visual effects issue, the Reporting Officers considered reference to amenity values included and provided for consideration of impacts on cultural values. They provided alternative wording to that advanced by Ms Pull as follow:

*Effects on amenity values, in particular of the locality and streetscape.*

1442. The Reply, while repeating the content of the Position Statement, on the above issues, also noted Ms Pull had promoted the approach of including a notification advice note to the relevant rules as a means of notifying plan users of the need to consult with Ngāi Tahu when Ngāi Tahu values might be affected. The Reporting Officers did not support that approach as an effective means of overcoming uncertainty because the Ngāi Tahu values are not explicitly mapped. Also, they noted that any proposals that did give rise to that type of effect would need to comply with the requirements of the SASM Chapter.
1443. Both the Position Statement and the reply responded to the issue of Special Purpose Roads, providing information on their background. The Reporting Officers advised that Special Purpose Roads had been in place for many years and have remained unchanged on the West Coast. They recorded they had spoken with the Council's roading departments, who wished to see both retention of those roads and inclusion within the RSI definition. Those roads are listed in a Waka Kotahi document entitled Funding Assistance Rates (FAR) which was provided to the Panel.
1444. In response to the Panel's query about whether those roads could be identified as another term on the planning maps, the Reporting Officers confirmed they saw no issue with doing so.
1445. When addressing the road hierarchy ONF, the Reply noted Mr Pearson's evidence above but recorded during the EWC that Mr Pearson withdrew the specific relief relating to the One Network Road Classification.
1446. As to high trip generating activities, the Reply notes that NZTA Waka Kotahi's relief sought to comprehensively change those notified plan provisions to form both a new policy and convert the triggers for traffic assessments into ECM. The Reporting Officers noted that Mr Swears was the only expert who presented transport engineering evidence, and as such, they considered they must rely on his recommendations relating to ECM. The Panel notes NZTA Waka Kotahi's submission was narrow and that it was the BDC's submission that provided broad scope for amendments.
1447. The Reply briefly addressed the issue of consistency between BCZ and MINZ rules and TRN rules regarding the high trip-generating threshold of 30 or 50 heavy vehicle movements, noting that the mining topic had yet to be heard. The Reporting Officers again stated they were not transportation experts and did not have access to experts.

### **Hearing Panel's Evaluation**

1448. The matters raised in submissions and evidence by Waka Kotahi and BDC are the most significant regarding the Transport Rules and performance standards, so the Panel have addressed them first in some detail. We accept that Mr Swears' evidence was the only expert evidence from a Chartered Professional Engineer with an assessed practice field of

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Transportation. Mr Pearson is a seven-year senior planner with Waka Kotahi, and we acknowledge his experience and transport-based planning expertise.

1449. The Panel notes that we received legal submissions on the issue of heavy vehicle movements and high trip-generating activities, as well as some broad-based evidence from Ms Hunter regarding the purpose of special zones such as the mineral extraction zone. However, we view those submissions and evidence as generalised, particularly compared to the detailed and expert evidence from Mr Swears and Mr Pearson. Accordingly, in formulating our recommendations, we have given greater weight to the evidence presented by these experts.

### Roading Classification

1450. The Panel has noted that to apply the tables in Appendix 1, a clear understanding of roading classification is required. We have not identified any provisions in the Plan that specify roads other than state highways, which are shown on the notified planning maps. Other classifications in the notified Tables 1 – 3 of Local Road, Collector Road and Arterial Road are not identified either on the Planning Maps, or in any schedule. This creates a fundamental problem in applying the Plan as notified.

1451. The Panel notes that changes have been recommended to Policy TRN-P1 to recognise the different functions and design requirements for each road classification under the most current National Transport Network classification system. This stemmed from a submission from BDC, which also stated that:

*While Council has not sought inclusion of a Road Hierarchy information into the Transport Performance Standards, consideration should be given to whether this would be a helpful addition. [emphasis added]*

1452. The Panel agrees that introducing a road classification schedule would be invaluable and indeed necessary to remedy the problem identified above. We have recommended using the Council's existing roading schedules from the three operative Plans as a means of providing for this. This schedule is recommended for inclusion as part of Appendix 1.

### High Traffic Generation

1453. The issue of High Traffic Generating Activities (HTGA) did attract submissions. However, the approach in submissions is piecemeal, seeking to utilise, in part, equivalent car movements (ECM) as a means of assessing effects, as distinct from relying primarily on an activities-based criterion in Table TRN 6, as notified.

1454. Buller District Council in their submission point (S538.088) have sought to significantly amend notified Table 6 but retain limited parts. The BDC submission notes in terms of Table 6 that:

*“Council considers that the threshold table for high trip generating activities is excessive for some activities and there are concerns that this could result in traffic generation that may comprise [sic] the safe and efficient operation of the transport network if not managed accordingly. Council's preference is that the specified activities are scaled back and that the threshold limit of 60 vehicle movements per day is used as this is what is in the current BDP and has proven a reliable trigger limit.”*

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*Council also seeks the inclusion of statement which sets down the equivalent car movements in order for the number of vehicle movements to be determined when heavy vehicle movements are involved.*

1455. BDC also note in its submission:

*“that there are trip generation limits incorporated into the performance standards across the Plan e.g. Home Business, Community Facilities and Mining Activities in the Rural Zone all have vehicle movement limits. There is a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards.”*

1456. BDC propose that the activities in Table 6 be amended to delete all bar Industrial (which they proposed is amended to 500m<sup>2</sup>), Mining and Quarrying and Residential, and they propose to add Commercial. Their submission then proposes that the threshold limit of 60 vehicle movements per day be utilised for all other activities and they introduce an ECM method enabling calculation as below:

*1 car trip (to or from the property) = 2 equivalent car movements*

*1 truck trip (to or from the property) = 6 equivalent car movements*

*1 truck and trailer trip (to or form the property) = 10 equivalent car movements*

1457. BDC also sought to delete TRN S14 stating:

*Council requests that the High Trip Generating Activities Transport Assessment requirements are deleted as these are not expressed in the form of standards but as discretionary considerations. Council has suggested that these matters form the basis of the restricted discretionary matters for Rule 12.*

1458. Waka Kotahi sought to retain Table 6 as notified but amend the ‘Mixed use or other activities not otherwise listed’ category to **30 equivalent** car movements per day. Their ECM levels differed from BDC being a truck and trailer unit is 5 equivalent car movements, and a non-articulated truck is 3 equivalent car movements.

1459. In the Panels' record of the evidence, we have noted scope issues relating to the use of ECM, including Mr Pearson's reservations. We accept that the Waka Kotahi submission did not take a line-by-line approach to the notified Table 6. But we consider that the submission did raise in part the issue of the appropriate measures for high trip-generating activities and ECM. The BDC submission goes further, as noted above.

1460. Through evidence and post-hearing conferencing, Waka Kotahi's witnesses altered their position on Table 6, supporting its complete deletion and its replacement with a new Table 6 that utilises ECM as the method for assessing HTGA. Waka Kotahi, however, acknowledged in

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their later evidence<sup>394</sup> a scope issue in their submission relating to the recommended replacement of notified Table 6.

1461. The Panel considers that it needs to address the following issues to determine the most appropriate outcome for these Plan provisions:

- i. Retention of the notified Appendix 1
- ii. A hybrid Table 6 solution
- iii. Full adoption of ECM including the numbers within the ECM method and the use of Basic and/or Full Integrated Traffic Assessments
- iv. Scope of submissions

i. *Retention of the notified Appendix 1*

1462. Mr Swears stated that:

*“the impacts on the road network are dependent on the volume and composition of the traffic rather than on the specific land use activity. Therefore, I consider there is merit in defining high trip generating activities based on the actual trip generation for the activity rather than on land use specific development criteria”*

1463. The Panel agrees with this assessment. We accept that defining high trip-generating activities based on actual trip generation rather than using land-use-specific development criteria results in a more certain and accurate outcome for Plan users. We note that BDC currently utilise an ECM methodology and considers it *“has proven a reliable trigger limit”*.

1464. The fact that BDC submitted to substantially amend Table 6 and introduce an ECM methodology demonstrates to the Panel that they held concerns about the appropriateness of the Table to assess HTGA. We also noted that Table 6, as notified, creates a level of inconsistency in the way different activities are assessed with land use-specific criteria for some named activities and trip generation criteria for those that are unnamed.

1465. In addition to the above, the Panel considers that even with the new Rule TRN RX1, which creates a permitted activity status for activities that meet the qualifiers in the notified Table 6, the problems associated with TRN S14 are not resolved.

1466. Where there is an exceedance of the Qualifiers in notified Table 6, it results (TRN-R12) in the need to comply with the standards in TRN S14 [emphasis added]. The Panel agrees with BDC and others that these standards are actually discretionary considerations (or assessment matters) rather than standards. We consider compliance with TRN S14 as required by TRN-R12 to be assessed as a restricted discretionary activity is not possible, and therefore, all

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Supplementary statement of Stuart Pearson on behalf of Waka Kotahi NZ Transport Agency, 5 December 2023

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activities not meeting the qualifiers would, in our view, become fully discretionary under TRN-R14. This demonstrates a further significant problem with the notified provisions.

### *ii. Hybrid Table 6 solution*

1467. The Panel has considered whether a hybrid option would be appropriate. However, we are of the view that such an option would result in a mix of methodologies for assessing HTGA, resulting in uncertainty and complexity within the Plan and potentially inconsistent outcomes in relation to different roading categories. This is because notified Table 6, apart from the catch-all requirement, utilises activities combined with floor area as qualifiers with no consideration of the roading categories. In contrast, the ECM would utilise car movements and the roading categories in determining the level of effects and the correct level (either none, basic or full) of assessment for HTGA. Furthermore, the hybrid option retains the inconsistencies identified and does not entirely resolve the issues with TRN S14, as referred to above.

### *iii. Full adoption of ECM*

1468. Having considered the submissions and evidence, and the two options above, the Panel finds that adopting the ECM methodology to assess HTGA is the most appropriate option. Mr Spears advised us that:

*From a transport engineering perspective there is a significant difference between the effects created by light vehicles (cars, utes, vans, etc) and those created by heavy vehicles (trucks, and multi-unit heavy commercial vehicles (HCVs), including HPMV).*

1469. The Panel accept this reasoning and is of the view that this is more efficient as it focuses on the relevant effects of HTGA, utilising vehicle numbers to assess the impacts on various road classifications. We also consider that, from a Plan user point of view, there will be consistent methodology to apply regardless of activity type.

1470. In terms of the ECM levels, i.e. thresholds on equivalent car movements, the Panel prefers the evidence of Mr Swears as an expert in this area as opposed to the submission of BDC. In Mr Swear's evidence, there is a detailed background to those thresholds, as well as information on how they were adopted in other district plans and by the Environment Court. He proposed the following definition, which the Panel accepts (apart from clarification) for inclusion as part of Appendix 1:

- 1 equivalent car movement (ecm) = 1 car / light vehicle movement,
- 3 ecm = 1 heavy commercial vehicle movement (1 truck),
- 5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).

1471. Both Mr Swears and Mr Pearson refer to a Basic and Full Integrated Traffic Assessment (ITA) in their evidence. The Panel understands these differentiate between the level of assessment required for differing numbers of vehicle movements and corresponding roading classifications. In other words, the greater the number of vehicle movements and the higher

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the classification of the road, the more detailed the ITA is required. We agree with this approach.

1472. The Panel notes that the replacement Table 6 recommended by Mr Swears and Mr Pearson readily identifies which assessment is required (or whether it is required at all) and in which circumstances. We consider the notified Plan is unclear on this aspect.
1473. We note that Waka Kotahi provided a marked-up version of Appendix One, which included the assessment criteria for a Basic and Full ITA from the partially operative Selwyn District Plan. Unfortunately, probably due to a cutting and pasting error, the Full ITA criteria replicated the Basic ITA criteria. We recognised this when we reviewed the Selwyn District Plan. We have corrected this in our Appendix One recommendations.

### *iv. Scope*

1474. Having reached this point, the Panel have turned their mind to the issue of scope. We have identified the salient submission points we rely on to amend the provisions detailed above, and we consider they provide sufficient scope for the changes proposed. In addition, we have identified several broad submissions seeking that Appendix One be amended “*to be less onerous, more consistent and correct errors*”.<sup>395</sup> As we have highlighted above, there are several errors (problems) and inconsistencies within Appendix One, including Table 6. Accordingly, we consider we have scope to make our recommended amendments.
1475. The amendments the Panel are recommending to Appendix One concerning HTGA necessitate amendments to TRN-R12 in line with that primarily sought by BDC<sup>396</sup>, but with reference to the HTGA Transport Assessment Requirements outlined in amended TRN S14.

### Trip Generation Standards on other Chapters

1476. As referred to above, BDC raised the issue of trip generation limits incorporated into the performance standards across other chapters of the Plan and considered that there was a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards. The Panel agrees this is problematic particularly within the standard zones and more so with a revised HTGA approach. We also consider there is the potential for uncertainty between provisions.
1477. The Panel notes for example that Educational Facilities are listed in Table 6 with specified per student ratios to trigger assessment but are then also listed in the three residential zones with ‘*a maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week*’ requirement. We consider this to create a problem of certainty for plan users regarding which rule applies. We also note a similar situation arises with Retail Activities in the Settlement Zone.

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<sup>395</sup> Chris & Jan Coll S558.709 & S558.721, Geoff Volckman S563.167, Catherine Smart-Simpson S564.176, Chris J Coll Surveying Limited S566.709 & S566.721, William McLaughlin S567.078 & S567.735, Laura Coll McLaughlin S574.709 & S574.709, Koiterangi Lime Co LTD S577.140, Karamea Lime Company S614.235, Steve Croasdale S516.160

<sup>396</sup> Buller District Council S538.084

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1478. The Panel recommends that these performance standards relating to specific activities in the following zones be removed:

- GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and FUZ-R7.

1479. Bespoke provisions have been made in relation to Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes in SETZ-R12, Community Facilities and Educational Facilities in GRZ-R7, LLRZ-R7, MRZ-R7, Retail Activities in SETZ-R13 and Commercial Activities other than Retail, Home Business or Visitor Accommodation in SETZ-R14 in ensure activity scale it addressed.

1480. In terms of the Special Purpose Zones, we consider a different approach can be taken to HTGA assessment particularly in situations such as mining where it is a single activity within the zone, as in part the reason for Special Purpose Zones of that nature is to identify the various provisions that will relate to it.

### Section 32AA

1481. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA.

1482. The Panel considers the changes to Appendix One and TRN-R12 will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP.

1483. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types in notified Table TRN 6 may now require a traffic impact assessment, which will be an additional cost for those activities in certain circumstances, as part of consenting processes.

1484. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions, and particularly rule TRN-R12, which will be impossible in meet. We have not identified any risks from acting.

### ***TRN-R1***

1485. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. No further evidence was provided by BDC to support its request to delete the advice note.

### ***TRN-R2***

1486. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

### ***TRN-R3***

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1487. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

### ***TRN-R4***

1488. The Panel accepts the Reporting Officers' recommendation to delete TRN-R4. In response to NZTA Waka Kotahi's concern, we note that as notified TRN-R13 is a discretionary activity rule for the formation of new transport corridors not undertaken by requiring authority in accordance with a designation. However, by deleting TRN-R4, as recommended, TRN-R13 would then also apply to designations. We therefore recommend a consequential amendment to TRN-13 to clarify it does not apply to designations.

### ***TRN-R5***

1489. The Panel accepts the Reporting Officers' recommendation to retain as notified, except for renumbering the provision.

### ***TRN-R6***

1490. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply.

### ***TRN-R7***

1491. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.079) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

### ***TRN-R8***

1492. The Panel rejects the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. There is no scope to include new clause (c). We accept BDC's (S538.080) request to replace '*flood*' with '*natural*' in clause (b). We also recommend a consequential amendment to delete '*road reserve*' from the rule heading to reflect the new definition of '*transport corridor*'.

### ***TRN-R9***

1493. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.081) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

### ***TRN-R10***

1494. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we do not recommend adding new clause (b) '*Effects on amenity values*' given there is no submission requesting this. We accept BDC's (S538.082) request to add a new clause '*Effects on cultural, heritage and natural environment values*' because this is appropriate.

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### ***TRN-R11***

1495. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we accept BDC's request to delete clause (b) because it not an appropriate matter of discretion.

### ***TRN-R12***

1496. The Panel accepts that TRN-R12 requires amendment alongside TRN S14 as we have explained above. We do not however consider there is a need for separate matters of discretion within the rule itself, but that the rule should instead reference the revised TRN S14 as the requirements for assessment.

### ***TRN-R13***

1497. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply.

### ***TRN-R14***

1498. The Panel rejects the Reporting Officers' recommendation and accepts BDC's (\$538.086) request to delete Rule TRN-R14 on the basis of amendments to TRN-R12.

### ***New Rules***

1499. The Panel agrees with the Reporting Officers recommendation to include new Rule **TRN-RX1**, which a permitted activity rule. We consider this is required to cover an omission in the notified plan.

1500. The Panel has considered the Reporting Officers recommendation to include new Rule **TRN-RX2**, as a catch all rule at a non-complying activity rule. While we acknowledge we have supported such a rule in the Energy and Infrastructure Chapters, which stem from a submission by Transpower, we have had to consider whether the recommended rule framework for Transport requires a default activity rule. In the end we agree with the Reporting Officer's that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA and that including it would ensure consistency across the Energy, Infrastructure and Transportation chapters. As with our recommendations other we consider the activity status for such a rule should discretionary rather than non-complying as there is no submission seeking a non-complying status and it is therefore beyond scope to include one.

### ***KiwiRail Sight Lines***

1501. In addition to changes to the policies, KiwiRail through submissions and subsequent evidence had sought for the inclusion of a rule to protect railway level crossing sight lines. Ms Grinlinton-Hancock provided details of a rule and associated diagrams and accompanied that with a s32AA assessment to address concerns raised in the s42A Report.

1502. The Reporting Officers noted in their Addendum to their Section 42A Report dated 23 November 2023 that "*Due to the late access to Waka Kotahi New Zealand Transport Agency*

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*and KiwiRail evidence we have not had sufficient time to review and make recommendations in response to matters raised".* From that point onwards it appears that no further consideration has been given to the KiwiRail position or Ms Grinlinton-Hancock evidence by the Reporting Officers.

1503. The Panel notes its recommendation with regards TRN-P3 above to accept the evidence of Ms Grinlinton-Hancock's and amend the policy as sought by KiwiRail. However, we noted that regardless of this the maximising of user safety at road and rail level crossings was part of TRN-P3 in the notified Plan and that there is no rule which addresses sightlines in the context of rail crossings as it currently stands [emphasis added].
1504. The Panel notes that amendments are now proposed to TRN Tables 1 and 2 to make it clear that they relate to sightlines in relation to roads. We consider the issue with rail level crossings therefore also requires attention within the rules and standards. The Panel therefore proposes amendments to TRN-R1, and the introduction of the sightline diagrams provided by Ms Grinlinton-Hancock into the Appendix One. In this context we accept and adopt the s32AA assessment provided by Ms Grinlinton-Hancock.

### ***Appendix One – Transport Performance Standards***

1505. The most significant amendment to Appendix One Transport Performance Standard arises from the NZTA Waka Kotahi submissions, which we consider are well supported by Mr Swears and Mr Pearson's evidence. We accept the evidence supporting those amendments for the reasons detailed in their evidence and the s42A Report.
1506. The Panel agree with the submission of Fire and Emergency regarding TRN-S3, which requests increasing the width from 3m to 3.5m to ensure and enable emergency access.
1507. The Panel agree with the BDC submissions that sought clarifications regarding TRN Table 5, now 6, and TRN S7. The Panel also agrees with the amendments sought by BDC to TRN S12. These appear to us to be simple errors.

### ***Special Purpose Roads***

1508. We note that the Reporting Officers support the inclusion of special purpose roads being identified on the Planning Maps. The Panel accepts that there is a need to clearly identify the Special Purpose Roads within the Plan, particularly given they are to be considered Regionally Significant Infrastructure. We therefore agree that the appropriate place is to identify them on the Planning Maps.

### **Hearing Panels' Recommendation**

1509. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Rules and Standards, Appendix One and the Planning Maps**:

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### Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

#### Advice Notes:

Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.

Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council. Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.

Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.

Any crossing that intersects with the Rail Network requires approval from KiwiRail.

The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

### Permitted Activities

TRN - R1

Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces

#### Activity Status Permitted

Where:

1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ 4,<sup>397</sup> Standards TRN S1 - S3, and TRN Figure 1-~~5~~<sup>398</sup> are complied with;
2. Parking, loading, queuing and standing standards - TRN Tables ~~4~~ 5 – ~~5~~ 6,<sup>399</sup>

<sup>397</sup> Consequential amendment NZTA Waka Kotahi S450.049

<sup>398</sup> Consequential amendment NZTA Waka Kotahi S450.049

<sup>399</sup> Consequential amendment NZTA Waka Kotahi S450.049

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	<p>Standards TRN S4 - S6 <b>and TRN S12</b><sup>400</sup> and TRN Figures <del>2</del> <b>6</b><sup>401</sup> and <b>37</b><sup>402</sup> are complied with;</p> <ol style="list-style-type: none"> <li>3. Manoeuvring standards TRN S7 - S11 are complied with;</li> <li>4. Where an impermeable carparking area greater than 1000m<sup>2</sup> in area is provided, stormwater treatment is provided; and</li> <li>5. Formation standards TRN S12 and TRN S13 are complied with.</li> </ol> <p><b>Advice Note:</b> The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.</p>
	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>TRN - R2</b>	<del>Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation</del> <b>Maintenance or upgrading of existing transport infrastructure within the existing transport corridor</b> <sup>403</sup>
	<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <b><u>The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or</u></b><sup>404</sup></li> <li>2. All performance standards in Rule TRN - R1 are complied with; and</li> <li>3. The works are undertaken:             <ol style="list-style-type: none"> <li>a. By, or on behalf of, a road controlling authority; or</li> <li>b. In accordance with a subdivision consent;<del>or</del></li> <li>c. <del>By a requiring authority in accordance with a designation listing in this Plan.</del></li> </ol> </li> </ol>
	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>TRN – R3</b>	<b>Formation of an unformed legal road</b>
	<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <b><u>This is by a requiring authority in accordance with a designation listing in this</u></b></li> </ol>

<sup>400</sup> Buller District Council S538.071

<sup>401</sup> Consequential amendment NZTA Waka Kotahi S450.049

<sup>402</sup> Consequential amendment NZTA Waka Kotahi S450.049

<sup>403</sup> Buller District Council S538.072

<sup>404</sup> NZTA Waka Kotahi S450.050

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<p><b>Plan; or</b><sup>405</sup></p> <p>2. All performance standards in Rule TRN - R1 are complied with; and</p> <p>3. The works are undertaken:</p> <ul style="list-style-type: none"> <li>i. By, or on behalf of, a road controlling authority; or</li> <li>ii. In accordance with a subdivision consent;<del> or</del></li> <li>iii. <del>By a requiring authority in accordance with a designation listing in this Plan.</del><sup>406</sup></li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>TRN – R4</b>	<b>Formation of a new transport corridor</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. <del>This is undertaken by a requiring authority in accordance with a designation listed in this Plan.</del></li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary<sup>407</sup></p>	
<b>TRN – R54</b>	<b>Establishment of shared pathways including cycleways and bridleways on public land</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The activity is below 1000m above sea level.</li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>TRN – R65</b>	<b>Establishment of e-bike and e-vehicle charging stations in the transport corridor</b> <sup>408</sup>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. All performance standards in Rule TRN - R1 are complied with; and</li> <li>2. These are not more than 2m in height and 10m<sup>2</sup> in area.</li> </ul> <p><b>Advice Note:</b> If within the legal road reserve, contact the appropriate <del>land transport</del> <b>road controlling authority</b> to obtain a license to occupy.<sup>409</sup></p>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	

<sup>405</sup> Consequential amendment NZTA Waka Kotahi S450.050

<sup>406</sup> NZTA Waka Kotahi S450.051

<sup>407</sup> NZTA Waka Kotahi S450.052

<sup>408</sup> Buller District Council S538.077

<sup>409</sup> Buller District Council S538.077 and NZTA Waka Kotahi S450.054

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<b>TRN – R6</b>	<b>Trip Generation Activities</b>
<b>Activity Status Permitted</b>	
<b>Where:</b>	
1. <u>The High Trip Generating Activities Thresholds in TRN Table 7 are complied with</u>	
<b>Activity status where compliance not achieved: Restricted Discretionary<sup>410</sup></b>	
<b>TRN – R7</b>	<b>Sight Lines at Railway Crossings</b>
<b>Activity Status Permitted</b>	
<b>Where:</b>	
1. <u>The sightlines standards in TRN Figure 9 are complied with.</u>	
<b>Activity status where compliance not achieved: Restricted Discretionary<sup>411</sup></b>	
<b>Restricted Discretionary Activities</b>	
<b>TRN – R78</b>	<b>Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
<ul style="list-style-type: none"> <li>a. The impact on other road users including pedestrians;</li> <li>b. Effects on the safety and efficiency of the transport system;</li> <li>c. The ability to safely and effectively park, load, queue;</li> <li>d. Any requirements for <u>natural flood</u><sup>412</sup> hazard mitigation; and</li> <li>e. Stormwater treatment and control;</li> <li>f. <u>The location, size and design of accessways, vehicle crossings, parking and loading areas; and</u></li> <li>g. <u>The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation.</u><sup>413</sup></li> </ul>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>TRN – R89</b>	<b>Land transport operation, removal, repairs and maintenance within a <del>road reserve</del><sup>414</sup> transport corridor <del>or an area subject to a designation</del><sup>415</sup> not meeting Permitted Activity standards</b>

<sup>410</sup> Buller District Council S538.078

<sup>411</sup> KiwiRail S442.043

<sup>412</sup> Buller District Council S538.079

<sup>413</sup> Consequential amendment Buller District Council S538.005

<sup>414</sup> Consequential amendment NZTA Waka Kotahi S450.050

<sup>415</sup> Consequential amendment NZTA Waka Kotahi S450.050

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<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Impacts during construction;</li> <li>b. Any requirements for <u>natural flood</u><sup>416</sup> hazard mitigation; <u>and</u></li> <li>c. Stormwater treatment and control.</li> </ul>	
<p><b>Activity status where compliance not achieved: N/A</b></p>	
<p><b>TRN – R910</b></p>	<p><b>Formation of unformed legal road not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on the safety and efficiency of the transport <del>system</del> <u>network</u>;<sup>417</sup></li> <li>b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle;</li> <li>c. The impact on other road users including pedestrians;</li> <li>d. Any requirements for <u>natural flood</u><sup>418</sup> hazard mitigation; and</li> <li>e. Stormwater treatment and control.</li> </ul>	
<p><b>Activity status where compliance not achieved: N/A</b></p>	
<p><b>TRN – R1011</b></p>	<p><b>Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Visual <u>effects</u><sup>419</sup> <del>impacts on landscapes over 1000m above sea level;</del><sup>420</sup></li> <li>b. <u>Effects on cultural, heritage and natural environment values</u>;<sup>421</sup></li> <li>c. Effects on public access; and</li> <li>d. Effects on the transport network.</li> </ul>	
<p><b>Activity status where compliance not achieved: N/A</b></p>	
<p><b>TRN – R1112</b></p>	<p><b>Establishing e-bike and e-vehicle charging stations <del>in the transport corridor</del><sup>422</sup> not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on <u>safety and efficiency of</u><sup>423</sup> the transport network.; <u>and</u></li> </ul>	

<sup>416</sup> Buller District Council S538.080

<sup>417</sup> Buller District Council S538.081

<sup>418</sup> Buller District Council S538.081

<sup>419</sup> Buller District Council S538.082

<sup>420</sup> Buller Conservation Group S552.044 and Frida Inta S553.044

<sup>421</sup> Buller District Council S538.082

<sup>422</sup> Buller District Council S538.083

<sup>423</sup> Buller District Council S538.083

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b. <del>Outcome of consultation with the relevant transport agency.</del> <sup>424</sup>	
Activity status where compliance not achieved: N/A	
<b>TRN – R1213</b>	<b>High trip generating transport activities</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
a. This is the establishment of a new activity or the expansion of an existing activity <b>that exceeds the thresholds</b> listed in Table TRN <del>6 7</del> that complies with Standard TRN S14.	
Discretion is restricted to:	
a. <b>The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements</b>	
b. <del>Effects on the transport network; and</del>	
c. <del>Effects and recommendations to minimise effects from the transport assessment.</del> <sup>425</sup>	
Activity status where compliance not achieved: <del>Discretionary</del> N/A	
<b>TRN – R14</b>	<b>Sight Lines at Railway Crossings not meeting the Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
<b>Discretion is restricted to:</b>	
a. <b>The potential for adverse effects on the safety and efficiency of the rail network.</b>	
Activity status where compliance not achieved: N/A <sup>426</sup>	
<b>Discretionary Activities</b>	
<b>TRN – R1415</b>	<b>Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation <del>meeting Permitted Activity standards</del></b> <sup>427</sup>
<b>Activity Status Discretionary</b>	
<b>Notification:</b> Applications will always be publicly notified. <sup>428</sup>	
Activity status where compliance not achieved: N/A	

<sup>424</sup> Buller District Council S538.083

<sup>425</sup> Buller District Council S538.084

<sup>426</sup> KiwiRail S442.043

<sup>427</sup> NZTA Waka Kotahi S450.059 and consequential amendment to NZTA Waka Kotahi S450.052

<sup>428</sup> Buller District Council S538.085, Chris and Jan Coll S558.731, Chris J Coll Surveying Ltd S566.731, William McLaughlin S567.088, Laura Coll McLaughlin S574.731

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<b>TRN – R14</b>	<b>High Trip generating activities not meeting Restricted Discretionary Activity standards</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A<sup>429</sup></b>	
<b>TRN – R16</b>	<b>Any Transportation Activity not provided for in another rule</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A<sup>430</sup></b>	

**Appendix One: Transport Performance Standards Te Āpitianga Tuatahi: Ngā Ture Tūnuku**

**TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum sight distance of from vehicle access point relative to intersections and minimum spacing**

Posted Legal speed limit	Minimum sight distance	Minimum distance of vehicle access point relative to intersections	Minimum spacing between vehicle access points on same or opposite frontages
<del>K</del> km/hr-	Distance x in meters	Distance y in meters	Distance z in meters
50	115	30	9m for residential, 15m all other
60	140	30	20
70	170	100	40
80	205	100	100
100	280	200	200

**TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.**

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages

<sup>429</sup> Buller District Council S538.086

<sup>430</sup> Consequential amendment stemming from Transpower Limited S299.051, Forest and Bird FS34.031

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km/hr-	Distance x in metres	Distance x in metres-	Distance x in metres	Distance z in metres-
50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10m
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

**TRN Table 3 – Vehicle Access Design Standards for minimum distances between any vehicle access point and other vehicle access point or transport corridor intersection<sup>431</sup>**

	Posted speed limit of 60km/hr or less			Posted speed limit of greater than 60km/hr		
	Arterial Road	Collector Road	Local Road	Arterial Road	Collector Road	Local Road
All RESZ- Residential	15m	9m	9m	15m	9m	9m

Zones						
MPZ- Māori Purpose, RURZ- Rural and FUZ- Future Urban Zones	30m	30m	30m	50m	50m	50m
OSRZ- Open Space and Recreation Zones	50m	30m	30m	50m	30m	9m

<sup>431</sup> NZTA Waka Kotahi S450.335 and Grey District Council S608.847

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AIRPZ– Airport and PORTZ– Port Zone	50m	30m	30m	50m	30m	9m
CMUZ– Commercial and Mixed Use, HOSZ -Hospital, STADZ– Stadium and all INZ -Industrial Zones	50m	30m	30m	50m	30m	9m

Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)								
	30 – 50 km/h			60 – 70 km/h			80 – 100 km/h		
	K	M	N	K	M	N	K	M	N
Yes	30	30	5	60	40	40	200	60	200
No	20	20	5	60	30	20	150	60	200

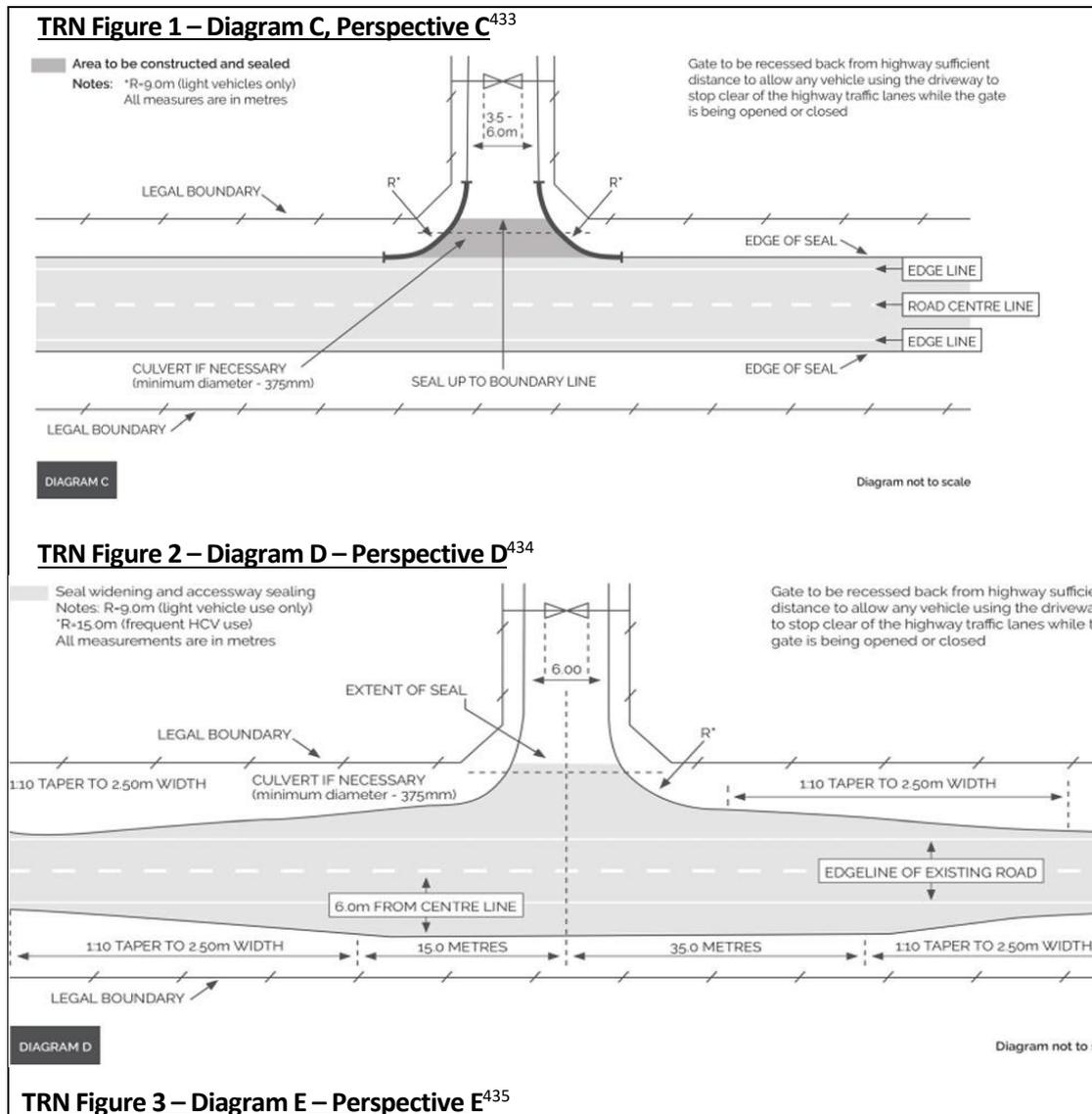
**TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above.**<sup>432</sup>

Daily traffic volume using the vehicle crossing (ECMs*)	Is the vehicle crossing on a state highway?	Accessway type
1 – 30; and no more than 2 heavy vehicle movements per week	N/A	TRN Figure 1 Diagram C, Perspective C
1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100	No	TRN Figure 2, Diagram D, Perspective D
1 – 30; and more than 2 heavy vehicle movements per week, or 31-100	Yes	TRN Figure 3, Diagram E, Perspective E

<sup>432</sup> NZTA Waka Kotahi S450.060

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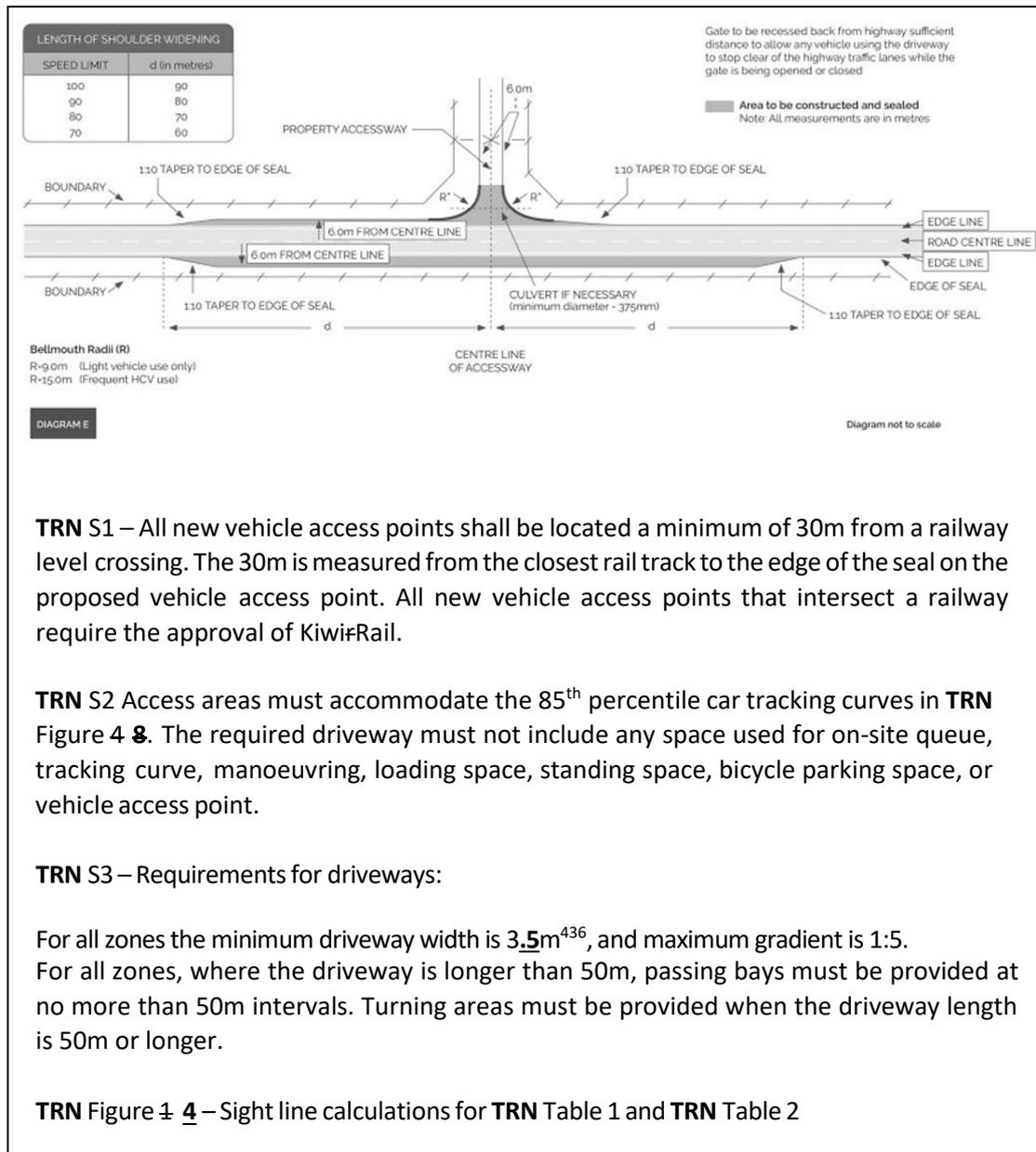
<sup>433</sup> NZTA Waka Kotahi S450.060

<sup>434</sup> NZTA Waka Kotahi S450.060

<sup>435</sup> NZTA Waka Kotahi S450.060

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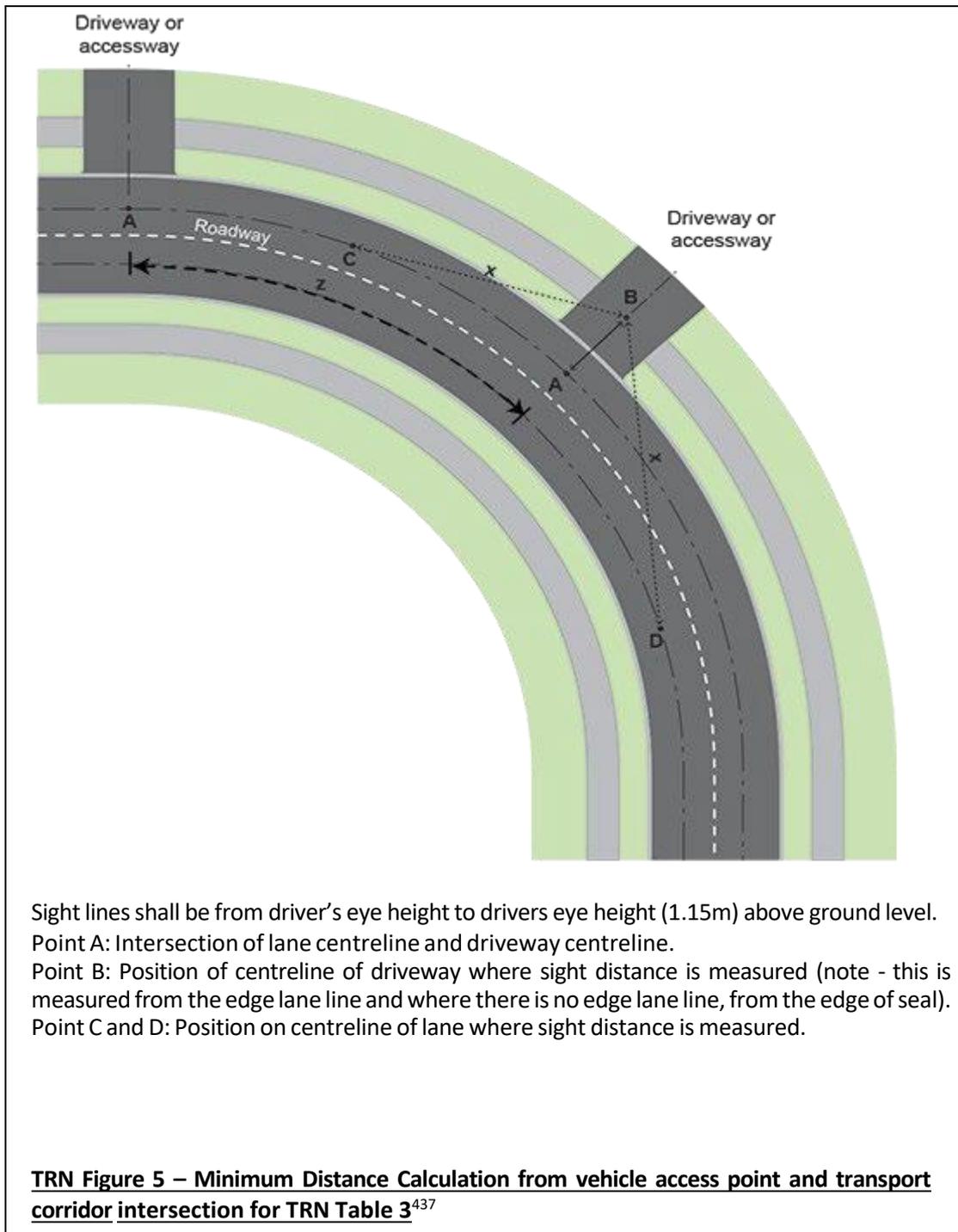
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<sup>436</sup> Fire and Emergency New Zealand S573.012

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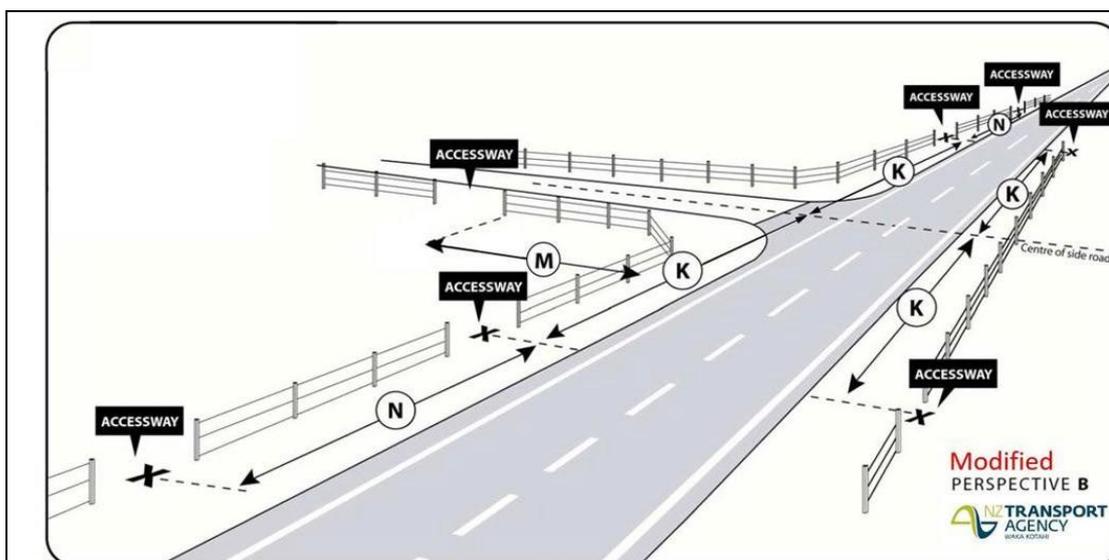
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<sup>437</sup> NZTA Waka Kotahi S450.060

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**TRN S4** – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

**TRN Table 4 5** – Minimum number of on-site accessibility parking spaces<sup>438</sup>

Total number of <b>vehicle</b> <sup>439</sup> spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

**TRN S5** – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

**TRN Table 5 6** – Minimum number of on-site bicycle parking spaces<sup>440</sup>

Total number of <b>vehicle</b> <sup>441</sup> spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2
In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter

<sup>438</sup> Buller District Council S538.086

<sup>439</sup> Buller District Council S538.088

<sup>440</sup> Buller District Council S538.086

<sup>441</sup> Buller District Council S538.086

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**TRN S6** – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car- parking spaces on-site for trailer / boat storage.

**TRN S7** – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.

- Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.
- Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in **TRN Figure 2 6**, and
- For vehicles of dimensions equal or greater than a service vehicle.
- The two-way aisle width for parallel parking bays must be at least 3m wider than for one- way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.
- Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.
- Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.<sup>442</sup>

**TRN S8** – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with **TRN Figure 3 7**, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:

- Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.
- The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.
- The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.

**TRN S9** - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.

**TRN S10** – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.

**TRN S11** – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access

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<sup>442</sup> Buller District Council S538.068

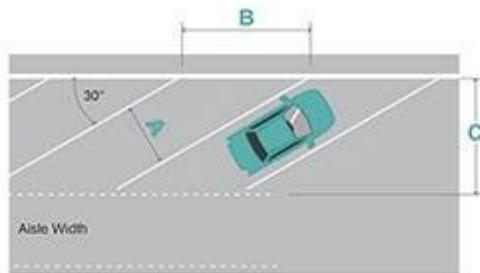
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point and must meet the requirements for the relevant tracking curve in **TRN Figure 2 6**.

This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

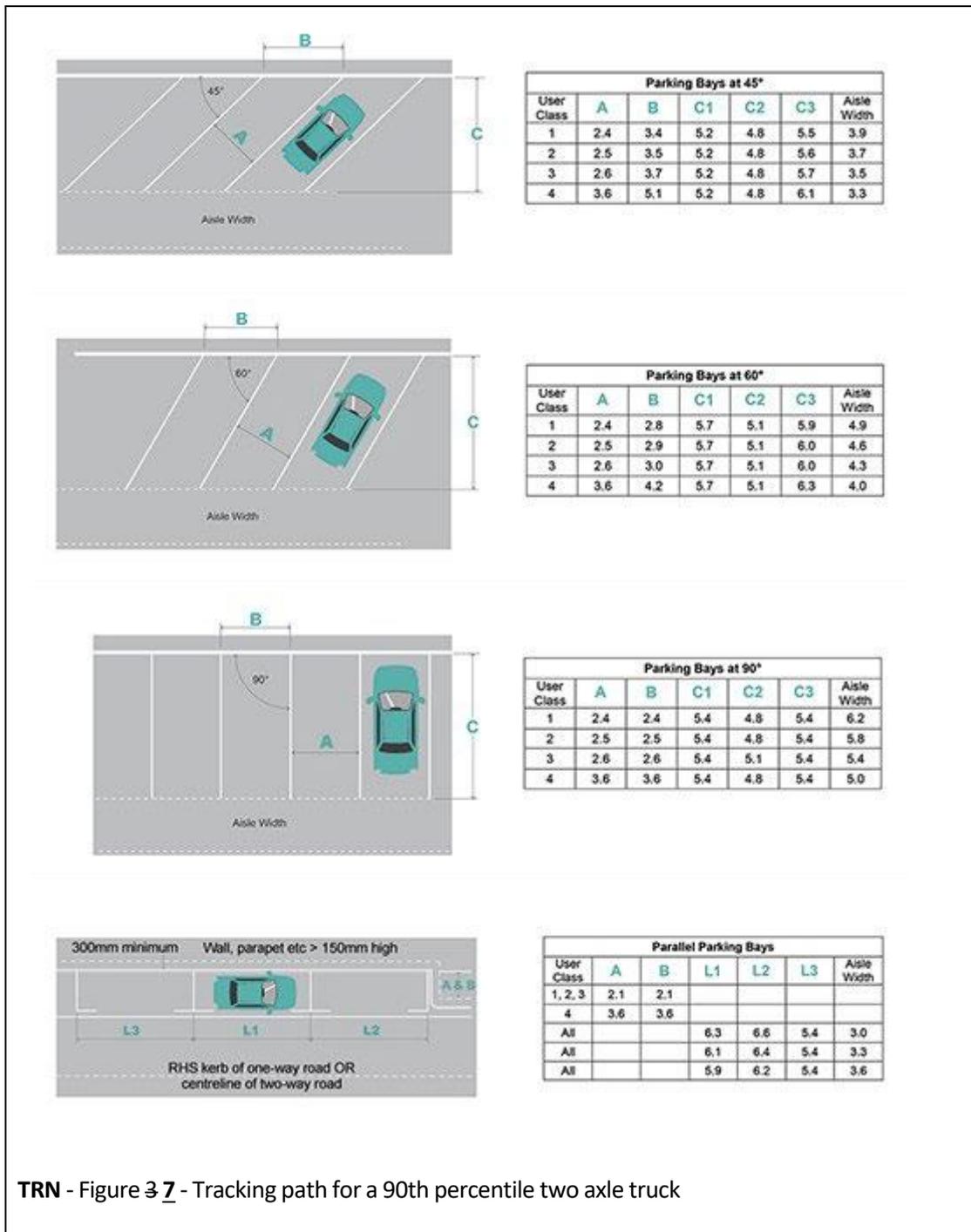
**TRN – Figure 2 6 – On-site car parking space dimensions**



Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9

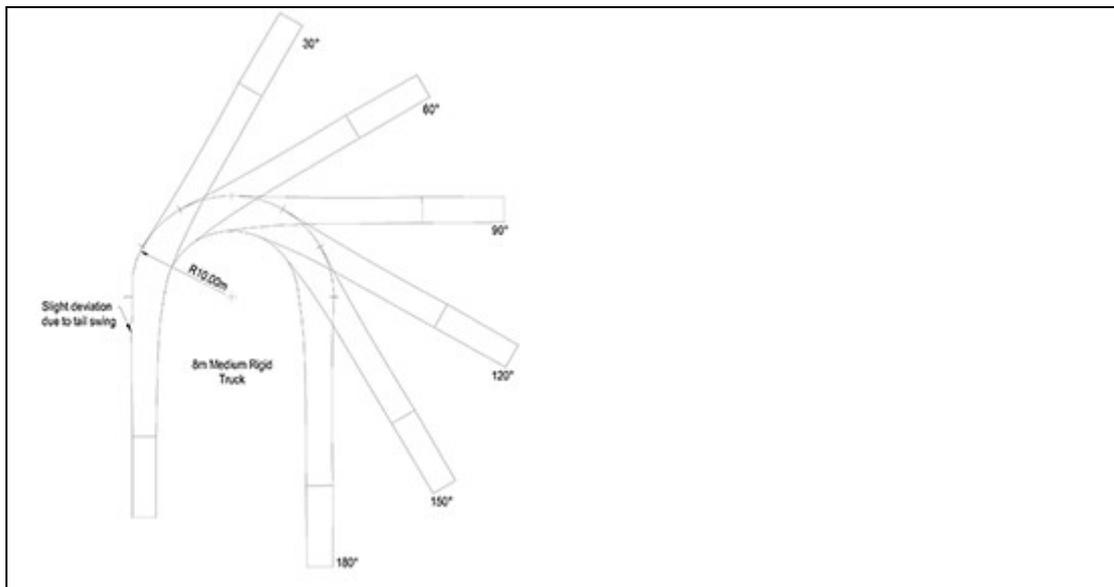
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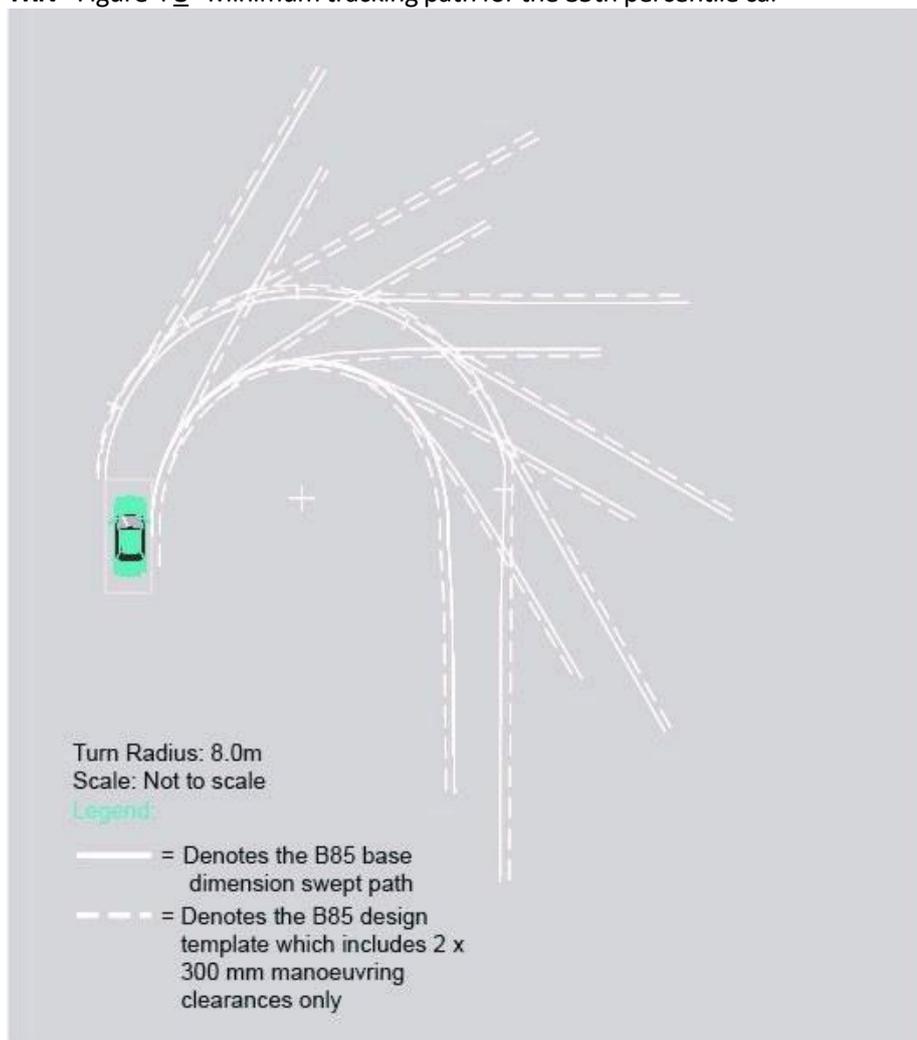


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**TRN - Figure 4 8 - Minimum tracking path for the 85th percentile car**



Note:

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With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

**TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation**

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be <b>metaled</b> formed, sealed, <sup>443</sup> marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be <b>formed, sealed, metaled,</b> <sup>444</sup> marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with <del>less</del> <b>more</b> <sup>445</sup> than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and

<sup>443</sup> Buller District Council S538.088

<sup>444</sup> Buller District Council S538.088

<sup>445</sup> Buller District Council S538.088

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	drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

### TRN S13 – Requirement for rights of way – construction and formation

All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is 3.5m <sup>446</sup> for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

### TRN Table 6 7 – High Trip Generating Activities **Thresholds**<sup>447</sup>

Activity	Qualifier
Childcare including preschool, kindergarten and play centre	25 children
Education – Schools	30 students
Education – Tertiary	150 FTE students
Industrial	5,000m <sup>2</sup> Gross Floor Area
Mining and Quarrying	>30 heavy vehicle movements per day
Warehousing and distribution	6,500m <sup>2</sup> Gross Floor Area
Healthcare	300m <sup>2</sup> Gross Floor Area

<sup>446</sup> Consequential Amendment from Fire and Emergency New Zealand S573.012

<sup>447</sup> NZTA Waka Kotahi S450.060

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Office	2,000m <sup>2</sup> Gross Floor Area
Residential	20 residential sites / units
Retail – Shops and supermarkets	250m <sup>2</sup> Gross Floor Area
Retail – Large Format and Bulk Goods	500m <sup>2</sup> Gross Floor Area
Service Stations	2 filling pumps
Mixed use or other activities not otherwise listed in this Table	60 vehicle movements per day

Equivalent Car Movements* per day	Access is to a road classified** as:			
	Local	Collector	Arterial	State Highway
0-100	N/A	N/A	N/A	N/A
101-200	N/A	Basic	Basic	Full
210-400	Basic	Basic	Full	Full
>400	Full	Full	Full	Full

\* Equivalent Car Movements (a movement is one car out or into a site)

- 1 equivalent car movement (ecm) = 1 car / light vehicle movement,
- 3 ecm = 1 heavy commercial vehicle movement (1 truck),
- 5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).

\*\* Refer TRN S15 Road Classifications

TRN S14 – High Trip Generating Activities - Transport Assessment requirements

1. Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.
2. Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.
3. Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.
4. Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.
5. Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.

### 1. **Basic Traffic Impact Assessment:**

#### a. **Whether the provision of access and on-site manoeuvring areas**

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associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).

- b. Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.
- c. Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.
- d. Need for a traffic impact assessment - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.

### 2. Full Integrated Traffic Assessment:

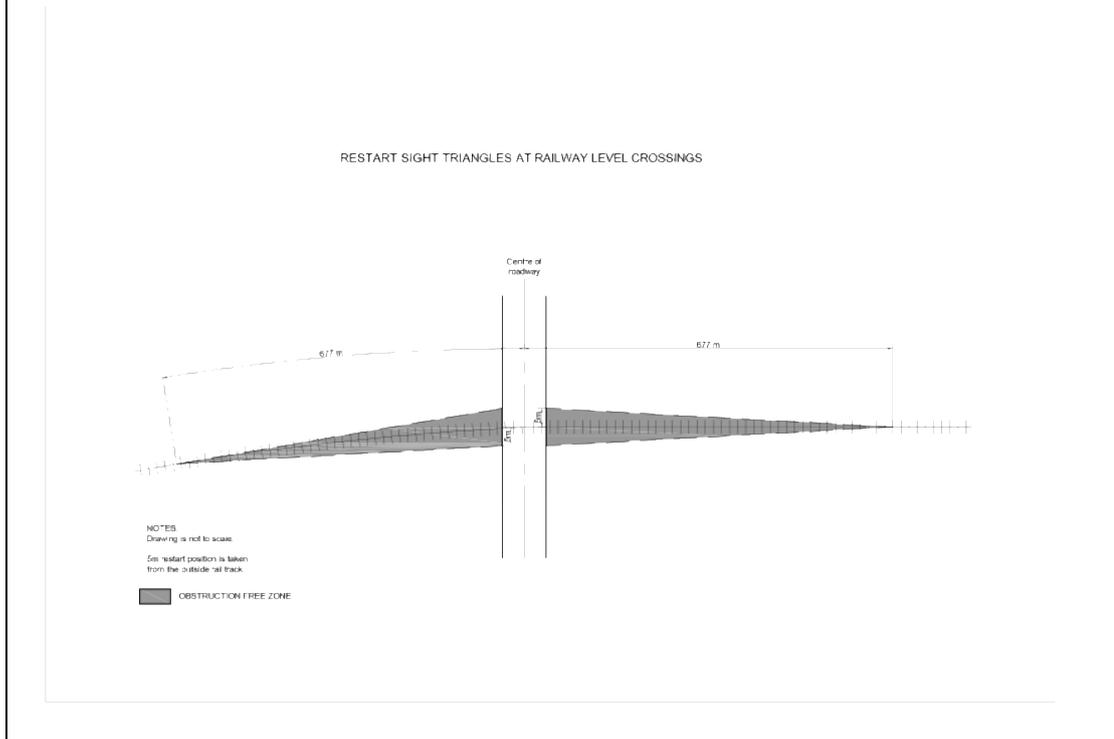
- a. Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).
- b. Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.
- c. Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.
- d. Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.
- e. Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.
- f. Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a

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manner set out in this standard, is unnecessary.<sup>448</sup>

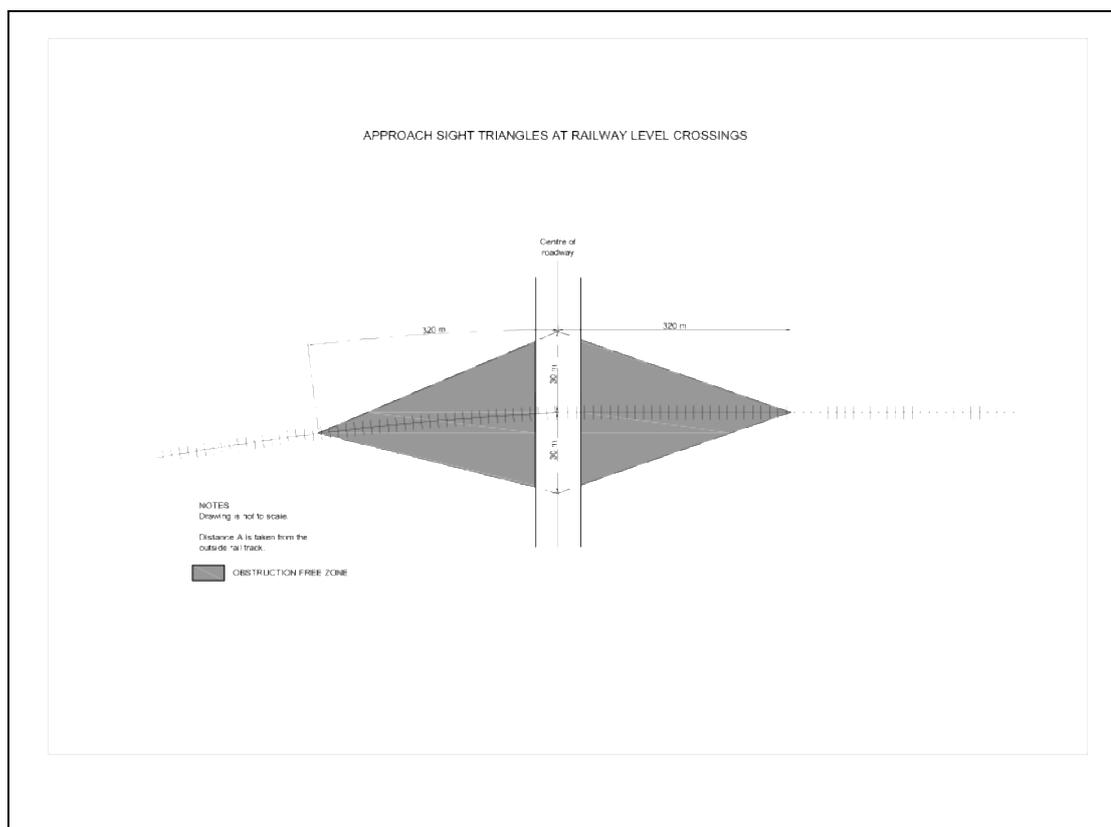
**TRN – Figure 9 - Sight Line Requirements at Railway Crossings**



<sup>448</sup> NZTA Waka Kotahi S450.060

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### TRN – S15 Road Classifications

<u>State Highway</u>	
<u>Buller District</u>	<ul style="list-style-type: none"> <li>• <u>Westport - Mokihinui River (SH67)</u></li> <li>• <u>Mokihinui – Seddonville Rd (SH 67)</u></li> <li>• <u>Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)</u></li> <li>• <u>Westport – Dolomite Point (part SH6)</u></li> <li>• <u>Upper and Lower Buller Gorge (SH6)</u></li> <li>• <u>Lewis Pass - Ikamatua (part SH7)</u></li> <li>• <u>Inangahua Junction - Reefton (SH 69)</u></li> <li>• <u>Springs Junction - Boundary Road (Shenandoah) (part SH 65)</u></li> </ul>
<u>Grey District</u>	<ul style="list-style-type: none"> <li>• <u>Dolomite Point – Taramakau River (SH6)</u></li> <li>• <u>Big Grey River – Greymouth (SH7)</u></li> </ul>
<u>Westland District</u>	<ul style="list-style-type: none"> <li>• <u>Taramakau River – Hokitika (SH6)</u></li> <li>• <u>Hokitika – Haast (SH6)</u></li> <li>• <u>Haast – Haast Pass (SH6)</u></li> <li>• <u>Kumara Junction to Arthur’s Pass (SH73)</u></li> </ul>
<u>Arterial</u>	
<u>Buller District</u>	<ul style="list-style-type: none"> <li>• <u>Cobden St East (Russell St to Dommatt St)</u></li> <li>• <u>Cobden St West (Russell St to Palmerston St)</u></li> <li>• <u>Derby St (Russell St to Palmerston St)</u></li> <li>• <u>Derby St (Cobden St (RHS) to SH67 (Brougham St))</u></li> <li>• <u>Golf Links Rd (SH67A to Mill St)</u></li> <li>• <u>Mill St East (Russell St to Dommatt St)</u></li> <li>• <u>Mill St West (Russell St to SH67 (Palmerston St))</u></li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Palmerston St (Henley St to Sump at Bend (LHS))</u></li> </ul>
<u>Grey District</u>	<ul style="list-style-type: none"> <li>• <u>Lake Brunner Rd (Bell Hill Rd to Bridge start)</u></li> <li>• <u>Lake Brunner Rd (Ahau Rd to Bell Hill Rd)</u></li> <li>• <u>Lake Brunner Rd (width change to Unnamed Road 16)</u></li> <li>• <u>Taylorville Rd (SH6 to SH4)</u></li> <li>• <u>Taylorville Rd (50km/hr sign to 97km/hr sign)</u></li> <li>• <u>Stillwater Blackball Rd (Taylorville Rd to Blackball)</u></li> <li>• <u>Arnold Valley Rd (SH7 to Ahau St)</u></li> <li>• <u>Rutherglen Rd (SH6 to Maori Creek/Marsden New River)</u></li> <li>• <u>Rutherglen Rd (end of widening to start of bridge)</u></li> <li>• <u>Bright St (Blackett St to Richmond St)</u></li> <li>• <u>Mawhera Quay (SH7 to Boundary St)</u></li> <li>• <u>Mackay St (Mawhera Quay to Boundary St)</u></li> <li>• <u>Boundary Street (Mawhera Quay to Preston Rd)</u></li> <li>• <u>Tainui St (Mawhera Quay to SH4)</u></li> <li>• <u>Herbert St (Mackay St to SH7)</u></li> <li>• <u>Shakespeare St (SH6 to Alexander St)</u></li> </ul>
<u>Westland District</u>	<ul style="list-style-type: none"> <li>• <u>Stafford St (Fitzherbert St to Town Belt East)</u></li> <li>• <u>Kaniere Rd (Stafford St to Woodstock – Rimu Rd)</u></li> <li>• <u>Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)</u></li> </ul>
<u>Collector</u>	
<u>Buller District</u>	<ul style="list-style-type: none"> <li>• <u>Abattoir Rd (Domett St to Kew Rd)</u></li> <li>• <u>Alma Rd</u></li> <li>• <u>Atarau Rd (SH7 to Rough River Bridge)</u></li> <li>• <u>Banbury St South (Chamberlain St walkway to Elgin St (LHS))</u></li> <li>• <u>Bridge St Karamea (2<sup>nd</sup> bridge abutment to Waverley St (LHS))</u></li> <li>• <u>Bright St West (Palmerston St to end of seal)</u></li> <li>• <u>Brougham St (Adderley St to SH67 (Palmerston St))</u></li> <li>• <u>Buller Road (SH69 (Sinnamon St) to Walsh St)</u></li> <li>• <u>Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)</u></li> <li>• <u>Craddock Drive (Orowaiti Rd to end of seal)</u></li> <li>• <u>Darkies Terrace Rd (SH6 to end of seal)</u></li> <li>• <u>Denniston Track (Elgin St (LHS) to Boswell St (LHS))</u></li> <li>• <u>Derby St (Craddock Drive to Cobden St (RHS))</u></li> <li>• <u>Derby St (Mill St to Robertson St)</u></li> <li>• <u>Derby St (Start of KCC (LHS) to Start of KCC (RHS))</u></li> <li>• <u>Dole St (SH67 to Tyler Rd)</u></li> <li>• <u>Dommett St (Cobden St to Abattoir Rd)</u></li> <li>• <u>Gannons Rd (SH69 (Buller Rd) to end of seal)</u></li> <li>• <u>Golf Links Rd (50km/hr sign to Marine Parade)</u></li> <li>• <u>Karamea Highway (50m past De Malmanches Rd to South Tce)</u></li> <li>• <u>Karamea Highway (South Tce to 2<sup>nd</sup> bridge abutment)</u></li> <li>• <u>Kew Rd (Eastons Rd to Abattoir Rd)</u></li> <li>• <u>Kohaihai (South abutment/Oparara Bridge to 1<sup>st</sup> bridge abutment)</u></li> <li>• <u>Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)</u></li> <li>• <u>Lighthouse Road (Cape Foulwind Rd to Carpark entrance)</u></li> <li>• <u>McGill St (SH67/sump(RHS) to Chamberlain St pathway)</u></li> <li>• <u>McKenna Rd (Abbatori Rd to farm tracks (L and RHS))</u></li> <li>• <u>Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)</u></li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Mokihinui Rd (SH67 to River Rd (LHS)</u></li> <li>• <u>Mokihinui Rd (End of seal to Mokihinui Preserve Rd)</u></li> <li>• <u>Nine Mile Rd (Stafford St to start of seal)</u></li> <li>• <u>Nine Mile Rd (Railway crossing to start of seal)</u></li> <li>• <u>Nine Mile Rd (Start of seal to end of seal)</u></li> <li>• <u>Nine Mile Rd (End of seal to railway crossing)</u></li> <li>• <u>Orowaiti Rd (Domett St to SH67)</u></li> <li>• <u>Queen St (South) SH67 (Brougham St) to Stafford St)</u></li> <li>• <u>Rintoul St (The Esplanade (LHS) to Adderley St (South))</u></li> <li>• <u>Robertson St (Derby St to end of St)</u></li> <li>• <u>Russell St (Gladstone St to end of St)</u></li> <li>• <u>Sawmill Rd (Railway Rd to Sawmill Entrance)</u></li> <li>• <u>Schadick Ave (Golf Links Rd to Tiphead Rd)</u></li> <li>• <u>Seal Colony Rd (Tauranga Bay Rd to End of Loop)</u></li> <li>• <u>Stafford St (Queen St to McKenna Rd)</u></li> <li>• <u>Stephen Rd (McKenna Rd to Caledonian Rd)</u></li> <li>• <u>Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)</u></li> <li>• <u>The Esplanade (SH67 to Fonblanque St)</u></li> <li>• <u>Tiphead Rd (Seal join to end of Rd)</u></li> <li>• <u>Utopia Rd (Westport) (SH67 to end of seal)</u></li> <li>• <u>Victory St (Crampton Rd to Shaw St)</u></li> <li>• <u>Waverley St (Oparara Rd to Wharf Rd)</u></li> <li>• <u>Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)</u></li> <li>• <u>Wilsons Lead Rd (SH6 to Tauranga Bay Rd)</u></li> </ul>
<p><u>Grey District</u></p>	<ul style="list-style-type: none"> <li>• <u>Alexander St (Chapel St to Shakespeare St)</u></li> <li>• <u>Atarau Rd (Main Road (to Blackball) to Rough River Bridge)</u></li> <li>• <u>Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)</u></li> <li>• <u>Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd)</u></li> <li>• <u>Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)</u></li> <li>• <u>Blair Rd (end of seal to private road LHS)</u></li> <li>• <u>Blair Rd (bridge start to private road LHS)</u></li> <li>• <u>Blair Rd (bridge start to private road RHS)</u></li> <li>• <u>Bright St, Greymouth ( SH6 to Blackett St)</u></li> <li>• <u>Buccleugh St (SH6 to end of seal)</u></li> <li>• <u>Camerons Rd (State Highway 6 to Forestry Rd begins)</u></li> <li>• <u>Chesterfield St (Tasman St to end of seal)</u></li> <li>• <u>Cowper St (Brunner St to SH7)</u></li> <li>• <u>Deep Creek Rd (Blair Rd to Nelson Creek Bridge)</u></li> <li>• <u>Domett Esplanade (Bright St to end of Road at Carpark)</u></li> <li>• <u>Felix Campbell St (Water Walk Rd to Shelley St)</u></li> <li>• <u>Gresson St (Boundary St to Gilbert St)</u></li> <li>• <u>Guinness St (Tainui St to Boundary St)</u></li> <li>• <u>Hart St (Denston St to Wilson St)</u></li> <li>• <u>Heaphy St (State Highway 6 to Shakespeare St)</u></li> <li>• <u>Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd)</u></li> <li>• <u>Road)</u></li> <li>• <u>Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)</u></li> <li>• <u>Lord St (SH6 to Herbert St)</u></li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>McLean Pit Rd (State Highway 6 to end of road @ dump)</u></li> <li>• <u>Main Rd (Main Rd (South) to Glassons Lane)</u></li> <li>• <u>Marlborough St (Cowper St to KCC start left hand side)</u></li> <li>• <u>Marsden Rd (start of bridge to Rutherglen Rd)</u></li> <li>• <u>Marsden Rd (Shakespeare St to Sinnott Road)</u></li> <li>• <u>Marsden Rd (private road LHS to start of bridge)</u></li> <li>• <u>Marsden Rd (Ridgeway Drive to start of KCC on RHS)</u></li> <li>• <u>Packers Quay, Greymouth (Rigg St to Collins St)</u></li> <li>• <u>Preston Road, Greymouth (Merrick St to end of KCC on right hand side)</u></li> <li>• <u>Puketahi St (SH6 to Alexander St)</u></li> <li>• <u>Raleigh St North (SH6 to Cowper St)</u></li> <li>• <u>Roa Rd (Darcy St to end of Roa Rd)</u></li> <li>• <u>Road to Hospital (Cowper St to start of bridge)</u></li> <li>• <u>Shelley St (Chesterfield St to Nelson St West)</u></li> <li>• <u>Swift St (Preston Rd to Achilles Triangle Rd)</u></li> <li>• <u>Steer Avenue, Greymouth (Preston Rd to Reid St)</u></li> <li>• <u>Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)</u></li> <li>• <u>Tasman St (Road Widens/Access Road to end of seal)</u></li> <li>• <u>Turumaha St (Herbert St to Brunner St)</u></li> <li>• <u>Water Walk Road (Raleigh St to Felix Campbell St)</u></li> </ul>
<p><b><u>Westland District</u></b></p>	<ul style="list-style-type: none"> <li>• <u>Adamson Rd (Waitangitaoana Rd to end of seal)</u></li> <li>• <u>Arahura Valley Rd (SH6 to German Rd)</u></li> <li>• <u>Arthurstown Rd (Woodstock Rimu Rd to SH6)</u></li> <li>• <u>Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)</u></li> <li>• <u>Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)</u></li> <li>• <u>Cook Flat Rd (SH6 to end of road at river)</u></li> <li>• <u>Cron St (end of seal to end of stage (2024))</u></li> <li>• <u>Forks – Okarito Rd (SH6 to end of seal)</u></li> <li>• <u>Haast – Jackson Bay Rd (SH6 to end of seal)</u></li> <li>• <u>Hampden St (Tancred St to Sewell St)</u></li> <li>• <u>Hampden St (Fitzherbert St to Town Belt East)</u></li> <li>• <u>Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)</u></li> <li>• <u>Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)</u></li> <li>• <u>Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)</u></li> <li>• <u>Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)</u></li> <li>• <u>Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)</u></li> <li>• <u>Park St (Fitzherbert St to Hoffman St)</u></li> <li>• <u>Revell St (Hamilton St to Tudor St)</u></li> <li>• <u>Sewell St (Hamilton St to Park St)</u></li> <li>• <u>Stafford St West (Revell St to Tancred St)</u></li> <li>• <u>Tancred St (Hamilton St to Stafford St)</u></li> <li>• <u>Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)</u></li> <li>• <u>Tudor St (sewell St to Fitzherbert St)</u></li> <li>• <u>Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)</u></li> <li>• <u>Wanganui Flat Rd (SH6 to end of road at riverbank)</u></li> <li>• <u>Weld St (Revell St to Livingstone St)</u></li> <li>• <u>Whataroa Flat Rd (SH6 to Whale Rd)</u></li> </ul>
<p><b>Local Roads</b></p>	

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Buller, Grey and Westland Districts	The remainder of the roads not listed in this table are local roads.
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**Planning Maps**

Amend the Planning Maps to include the Special Purposes Roads on the West Coast being:

- Haast – Jackson Bay Road
- Karamea Highway – Mokihinui River to Karamea

**Dean Chrystal**  
Hearings Panel Chair

**Maria Bartlett**  
Hearings Panel Member

**Paul Rogers**  
Hearings Panel Member

**Sharon McGarry**  
Hearings Panel Member

**Anton Becker**  
Hearings Panel Member

**Date: 5 September 2025**

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**APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS**

**Definitions**

<b>Term</b>	<b>Definition</b>
<b>CRITICAL INFRASTRUCTURE</b>	<p>means:</p> <p><del>the rail network, state highways, special purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.</del></p>
<b><u>REGIONALLY SIGNIFICANT INFRASTRUCTURE</u></b>	<p><b>means:</b></p> <ul style="list-style-type: none"> <li>a. The National Grid (as defined by the Electricity Industry Act 2010);</li> <li>b. Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;</li> <li>c. Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;</li> <li>d. Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</li> <li>e. The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;</li> <li>f. The regional rail networks;</li> <li>g. The Westport, Greymouth, and Hokitika airports;</li> <li>h. The Regional Council seawalls, stop banks and erosion protection works;</li> <li>i. Telecommunications networks and facilities and radio communications facilities;</li> <li>j. Public or council owned sewage treatment plants and associated reticulation and disposal systems;</li> </ul>

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	<ul style="list-style-type: none"> <li>k. Public or council owned water supply intakes, treatment plants and distribution systems;</li> <li>l. Public or council owned drainage systems, including stormwater systems;</li> <li>m. The ports of Westport, Greymouth and Jackson Bay;</li> <li>n. Public or council owned solid waste storage and disposal facilities;</li> <li>o. Special Purpose Roads as identified on the planning maps; and</li> <li>p. Defence Facilities</li> </ul>
<p>INFRASTRUCTURE</p>	<p>has the same meaning as in section 2 of the RMA (as set out below), means</p> <ul style="list-style-type: none"> <li>a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy;</li> <li>b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</li> <li>c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989;</li> <li>d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- <ul style="list-style-type: none"> <li>i. uses them in connection with the generation of electricity for the person's use; and</li> <li>ii. does not use them to generate any electricity for supply to any other person;</li> </ul> </li> <li>e. a water supply distribution system, including a system for irrigation;</li> <li>f. a drainage or sewerage system;</li> <li>g. structures for transport on land by cycleways, rail, roads, walkways, or any other means;</li> <li>h. facilities for the loading or unloading of cargo or</li> </ul>

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	<p>passengers transported on land by any means;</p> <ul style="list-style-type: none"> <li>i. an airport as defined in section 2 of the Airport Authorities Act 1966;</li> <li>j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; <b>and</b></li> <li>k. <b><u>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</u></b></li> <li>l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</li> </ul> <p><b>Note:</b> <b><u>Electricity activities are addressed in the Energy Chapter of the Plan.</u></b></p>
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
LARGE SCALE <b><u>DISTRIBUTED ELECTRICITY GENERATION</u></b>	means, <del>when applied to provisions in the Energy Chapter,</del> electricity generation activities utilising renewable energy sources <del>with a capacity of greater than 100kW</del> <b><u>which are not Small and Community Scale Electricity Generation Activities</u></b> for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	<b><u>has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008 (as set out below)</u></b> means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission <del>and distribution</del> lines as follows (and illustrated in green below): <ul style="list-style-type: none"> <li>a. 14m for 66kV or 110kV transmission lines on single poles;</li> <li>b. 16m for 110kV transmission lines on pi poles; and</li> <li>c. 32m for 110kV transmission lines on towers (including</li> </ul>

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	<p>tubular steel towers where these replace steel lattice towers).</p> <p><b><u>The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u></b></p>
NATIONAL GRID YARD	<p>means as illustrated in red below:</p> <ol style="list-style-type: none"> <li>a. the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles;</li> <li>b. the area located 12m in any direction from the outer <b>visible</b> edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and</li> <li>c. the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers).</li> </ol> <p>The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p>
<b><u>NETWORK UTILITY</u></b>	<b><u>means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.</u></b>
<b><u>NON-RENEWABLE ELECTRICITY GENERATION ACTIVITY</u></b>	<b><u>means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources.</u></b>
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	<p>means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes, <b>along with large scale activities</b>, small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, <b>earthworks, vegetation clearance</b>, roading, maintenance buildings, temporary concrete batching plants, internal</p>

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	transmission and fibre networks, and site rehabilitation works.
<b><u>SMALL AND COMMUNITY SCALE ELECTRICITY GENERATION</u></b>	<p><del>means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.</del></p> <p><b><u>means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</u></b></p>
<b><u>SUBSTATION (ZONE)</u></b>	means the ground-mounted equipment used to convert sub transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
<b><u>TRANSMISSION LINES</u></b>	<p><b><u>has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).</u></b></p> <p>means:</p> <ol style="list-style-type: none"> <li>a. the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid and:</li> <li>b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but</li> <li>c. does not include an electricity substation.</li> </ol>
<b><u>TELECOMMUNICATIONS KIOSK</u></b>	<b><u>means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.</u></b>
<b><u>UPGRADING /UPGRADE</u></b>	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. <b><u>(Upgrade has the same meaning)</u></b>
<b><u>INFRASTRUCTURE</u></b>	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p>means</p> <p>...</p> <ol style="list-style-type: none"> <li>a. <b><u>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related</u></b></li> </ol>

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	<p><b><u>commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</u></b></p> <p>b. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</p>
<p><b><u>TELECOMMUNICATION KIOSK</u></b></p>	<p><b><u>means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.</u></b></p>
<p><b><u>LAND TRANSPORT INFRASTRUTURE</u></b></p>	<p><b><u>Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:</u></b></p> <ul style="list-style-type: none"> <li><b><u>(a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;</u></b></li> <li><b><u>(b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;</u></b></li> <li><b><u>(c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;</u></b></li> <li><b><u>(d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;</u></b></li> <li><b><u>(e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;</u></b></li> <li><b><u>(f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;</u></b></li> <li><b><u>(g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;</u></b></li> <li><b><u>(h) Parking control devices;</u></b></li> <li><b><u>(i) Site access including vehicle crossings;</u></b></li> <li><b><u>(j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;</u></b></li> <li><b><u>(k) Ancillary equipment and structures associated with public transport systems including seats, shelters,</u></b></li> </ul>

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	<p><u>real time information systems and ticketing facilities, bicycle storage and cabinets;</u></p> <p>(l) <u>Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and</u></p> <p>(m) <u>Land based Port facilities.</u></p>
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## Energy Chapter

### Energy - Te Pūngao Overview

Energy activities, including Renewable electricity generation, electricity transmission, and distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they need to be recognised and provided for, require specific recognition and protection, as they are critical to the social, cultural, and economic well-being of people and communities. Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.

The National Policy Statement for Electricity Transmission 2008 Activities requires that the National Grid is recognised and provided for. specific recognition and protection of the National grid, with renewable electricity recognised in the The National Policy Statement on Renewable Energy Electricity Generation recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including its protection from reverse sensitivity effects. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa.

Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the Electricity (Hazards from Trees) Regulations 2003.

Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for Electricity Transmission Activities) apply.

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

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### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for energy activities, including:

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.
- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

Energy Objectives	
ENG – 01	To recognise the local, <del>and regional</del> <b>and national</b> benefits of electricity transmission, distribution and renewable electricity generation activities, <b>by providing</b> for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG – 02	To recognise the functional <b>need or</b> operational needs associated with the location and design of <b>renewable electricity generation, investigation, and distribution and transmission</b> energy activities, and to <del>minimise</del> <b>manage</b> adverse effects of these activities on communities and the environment.
ENG – 03	To provide for <b>development and enable</b> the <del>development</del> , operation, maintenance and upgrade of <b>renewable electricity generation and investigation, and electricity distribution and transmission</b> energy activities and to protect them from the adverse effects of incompatible subdivision, <b>use</b> and development.
ENG – 04	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by <b>incompatible</b> subdivision, use and development.
ENG-05	<b>To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.</b>

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Energy Policies	
ENG – P1	Provide for <b>and enable</b> the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure <del>and assets</del> .
ENG – P2	When considering proposals to develop and operate new and existing <b>renewable electricity generation, investigation, and distribution and transmission</b> activities have particular regard to the benefits to be obtained from the proposal, including; <ul style="list-style-type: none"> <li>a. Maintaining or increasing security of renewable electricity supply <del>by diversifying the type and/or location of electricity generation;</del></li> <li>b. <b><u>Providing for diversity of the type and location of renewable electricity generation;</u></b></li> <li>c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</li> <li>d. Economic, social, environmental or cultural wellbeing;</li> <li>e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;</li> <li>f. Effective transmission and distribution of electricity supply;</li> <li>g. Facilitation and use of renewable energy;</li> <li>h. Security of electricity supply; and</li> <li>i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.</li> </ul>
ENG – P3	<del>Minimise reverse sensitivity effects from <b>Manage activities to avoid adverse reverse sensitivity effects from incompatible</b> subdivision, use and development on <b>renewable electricity generation and electricity distribution and transmission</b> energy activities. and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development</del>
ENG – P4	Minimise <b>Avoid, remedy or mitigate</b> adverse effects on communities and the environment from <b>renewable electricity generation, investigation, distribution and transmission</b> energy activities by: <ul style="list-style-type: none"> <li>a. <b><u>Having regard to effects on urban amenity;</u></b></li> <li>b. Having regard to the <b>effect on areas of significant environmental values and</b> values associated with <b>identified in Schedules One – Eight and Appendix Ten;</b> areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas;</li> <li>c. Implementing industry best management practices around electrical safe distances;</li> <li>d. Maintaining ongoing access to grid and distribution elements <b>infrastructure</b> and structures for <b>operation,</b> maintenance and</li> </ul>

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	<p>upgrading works; and</p> <p>e. Avoiding exposure to health and safety risks.</p>
ENG – P5	<p><del>When considering proposals to develop, operate, maintain and upgrade new and</del> <b><u>Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of existing renewable electricity generation, investigation, distribution and transmission</u></b> energy activities <b>by:</b></p> <p>a. <del>Recognising</del> <b><u>ing</u></b> their functional <del>constraints</del> <b><u>need</u></b> <del>or</del> <b><u>and</u></b> operational requirements <del>need</del>; and</p> <p>b. <del>Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects</del> <b><u>Having regard to the extent to which any adverse effects of new significant electricity distribution lines</u></b> have been minimised in the route, site and method selection.</p>
ENG – P6	<p>Provide for the development, upgrading, maintenance and operation of:</p> <p>a. A range of <del>small, community and large scale</del> renewable electricity generation activities; and</p> <p>b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.</p>
ENG – P7	<p>Recognise and provide for the national, regional and local benefits of the National Grid, including by:</p> <p>a. Enabling the operation, maintenance and <del>minor</del> upgrading requirements of existing National Grid assets;</p> <p>b. Providing for <del>other upgrades</del> and the effective development of new National Grid assets; and</p> <p>c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to:</p> <p>i. The technical and operational constraints of the National Grid; and</p> <p>ii. The extent to which proposals <b><u>for new National Grid infrastructure or major upgrades to existing National Grid infrastructure</u></b> have avoided, remedied and mitigated effects through the route, site and method selection.</p>
ENG – P8	<p>Manage the adverse effects of the <b><u>development and major upgrade of the National Grid</u></b> by:</p> <p>a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;</p> <p>b. Seeking to avoid adverse effects on areas <b><u>of significant environmental values and the values</u></b> identified in Schedules <b><u>One – Eight and Appendix Ten</u></b>;</p> <p>c. Where the National Grid has a functional <b><u>need</u></b> or operational need to locate within the Coastal Environment, manage adverse effects by:</p> <p>i. Seeking to avoid adverse effects on <del>Overlay Chapter</del> areas <b><u>and values identified in Schedules One – Eight and Appendix Ten</u></b> and where it is not practicable to avoid <b><u>because of functional needs or operational needs of the National Grid</u></b>, to remedy or mitigate; <b><u>and</u></b></p>

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	<ul style="list-style-type: none"> <li>ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</li> <li>d. Recognise that there may be some areas within the sites and areas identified in Schedules <b>One – Eight and Appendix Ten</b> where avoidance of adverse effects is required to protect the identified values and characteristics; <b>and</b></li> <li>e. <b><u>Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.</u></b></li> </ul>
<p><b>ENG – P9</b></p>	<p>Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:</p> <ul style="list-style-type: none"> <li>a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;</li> <li>b. Avoid incompatible land use, <b><u>buildings and structures that may directly affect or otherwise compromise the National Grid;</u></b></li> <li>c. Manage subdivision <b><u>within the National Grid Subdivision Corridor</u></b> to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;</li> <li>d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; <del>and</del></li> <li>e. <b><u>Maintain ongoing access for maintenance and upgrading works on the National Grid; and</u></b></li> <li>f. Avoid, <b><u>to the extent reasonably possible, the</u></b> potential for reverse sensitivity effects on the National Grid.</li> </ul>
<p><b>ENG– P10</b></p>	<p><b><u>Manage activities in and around Significant Electricity Distribution Lines to:</u></b></p> <ul style="list-style-type: none"> <li>a. <b><u>Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;</u></b></li> <li>b. <b><u>Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety risks from Significant Electricity Distribution Lines; and</u></b></li> <li>c. <b><u>Protect the lines from potential reverse sensitivity effects.</u></b></li> </ul>
<p><b>ENG-P11</b></p>	<p><b><u>Discourage the development of non-renewable electricity generation activities.</u></b></p>
<p><b>ENG-P12</b></p>	<p><b><u>Ensure that subdivision and development is adequately serviced including:</u></b></p> <ul style="list-style-type: none"> <li>a. <b><u>Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; and</u></b></li> <li>b. <b><u>Infrastructure is installed at the time of subdivision, except for on- site infrastructure that cannot be determined until the</u></b></li> </ul>

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	<u>allotment is developed.</u>
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Permitted Activities	
<b>ENG - R1</b>	<b>Energy Permitted Activity Performance Standards</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Non-complying</p>	
<b>ENG - R2</b>	<b>Substations (Zone)</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards in Rule ENG - R1 are complied with; and</li> <li>2. <del>This is t</del> The operation, maintenance, repair and upgrade <u>is</u> of an existing substation (zone) where any upgrades are undertaken within existing switchyards or buildings, in any zone; or</li> <li>3. <del>This is a</del> A new substation (zone) <u>is</u> or upgrade to an existing substation (zone):               <ol style="list-style-type: none"> <li>i. Located in an Industrial Zone; and</li> <li>ii. The substation will be visually screened from the road and any <b>existing</b> residential building <b>located adjacent to the Industrial Zone</b> by fencing and / or landscaping.</li> </ol> </li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>ENG – R3</b>	<b>Substations (Distribution)</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards in Rule ENG - R1 are complied with; and</li> <li>2. <del>This is t</del> The maintenance, repair, upgrade and operation <u>is</u> of an existing distribution               <ol style="list-style-type: none"> <li>a. substation; or</li> </ol> </li> <li>3. <del>This is a</del> Any new distribution substation.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>ENG – R4</b>	<del>Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations</del> <u>The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line above and below ground not managed by the National Environmental Standard for Electricity Transmission Activities</u>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards in Rule ENG - R1 are complied with; <b>and</b></li> <li>2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, and</li> </ol>	

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- structure, ~~building or minor utility structure~~ is within 5m of the alignment or location of the original existing pole, tower, and structure, ~~building or minor utility structure~~;
3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
  4. **Specific to distribution lines, † the diameter or width of the replacement pole structures, at its widest point:**
    - a. does not exceed twice that of the replaced pole at its widest point; and
    - b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
  5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original;
  6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above;
  7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent;
  8. There are not additional towers; and
  9. A pole is not replaced with a tower.

**Activity status where compliance not achieved:** Restricted Discretionary

ENG – R5

~~The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use~~ **Renewable Electricity Generation Activity**

### Activity Status Permitted

Where:

1. Performance standards in Rule ENG – R1 are complied with; and
2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:**
3. ~~Small scale w-i.~~
  - a. **Wind turbines do not exceed 8m in tower height; Small scale wind turbines comply with NZS 6808:2010 Acoustics – Wind Farm Noise;**
  - b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**  
**Settlement Zone - SETZ – R2**  
**Buller Coalfield Zone BCZ – R3**  
**Mineral Extraction Zone MINZ – R3.**
3. ~~Land-based structure, building or impermeable surface for hydroelectricity generation must not exceed: a footprint of 25m<sup>2</sup> and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**  
**Settlement Zone - SETZ – R2**  
**Buller Coalfield Zone BCZ – R3**  
**Mineral Extraction Zone MINZ – R3.**
4. ~~Any building or structure must not be located within an existing esplanade reserve or strip~~

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**Activity status where compliance not achieved:**

**Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14**

**Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15**

~~Restricted Discretionary where performance standards 1–3 or 5–6 are not complied with.~~

Non-complying where with performance standard 4 1 is not complied with.

**ENG – R6**

**Activities in and around the Significant Electricity Distribution Lines**

**Activity Status Permitted**

Where:

Performance standards in Rule ENG - R1 are complied with; and

1. These are Energy Activities;
2. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay:
  - Fences less than 2.5m high; **or**
  - a. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; **or**
  - b. Network Utilities within a transport corridor or any part of electricity infrastructure; **or**
  - c. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; **and**
3. The only buildings or structures erected within 12m of any support structure are:
  - a. Network Utilities within a transport corridor; or
  - b. Any part of electricity infrastructure; **or**
  - c. Fences more than 5m from the support structure and less than 2.5m in height; and
4. Structures and activities located near ~~transmission~~ **distribution** lines must comply with the safe distance requirements in the NZECP 34:2001.

**Activity status where compliance not achieved:** Non-complying

**ENG – R7**

**Buildings, Structures and Activities within the National Grid Yard**

**Activity Status Permitted**

Where:

1. These are the following activities where they are also ~~P~~permitted within the relevant zone and overlay:
  - a. Fences less than 2.5m high;
  - b. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
  - c. Infrastructure undertaken by a Network Utility **operation** ~~Operator within a transport corridor~~ or any part of electricity **generation** infrastructure that connects the National Grid;
  - d. ~~Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ **Agriculture and horticulture activities, and associated non-**

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<p><b><u>habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:</u></b></p> <ul style="list-style-type: none"> <li><b><u>i. Buildings and structures used for intensive indoor primary production;</u></b></li> <li><b><u>ii. Dairy and milking sheds;</u></b></li> <li><b><u>iii. Commercial greenhouses;</u></b></li> <li><b><u>iv. Produce packing facilities;</u></b></li> <li><b><u>v. Protective canopies; and</u></b></li> <li><b><u>vi. Wintering barns.</u></b></li> </ul> <p>e. <b>The activity is not a sensitive activity;</b></p> <p>f. An accessory building or structure associated with an existing residential activity that is less than 10m<sup>2</sup> and 2.5m in height;</p> <p>2. All buildings, structures and activities permitted by 1. above must <del>have</del> <b>have:</b></p> <ul style="list-style-type: none"> <li>a. <b>Have a</b> A minimum vertical clearance of at least 10m below the lowest point of a conductor <ul style="list-style-type: none"> <li>- or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions; <ul style="list-style-type: none"> <li>i. Not result in the loss of vehicle access to a National Grid support structure;</li> <li>ii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure <del>National Grid Yard transmission support</del> except where it is:</li> </ul> </li> </ul> </li> <li>b. Infrastructure undertaken by a network utility <del>operation operator</del> <b>operation operator</b> or any part of electricity <del>generation infrastructure</del> <b>generation infrastructure</b> that connects the National Grid;</li> <li>c. A fence not exceeding 2.5m in height that is located at least: <ul style="list-style-type: none"> <li>i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; <del>or</del> <b>and</b></li> <li>ii. 5m from the outer visible edge of a foundation of a National Grid transmission line pole; <del>or</del> <b>or</b></li> </ul> </li> <li>d. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that: <ul style="list-style-type: none"> <li>i. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and</li> <li>ii. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or</li> </ul> </li> <li>e. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.</li> </ul> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>	
<b>ENG – R8</b>	<b>Installation of electricity cabinets</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. All performance standards in Rule ENG - R1 are complied with; and</li> <li>2. The cabinet has a maximum height above ground level of 2m <b>and a maximum area of 1.4m<sup>2</sup>.</b></li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>ENG – R9</b>	<b>Temporary Energy Activities</b>

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**Activity Status Permitted**

Where:

1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration;
2. All performance standards in Rule ENG - R1 are complied with; and
3. Any temporary structures are removed from the site ~~when operation ceases and the sites is rehabilitated~~ **and the site is rehabilitated within one month of the operation ceasing;**
4. **The temporary energy activity is a back-up generator, provided this equipment is:**
  - i. **Being tested and maintained for a period not exceeding 48 hours in duration; or**
  - ii. **To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or**
  - iii. **For emergency purposes only and operates for a maximum of 12 months.**

Activity status where compliance not achieved: Restricted Discretionary

<b>ENG – R10</b>	<b><u>Environmental monitoring and meteorological facilities associated with Energy Activities</u></b>
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**Activity Status Permitted**

Where:

1. All performance standards in Rule INF - R1 are complied with; and
2. Monitoring equipment is not more than 4m in height and 25m<sup>2</sup> in area.

~~Activity status where compliance not achieved: Non-complying~~

<b>ENG – R10</b>	<b><u>The construction of new distribution lines above or below ground</u></b>
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**Activity Status Permitted**

Where:

1. **All performance standards in Rule ENG - R1 are complied with; and**
2. **The line will comply with the requirements of NZECP 34:2001;**
3. **The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;**
4. **The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m<sup>2</sup> and is associated with an electricity network utility.**

Activity status where compliance not achieved: Discretionary

**Restricted Discretionary Activities**

<b>ENG - R11</b>	<b><u>Substations (Zone and Distribution) not meeting Permitted Activity standards, or otherwise not provided for in another rule</u></b>
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**Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- b. Locational, technical, **functional** and operational constraints;
- c. Impacts on resilience of the community to natural hazards and climate change;
- d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas

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	<p>targets;</p> <p>h. <del>Impacts of contamination from the substation on any overlay;</del></p> <p>e. Benefits to the community from the substation; and</p> <p>f. The degree to which the proposed activity will cause <del>significant</del> adverse effects on <u>areas and values listed in Schedules One to Eight and Appendix 10</u> <del>Overlay Chapter matters.</del></p>
<p><b>Activity status where compliance not achieved: N/A</b></p>	
<p><b>ENG – R12</b></p>	<p><del>Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations</del> <b>Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground not managed by the National Environmental Standard for Electricity Transmission Activities not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b>  <del>Where:</del>                  1. <del>Performance standards in Rule ENG – R1 are complied with;</del>                  Discretion is restricted to:</p> <ol style="list-style-type: none"> <li><del>Degree of non-compliance with Rule ENG - R4;</del></li> <li><del>Locational, technical, <b>functional</b> and operational constraints;</del></li> <li><del>Benefits to the community; and</del></li> <li><del>The degree to which the proposed activity will cause <del>significant</del> adverse effects on <u>areas and values listed in Schedules One to Eight and Appendix 10</u> <del>Overlay Chapter matters.</del></del></li> </ol>	
<p><b>Activity status where compliance not achieved: Non-complying <u>N/A</u></b></p>	
<p><b>ENG – R13</b></p>	<p><b>Installation of electricity cabinets not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b>  <del>Where:</del>                  1. <del>Performance standards in Rule ENG – R1 are complied with;</del>                  Discretion is restricted to:</p> <ol style="list-style-type: none"> <li><del>Locational, technical, <b>functional</b> and operational constraints;</del></li> <li><del>The degree to which the proposed activity will cause <del>significant</del> adverse effects on <u>areas and values listed in Schedules One to Eight and Appendix 10</u> <del>Overlay Chapter matters;</del> and</del></li> <li><del>Benefits to the community.</del></li> </ol>	
<p><b>Activity status where compliance not achieved: Non-complying <u>N/A</u></b></p>	
<p><b>ENG – R14</b></p>	<p><del>The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation structures, renewable energy investigation activity</del> <b>and temporary energy activities not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b>  <del>Where:</del>                  1. <del>Performance standards in Rule ENG – R1 are complied with;</del>                  Discretion is restricted to:</p> <ol style="list-style-type: none"> <li><del>Impacts on resilience of the community to natural hazards and climate change;</del></li> </ol>	

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<ul style="list-style-type: none"> <li>b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;</li> <li>c. <b><u>The B-benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;</u></b></li> <li>d. Functional, <b><u>locational, technical</u></b> and operational constraints;</li> <li>e. Landscape measures <b><u>Measures to mitigate landscape effects;</u></b> and</li> <li>f. The degree to which the proposed activity will cause <del>significant</del> adverse effects on <b><u>areas and values listed in Schedules One to Eight and Appendix 10 Overlay Chapter matters and</u></b></li> <li>g. <b><u>The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people.</u></b></li> </ul>
<p><b>Activity status where compliance not achieved: Non-complying N/A</b></p>

Discretionary Activities	
<b>ENG – R15</b>	<b><u>New and existing Large scale renewable electricity generation activity excluding wind not meeting Permitted Activity standards</u></b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>ENG – R16</b>	<b><u>Wind farm construction and operation</u></b>
<b>Activity Status Discretionary</b>	
Where:	
1. This complies with New Zealand Standard NZS6808:2010 Acoustics – Wind Farm Noise.	
<b>Activity status where compliance not achieved: Non-complying</b>	
<b>ENG – R16</b>	<b><u>Construction of distribution lines above and below ground not meeting Permitted Activity Standards</u></b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>ENG – R17</b>	<b><u>Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule</u></b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>ENG – R18</b>	<b><u>Any Energy Activity not provided for in another rule</u></b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved: N/A</b>	

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Non-complying Activities	
<b>ENG – R17</b>	<del>Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise</del>
<del>Activity Status Non-complying</del>	
<del>Activity status where compliance not achieved: N/A</del>	
<b>ENG - R189</b>	Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
<b>ENG - R1920</b>	<del>Activities <u>within and around</u> the National Grid Yard and <u>between the Significant Electricity Transmission Lines</u>, that do not comply with Permitted Activity standards <u>or are not otherwise provided for in a rule</u></del>
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
<b>ENG – R20</b>	<del>Energy Activities that do not meet Rules ENG – R12, ENG – R13, or ENG – R14</del>
<del>Activity Status Non-complying</del>	
<del>Activity status where compliance not achieved: N/A</del>	
<b>ENG – R21</b>	<u>Non-renewable Electricity Generation Activities</u>
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
<u>Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.</u>	
<b>ENG – R22</b>	<u>Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards</u>
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

## Infrastructure

### Infrastructure - Te Tūāhanga

#### Overview

Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local

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benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

**Infrastructure includes a range of structures, services and activities as defined in Definitions – Ngā Tautuhinga.** The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities, **such as three waters, telecommunications networks and radio communication networks.** Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities** as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

### **Other relevant Te Tai o Poutini Plan provisions**

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for infrastructure activities, including:

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

<b>INF – O1</b>	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of <del>utilities and</del> infrastructure, to meet the <b>current and future</b> needs of the West Coast/Te Tai o Poutini.
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<b>INF – O2</b>	To protect <del>utilities and</del> infrastructure from the adverse effects of incompatible subdivision, land use and development.
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INF – 03	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.
INF – 04	To consider natural hazard resilience and impacts of climate change in infrastructure <b>location</b> , design and provision.
INF – 05	<p>The adverse effects of infrastructure on the environment are minimised, <b>including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water</b>, while recognising:</p> <ol style="list-style-type: none"> <li>The functional <b>need</b> and operational needs of infrastructure; and</li> <li>That positive effects of the infrastructure may be realised locally, regionally, or nationally.</li> </ol>
INF – P1	Recognise <del>and provide for</del> the positive social, economic, cultural and environmental benefits from the development, continued operation, <b>maintenance</b> , and upgrading of <del>utilities and</del> infrastructure.
INF – P2	<p>Manage the design and location of <del>utilities and</del> infrastructure, including when sited in <b>all</b> overlays in a way which considers:</p> <ol style="list-style-type: none"> <li><del>Locational, technical and operational constraints</del> <b>Operational need and functional need</b>;</li> <li>Resilience to natural hazards and climate change;</li> <li>Poutini Ngāi Tahu requirements for discharge of wastewater to land;</li> <li>Benefits of co-location of infrastructure;</li> <li>That positive effects of infrastructure may be realised locally, regionally, or nationally; and</li> <li>The need to <del>minimise</del> <b>avoid, remedy and mitigate</b> adverse effects on the environment.</li> </ol>
INF – P3	Manage reverse sensitivity effects from subdivision, use and development, on <del>utilities and</del> infrastructure to ensure their safe, secure and efficient operation.
INF – P4	<p>Ensure that subdivision and development, is adequately serviced <b>to meet the current and future needs</b> including:</p> <ol style="list-style-type: none"> <li>Safe and efficient vehicle access;</li> <li>Drinking water compliant with Safe Drinking Water Standards;</li> <li>Adequate water supply for firefighting;</li> <li>Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk;</li> <li>Treatment and safe disposal of wastewater with a preference for land-based treatment;</li> <li>Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite;</li> <li>Connections are made to wastewater, water supply and stormwater</li> </ol>

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	<p>systems where they are available and there is capacity;</p> <p>h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance; and</p> <p>i. Financial contributions are provided where additional or upgraded <del>network utility</del> infrastructure is required to service development.</p>
<b>INF – P5</b>	<p>Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.</p>
<b>INF – P6</b>	<p>Provide flexibility for <del>network utilities</del> <b>infrastructure</b> to adopt new technologies that:</p> <ul style="list-style-type: none"> <li>a. Improve access to, and efficient use of, networks and services;</li> <li>b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards;</li> <li>c. Increase resilience, safety or reliability of networks and services;</li> <li>d. Result in environmental benefits and enhancements;</li> <li>e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.</li> </ul>

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Permitted Activities	
<b>INF - R1</b>	<b>Infrastructure Permitted Activity Performance Standards</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the <b>World Health Organisation's</b> monograph Environmental Health Criteria 238, June 2007; and</li> <li>2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard <b>NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels</b> - 3kHz to 300 GHz.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Non-complying</p>	
<b>INF – R2</b>	<b>Connections to <u>water</u>, wastewater, stormwater and reticulated systems</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<b>INF – R3</b>	<b>Maintenance and operation of existing gas pipeline under 2,000 kilopascals</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The pipeline is located underground and is not on or within a natural waterbody, except where it is: <ol style="list-style-type: none"> <li>a. Attached to and/or incorporated within an existing bridge structure; or</li> <li>b. Within an existing attached conduit or duct; and</li> </ol> </li> <li>2. Any realignment, relocation or replacement of a pipeline is within: <ol style="list-style-type: none"> <li>a. An existing easement in favour of the pipeline; and</li> <li>b. Is within 12 metres of the existing alignment or location.</li> </ol> </li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	
<b>INF – R4</b>	<b>Temporary Network Activities</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The temporary network is operated by a network utility operator;</li> <li>2. The temporary network activity is: <ol style="list-style-type: none"> <li>i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or</li> <li>ii. For up to a period of four weeks to provide for additional capacity; <u>and or</u></li> <li>iii. <b><u>For a period of up to 12 months as part of construction or re-construction activity; and</u></b></li> </ol> </li> </ol>	

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	<p>3. All performance standards in Rule INF-R1 are complied with; and</p> <p>4. The utility must be removed from the site when operation ceases and the site reinstated.</p>
	<p><b>Activity status where compliance not achieved: <u>Non-complying where standard 3 is not complied with.</u> Discretionary <u>where standards 1, 2 and 4 are not complied with</u></b></p>
<b>INF – R5</b>	<b><u>Environmental monitoring and extreme weather event monitoring facility</u></b>
	<p><b>Activity Status Permitted</b> Where:</p> <p>1. <del>Monitoring equipment is not more than 4m in height 25m<sup>2</sup> in area.</del></p>
	<p><b>Activity status where compliance not achieved: <del>Restricted Discretionary</del></b></p>
<b>INF – R65</b>	<b><u>Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities</u></b>
	<p><b>Activity Status Permitted</b> Where:</p> <p>1. <del>These are located in a RURZ – Rural Zone or INZ – Industrial Zone.</del></p> <p>1. <b><u>All performance standards in Rule INF-R1 are complied with;</u></b></p> <p>2. <b><u>Monitoring equipment is not more than 25m<sup>2</sup> in area; and</u></b></p> <p>3. <b><u>Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Settlement Zone - SETZ – R2</u></b></li> <li>• <b><u>Buller Coalfield Zone - BCZ – R3</u></b></li> <li>• <b><u>Mineral Extraction Zone - MINZ – R3</u></b></li> </ul>
	<p><b>Activity status where compliance not achieved: <u>Non-complying where standard 1 is not complied with.</u> Restricted Discretionary <u>where standards 2 and 3 are not complied</u></b></p>
<b>INF – R76</b>	<b><u>Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator. <u>Operation, maintenance, repair and extension of existing network utilities</u></u></b>

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### Activity Status Permitted

Where:

1. All performance standards in Rule INF-R1 are complied with;
2. ~~These~~ **The network utilities** are not gas pipelines regulated under Rule INF - R3;
3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure;
4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent;
7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above;
8. The largest face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent;
9. There are no additional towers; and
10. A pole is not replaced with a tower.

#### Advice Note:

1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.

**Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-10 are not complied with.**

### ~~INF – R8~~ **New Network Utility Customer Connections**

#### ~~Activity Status Permitted~~

~~Where:~~

- ~~1. The connection does not include a new tower;~~
- ~~2. The connection does not exceed three additional poles; and~~
- ~~3. The diameter of conductors, lines or cables does not exceed 30mm.~~

~~Advice Note: Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH – R5.~~

~~Activity status where compliance not achieved: Discretionary~~

### ~~INF – R97~~ **New Lines, Telecommunication Poles or Towers**

#### Activity Status Permitted

Where:

1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with;**
2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone;
3. Poles do not exceed a height of 25m; **and**
4. Towers do not exceed a height of 15m; **or**
5. **The activity is located below ground.**

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<p><b>Activity status where compliance not achieved:</b> Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.</p>	
<b>INF – R108</b>	<b>New Telecommunications Kiosk</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. This meets the <b>All</b> performance standards in Rule INF - R1 <b>are complied with;</b> and</li> <li>2. The maximum height is 3.5m and gross floor area is 1.5m<sup>2</sup>.</li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with</p>	
<b>INF – R119</b>	<b>New Small Cell Utility</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. This meets the <b>All</b> performance standards in Rule INF – R1 <b>are complied with; and</b></li> <li>2. <b>The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m<sup>3</sup>.</b></li> </ol>	
<p><b>Activity status where compliance not achieved:</b> Non-complying <b>where standard 1 is not complied with. Discretionary where standard 2 is not complied with</b></p>	
<b>INF – R120</b>	<b>New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. This <b>The telecommunication pole, or antenna</b> is located within a land transport corridor; and             <ol style="list-style-type: none"> <li>a. The combined height of the pole and antenna does not exceed:                 <ol style="list-style-type: none"> <li>i. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone;</li> <li>ii. 20m in an INZ - Industrial Zone; or</li> <li>iii. 35m in all other zones.</li> </ol> </li> <li>b. A panel antenna:                 <ol style="list-style-type: none"> <li>i. Does not exceed a width of 0.7m; and</li> <li>ii. When in a land transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter;</li> </ol> </li> <li>c. A dish antenna does not exceed a diameter:                 <ol style="list-style-type: none"> <li>i. Within a railway corridor of:                     <ol style="list-style-type: none"> <li>1. 1.2-metres in a GRUZ - General Rural Zone or INZ - Industrial Zone;</li> <li>2. 0.9m in a CMUZ - Commercial and Mixed Use Zone</li> </ol> </li> <li>ii. Outside of a railway corridor:                     <ol style="list-style-type: none"> <li>1. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone</li> </ol> </li> </ol> </li> <li>d. Omni directional "whip" or dipole antennas do not exceed:                 <ol style="list-style-type: none"> <li>I. 1.6m in vertical length;</li> <li>II. 60mm in diameter; and</li> </ol> </li> </ol> </li> </ol>	

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- III. 1.5m in horizontal length.
- e. A headframe does not exceed the following:
  - I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;
  - II. 6m in diameter in all other zones (including unformed legal road).
- 2. **This The telecommunication pole, or antenna** is located outside a ~~land~~ transport corridor:
  - a. The combined height (network utility) of a telecommunications pole and antenna does not exceed:
    - i. 15m in a RESZ - Residential Zone, ~~CMUZ – Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;
    - ii. **20m in a CMUZ - Commercial and Mixed Use Zone;**
    - iii. **20m in a ~~HLIZ – Light~~ Industrial Zone or 25m in a GIZ – General Industrial Zone;**
    - iv. 25m in all other locations, or 30m where there are two or more users of the same pole.
  - b. A panel antenna does not exceed a width of 0.7m;
  - c. A dish antenna does not exceed a diameter of 1.2m;
  - d. Omni directional "whip" or dipole antennas do not exceed:
    - i. 1.6m in vertical length;
    - ii. 60mm in diameter; and
    - iii. 1.5m in horizontal length
  - e. A headframe does not exceed:
    - i. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;
    - ii. 6m in diameter in all other zones.
  - f. A new panel antenna face does not exceed 1.5m<sup>2</sup>, and a new dish antenna does not exceed 1.2m; and
    - i. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

**Activity status where compliance not achieved:** Restricted Discretionary

**INF-R11**

**Back-up Generators**

### **Activity Status Permitted**

#### **Where:**

1. **All performance standards in Rule INF-R1 are complied with; and**
2. **The equipment is:**
  - a. **being tested and maintained for a period not exceeding 48 hours in duration;**  
**or**
  - b. **to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or**
  - c. **for emergency purposes only and operates for a maximum of 12 months.**

**Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with.**

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<b><u>Controlled Activities</u></b>	
<b>INF – R132</b>	<b>New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)</b>
<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m;</li> <li>2. The telecommunications pole permitted activity notional envelope is exceeded by a maximum of 1m in height up to 4.5m;</li> <li>3. A panel antenna does not exceed a width of 0.8m;</li> <li>4. A dish antenna does not exceed a diameter of <b>0.9m</b>.             <ol style="list-style-type: none"> <li>iii. <del>0.6m in a RESZ – Residential Zone or SETZ – Settlement Zone;</del></li> <li>iv. <del>0.9m in all other zones.</del></li> </ol> </li> </ol> <p>Matters of control are:</p> <ol style="list-style-type: none"> <li>a. <del>Visual effects; in particular on the amenity values of the locality and streetscape</del></li> <li>b. <b>Effects on amenity values;</b></li> <li>c. Potential impacts on the operation, maintenance and upgrade of other network utilities.</li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>INF-R143</b>	<b>New telecommunications poles and antennas not in road reserve (regulated by Regulations <del>30, 32 or 34</del> of the NES - TF that do not meet the permitted activity standards in Regulations <del>31, 33</del> or 35 or <u>subject to Rule INF-R10(2) and not meeting the permitted activity standards</u>)</b>
<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole;</li> <li>b. A panel antenna does not exceed a width of 0.8m (<del>excluding those in a RESZ – Residential Zone or SETZ – Settlement Zone</del>);</li> <li>c. A dish antenna does not exceed a diameter of:             <ol style="list-style-type: none"> <li>iii. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;</li> <li>iv. 2m in all other zones.</li> </ol> </li> </ol> <p>Matters of control:</p> <ol style="list-style-type: none"> <li>a. <del>Visual effects; in particular on the amenity values of the locality and streetscape</del></li> <li>b. <b>Effects on amenity values.</b></li> </ol>	
<p><b>Advice Note:</b> <b><u>For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.</u></b></p>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>INF-R154</b>	<b>New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)</b>

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<p><b>Activity Status Restricted Discretionary</b> Where:</p> <ul style="list-style-type: none"> <li>a. A single telecommunications cabinet does not have a footprint exceeding 2.5m<sup>2</sup> or a height (network utility) of 2m; and</li> <li>b. A group of telecommunications cabinets does not have a footprint exceeding 3m<sup>2</sup>. Matters of control:</li> <li>c. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del></li> <li>d. <b>Effects on amenity values.</b></li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
<p><b>Restricted Discretionary Activities</b></p>	
<p><b>INF-R165</b></p>	<p><b>Connections to <u>water, wastewater and stormwater</u> <del>and</del> <u>reticulated systems</u> not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> <b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Level of flood hazard mitigation through stormwater control;</li> <li>b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system;</li> <li>c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; <b>and</b></li> <li>d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards.</li> </ul> <p><b>Advice Note:</b> Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.</p>	
<p><b>Activity status where compliance not achieved:</b> N/A</p>	
<p><b>INF-R176</b></p>	<p><b>New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment</b></p>
<p><b>Activity Status Restricted Discretionary</b> Where:</p> <ul style="list-style-type: none"> <li><del>1. Performance standards in Rule INF-R1 are complied with;</del></li> <li><b>1.</b> The gas pipeline will be underground.</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. <del>Landscape measures</del> <b>Measures to mitigate landscape effects;</b></li> <li>b. Locational, technical and operational constraints; <del>and</del></li> <li>c. Benefits to the community; <b>and</b></li> <li>d. <b>Effects on indigenous biodiversity.</b></li> </ul>	
<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	
<p><b>INF-R187</b></p>	<p><b>Lighthouses, navigational aids and beacons, <u>environmental monitoring equipment and Meteorological facilities</u> not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Where:</p> <ul style="list-style-type: none"> <li><b>1. All P</b>performance standards in Rule INF-R1 are complied with.</li> </ul> <p>Discretion is restricted to:</p>	

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Landscape measures a. <u>Measures to mitigate landscape effects;</u>	
a. Locational, technical and operational constraints; <del>and</del>	
b. Benefits to the community; <del>and</del>	
c. <u>Effects on indigenous biodiversity.</u>	
<b>Activity status where compliance not achieved:</b> Non-complying	
<b>INF-R19</b>	<del><b>Environmental monitoring and extreme weather event monitoring and meteorological facilities not meeting Permitted Activity standards</b></del>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
1. —Impact on the resilience of the community to natural hazards and climate change;	
2. —Benefits to the community;	
3. Locational, technical and operational constraints; and	
4. —Landscape measures.	
<b>Activity status where compliance not achieved:</b> N/A	
<b>INF-R20</b>	<del><b>Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards</b></del>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
a. —Locational, technical and operational constraints; and	
b. —Landscape measures.	
<b>Activity status where compliance not achieved:</b> N/A	
<b>INF-R218</b>	<b>Community Wastewater Treatment Facility in the Community Living Precinct</b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
1. This is located in accordance with a Concept Plan in Appendix Eight;	
2. Disposal of treated effluent is through a land based effluent system.	
Discretion is restricted to:	
a. The design of the wastewater treatment plant and land based disposal method;	
b. Effects on Poutini Ngāi Tahu values within or adjacent to the site;	
c. Natural hazards or geotechnical <del>constraints</del> <u>considerations</u> ;	
d. Effects on natural character, landscape, water quality and ecosystems;	
e. Any requirements arising from meeting the <b>NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure</b> or the Council Engineering Standards.	
<b>Advice Note:</b>	
1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required.	
2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.	
<b>Activity status where compliance not achieved:</b> Discretionary	

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<b>INF-R19</b>	<b>New Telecommunications Kiosk not meeting Permitted Activity Standards</b>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
<ul style="list-style-type: none"> <li>a. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del></li> <li>b. <b><u>Effects on amenity values.</u></b></li> </ul>	
Activity status where compliance not achieved: N/A	
<b>INF-R230</b>	<b>New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards</b>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
<ul style="list-style-type: none"> <li>a. The functional and operation needs of, and benefits derived from the network utility;</li> <li>b. Visual effects; <del>in particular on the amenity values of the locality and streetscape</del></li> <li>c. <b><u>Effects on amenity values;</u></b></li> <li>d. <del>significant</del> <b><u>Adverse effects on the values and attributes <u>indigenous biodiversity and Overlay Chapter matters.</u></u></b> <del>adverse effects on of scheduled overlay chapter areas;</del></li> <li>e. The potential impacts on the operation, maintenance and upgrade of other network utilities.</li> </ul>	
Activity status where compliance not achieved: N/A	
<b>Discretionary Activities</b>	
<b>INF-R21</b>	<b>New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity</b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>INF-R22</b>	<b>Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards</b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>INF-R23</b>	<b>Installation, extension, maintenance, operation, <del>minor</del> upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards</b>
<b>Activity Status Discretionary</b>	
<b>INF-R24</b>	<b>Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards</b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>INF-R25</b>	<b><u>Any Infrastructure Activity not provided for in another rule</u></b>
<b>Activity Status Discretionary</b>	

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<b>Activity status where compliance not achieved: N/A</b>	
<b>Non-complying Activities</b>	
<b>INF-R268</b>	<b>Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields</b>
<b>Activity Status Non-complying</b>	
<b>Activity status where compliance not achieved: N/A</b>	

## Transport

### Transport - Te Tūnuku

#### Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roding Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District-Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

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The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-~~Wide~~ Matters chapters also contain provisions that may be relevant for energy activities, including:

**Noise** - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.

**Signs** - The Signs Chapter contains the provisions for signs, including those within the transport corridors.

**Light** - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.

**Subdivision** - The Subdivisions ~~C~~chapter sets out the requirements for the development of new transport connections.

**Financial Contributions** - The Financial Contributions ~~C~~chapter sets out the requirements for contributions of costs for activities which impact on the local roading network.

**Overlay Chapters** - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Transport Objectives	
TRN- O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN - O2	To <del>manage the effects</del> <b>provide for the safe and efficient operation</b> of land transport infrastructure <del>on the character, landscape and amenity of the towns, settlements and rural areas and minimise,</del> <b>while</b>

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	<u>managing</u> adverse effects on the environment.
<b>TRN – O3</b>	To enable accessibility, safety and connectivity of land transport infrastructure and <del>consider</del> <b>to provide for</b> the amenity of all transport users, including pedestrians and cyclists.
<b>TRN– O4</b>	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
<b>TRN – O5</b>	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

### Transport Policies

<b>TRN – P1</b>	The road and rail <u>transport</u> networks shall: <ol style="list-style-type: none"> <li>Be maintained or enhanced to provide safe and efficient transportation;</li> <li>Consider the needs of all transport users and modes of transport; <del>and</del></li> <li>Minimise effects on adjoining properties including the impacts of vibration, noise and glare; <del>and</del></li> <li><b><u>Recognise the different functions and design requirements for each road classification under the National Transport Network classification system.</u></b></li> </ol>
<b>TRN – P2</b>	Vehicle crossings and associated access will: <ol style="list-style-type: none"> <li>Be designed and located to provide for safe, effective and efficient movement to and from sites;</li> <li>Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and</li> <li>Manage <u>separation of</u> vehicle access to and from sites adjacent to intersections, <u>rail level crossings</u>, and where State Highways meet.</li> </ol>
<b>TRN – P3</b>	Maximise user safety at road and rail level crossings by <del>considering the location of</del> <b><u>restricting</u></b> buildings, <b><u>structures</u></b> , <b><u>planting</u></b> and other visual obstructions within sightlines.
<b>TRN – P4</b>	<del>Ensure any new r</del> Road and pedestrian rail level crossings <del>carefully consider</del> <b><u>ensure</u></b> the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.

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TRN – P5	Control vehicle access to sites adjacent to all road <del>and</del> rail level crossings to improve safety for road users on the approach to level crossings.
TRN – P6	Enable provision of electric vehicle and bicycle charging stations.
TRN – P7	Support increased cycling and walking by: <ul style="list-style-type: none"> <li>a. Requiring larger developments to provide bicycle parking; <del>and</del></li> <li>b. Providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network; <del>and</del></li> <li>c. <b><u>Providing for connectivity within, between and across subdivisions and communities.</u></b></li> </ul>
TRN – P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the following: <ul style="list-style-type: none"> <li>a. The safe, efficient and effective operation of the transport network;</li> <li>b. The functional and operational requirements of activities;</li> <li>c. <del>The recognition of different activities having different trip characteristics;</del></li> <li>c. The use of sustainable transport options including cycling and walking;</li> <li>d. Provision of safe access and egress for vehicles, pedestrians and cyclists;</li> <li>e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists;</li> <li>f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; <del>and</del></li> <li>g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.</li> </ul>
TRN – P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: <ul style="list-style-type: none"> <li>a. The safe, effective and efficient operation of roads including State Highways; or</li> <li>b. Pedestrian access and amenity; or</li> <li>c. Safe and functional access.</li> </ul>
TRN – P10	<b><u>Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.</u></b>
TRN – P11	<b><u>Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).</u></b>

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### Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

#### Advice Notes:

Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.

Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.

Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.

Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.

Any crossing that intersects with the Rail Network requires approval from KiwiRail.

The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

### Permitted Activities

TRN - R1

Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces

#### Activity Status Permitted

Where:

1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ **4**, Standards TRN S1 - S3, and TRN Figure 1-~~5~~ are complied with;
2. Parking, loading, queuing and standing standards - TRN Tables ~~45~~ – ~~56~~, Standards TRN S4 - S6 **and TRN S12** and TRN Figures ~~26~~ and ~~37~~ are complied with;
3. Manoeuvring standards TRN S7 - S11 are complied with;
4. Where an impermeable carparking area greater than 1000m<sup>2</sup> in area is provided, stormwater treatment is provided; and
5. Formation standards TRN S12 and TRN S13 are complied with.

**Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

**Activity status where compliance not achieved:** Restricted Discretionary

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<b>TRN - R2</b>	<del>Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation</del> <b>Maintenance or upgrading of existing transport infrastructure within the existing transport corridor</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. <u>The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or</u></li> <li>2. All performance standards in Rule TRN - R1 are complied with; and</li> <li>3. The works are undertaken:             <ol style="list-style-type: none"> <li>a. By, or on behalf of, a road controlling authority; or</li> <li>b. In accordance with a subdivision consent.;<del>or</del></li> <li>c. <del>By a requiring authority in accordance with a designation listing in this Plan.</del></li> </ol> </li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>TRN – R3</b>	<b>Formation of an unformed legal road</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. <u>This is by a requiring authority in accordance with a designation listing in this Plan; or</u></li> <li>2. All performance standards in Rule TRN - R1 are complied with; and</li> <li>3. The works are undertaken:             <ol style="list-style-type: none"> <li>i. By, or on behalf of, a road controlling authority; or</li> <li>ii. In accordance with a subdivision consent.;<del>or</del></li> <li>iv. <del>By a requiring authority in accordance with a designation listing in this Plan.</del></li> </ol> </li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	
<b>TRN – R4</b>	<del>Formation of a new transport corridor</del>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. <del>This is undertaken by a requiring authority in accordance with a designation listed in this Plan.</del></li> </ol>	
<b>Activity status where compliance not achieved:</b> Restricted Discretionary	

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<b>TRN – R54</b>	<b>Establishment of shared pathways including cycleways and bridleways on public land</b>
<b>Activity Status Permitted</b>	
Where:	
1. The activity is below 1000m above sea level.	
<b>Activity status where compliance not achieved: Restricted Discretionary</b>	
<b>TRN – R65</b>	<b>Establishment of e-bike and e-vehicle charging stations in the transport corridor</b>
<b>Activity Status Permitted</b>	
Where:	
1. All performance standards in Rule TRN - R1 are complied with; and	
2. These are not more than 2m in height and 10m <sup>2</sup> in area.	
<b>Advice Note:</b> If within the legal road reserve, contact the appropriate <del>land transport</del> <b>road controlling</b> authority to obtain a license to occupy.	
<b>Activity status where compliance not achieved: Restricted Discretionary</b>	
<b>TRN – R6</b>	<b><u>Trip Generation Activities</u></b>
<b>Activity Status Permitted</b>	
<b>Where:</b>	
1. <b><u>The High Trip Generating Activities Thresholds in TRN Table 7 are complied with</u></b>	
<b>Activity status where compliance not achieved: Restricted Discretionary</b>	
<b>TRN – R7</b>	<b><u>Sight Lines at Railway Crossings</u></b>
<b>Activity Status Permitted</b>	
<b>Where:</b>	
1. <b><u>The sightlines standards in TRN Figure 9 are complied with.</u></b>	
<b>Activity status where compliance not achieved: Restricted Discretionary</b>	
<b>Restricted Discretionary Activities</b>	
<b>TRN – R78</b>	<b>Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards</b>

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<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>The impact on other road users including pedestrians;</li> <li>Effects on the safety and efficiency of the transport system;</li> <li>The ability to safely and effectively park, load, queue;</li> <li>Any requirements for <b>natural flood</b> hazard mitigation; and</li> <li>Stormwater treatment and control;</li> <li><b><u>The location, size and design of accessways, vehicle crossings, parking and loading areas; and</u></b></li> <li><b><u>The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation.</u></b></li> </ol>	
<p>Activity status where compliance not achieved: N/A</p>	
<p><b>TRN – R89</b></p>	<p><b>Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to a designation not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Impacts during construction;</li> <li>Any requirements for <b>natural flood</b> hazard mitigation; <b>and</b></li> <li>Stormwater treatment and control.</li> </ol>	
<p>Activity status where compliance not achieved: N/A</p>	
<p><b>TRN – R910</b></p>	<p><b>Formation of unformed legal road not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Effects on the safety and efficiency of the transport system <b>network</b>;</li> <li>The ability for accessibility park users to safely and effectively park, enter and exit a vehicle;</li> <li>The impact on other road users including pedestrians;</li> <li>Any requirements for <b>natural flood</b> hazard mitigation; and</li> <li>Stormwater treatment and control.</li> </ol>	
<p>Activity status where compliance not achieved: N/A</p>	
<p><b>TRN – R1011</b></p>	<p><b>Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards</b></p>
<p><b>Activity Status Restricted Discretionary</b> Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Visual <b>effects</b> impacts on landscapes over 1000m above sea level;</li> <li><b><u>Effects on cultural, heritage and natural environment values;</u></b></li> <li>Effects on public access; and</li> <li>Effects on the transport network.</li> </ol>	
<p>Activity status where compliance not achieved: N/A</p>	

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<b>TRN – R1112</b>	<b>Establishing e-bike and e-vehicle charging stations in the transport corridor not meeting Permitted Activity standards</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on <b>safety and efficiency</b> of the transport network; and</li> <li>b. <del>Outcome of consultation with the relevant transport agency.</del></li> </ul> <p><b>Activity status where compliance not achieved: N/A</b></p>	
<b>TRN – R1213</b>	<b>High trip generating transport activities</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. This is the establishment of a new activity or the expansion of an existing activity <b>that exceeds the thresholds</b> listed in Table TRN 6 <del>7</del> that complies with Standard TRN S14.</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. <b>The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements</b></li> <li><del>b. Effects on the transport network; and</del></li> <li><del>c. Effects and recommendations to minimise effects from the transport assessment.</del></li> </ul> <p><b>Activity status where compliance not achieved: Discretionary N/A</b></p>	
<b>TRN – R14</b>	<b>Sight Lines at Railway Crossings not meeting the Permitted Activity standards</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. <b>The potential for adverse effects on the safety and efficiency of the rail network.</b></li> </ul> <p><b>Activity status where compliance not achieved: N/A</b></p>	
<b>Discretionary Activities</b>	
<b>TRN – R1415</b>	<b>Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation <del>meeting Permitted Activity standards</del></b>
<p><b>Activity Status Discretionary</b></p> <p><b>Notification:</b> Applications will always be publicly notified.</p> <p><b>Activity status where compliance not achieved: N/A</b></p>	
<b>TRN – R14</b>	<b>High Trip generating activities not meeting Restricted Discretionary Activity standards</b>

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<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved:</b> N/A	
<b>TRN – R16</b>	<b>Any Transportation Activity not provided for in another rule</b>
<b>Activity Status Discretionary</b>	
<b>Activity status where compliance not achieved:</b> N/A	

**Appendix One: Transport Performance Standards Te Āpiti hanga Tuatahi: Ngā Ture Tūnuku**

**TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum sight distance of from vehicle access point relative to intersections and minimum spacing**

Posted Legal speed limit	Minimum sight distance	Minimum distance of vehicle access point relative to intersections	Minimum spacing between vehicle access points on same or opposite frontages
K km/hr	Distance x in metres	Distance y in meters	Distance z in meters
50	115	30	9m for residential, 15m all other
60	140	30	20
70	170	100	40
80	205	100	100
100	280	200	200

**TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.**

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages
K km/hr	Distance x in metres	Distance x in metres	Distance x in metres	Distance z in metres

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50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10m
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

**TRN Table 3 – Vehicle Access** Design Standards for minimum distances between any vehicle access point and **other vehicle access point or** transport corridor intersection

	Posted speed limit of 60km/hr or less			Posted speed limit of greater than 60km/hr		
	Arterial Road	Collector Road	Local Road	Arterial Road	Collector Road	Local Road
All RESZ- Residential	15m	9m	9m	15m	9m	9m

Zones						
MPZ- Māori Purpose, RURZ- Rural and FUZ- Future Urban Zones	30m	30m	30m	50m	50m	50m
OSRZ- Open Space and Recreation Zones	50m	30m	30m	50m	30m	9m
AIRPZ- Airport and PORTZ - Port Zone	50m	30m	30m	50m	30m	9m

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CMUZ- Commercial and Mixed Use, HOSZ -Hospital, STADZ- Stadium and all INZ -Industrial Zones	50m	30m	30m	50m	30m	9m
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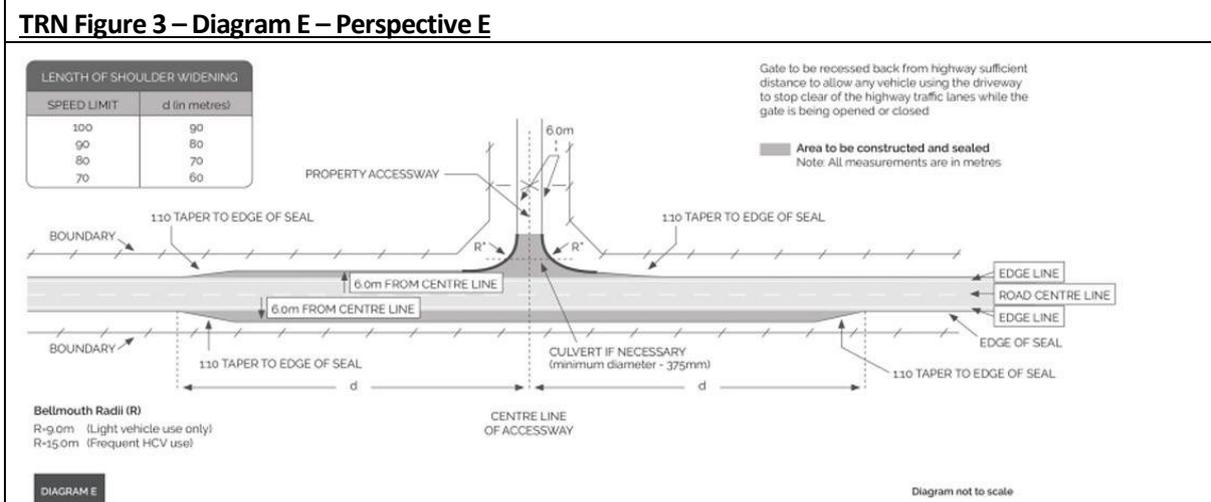
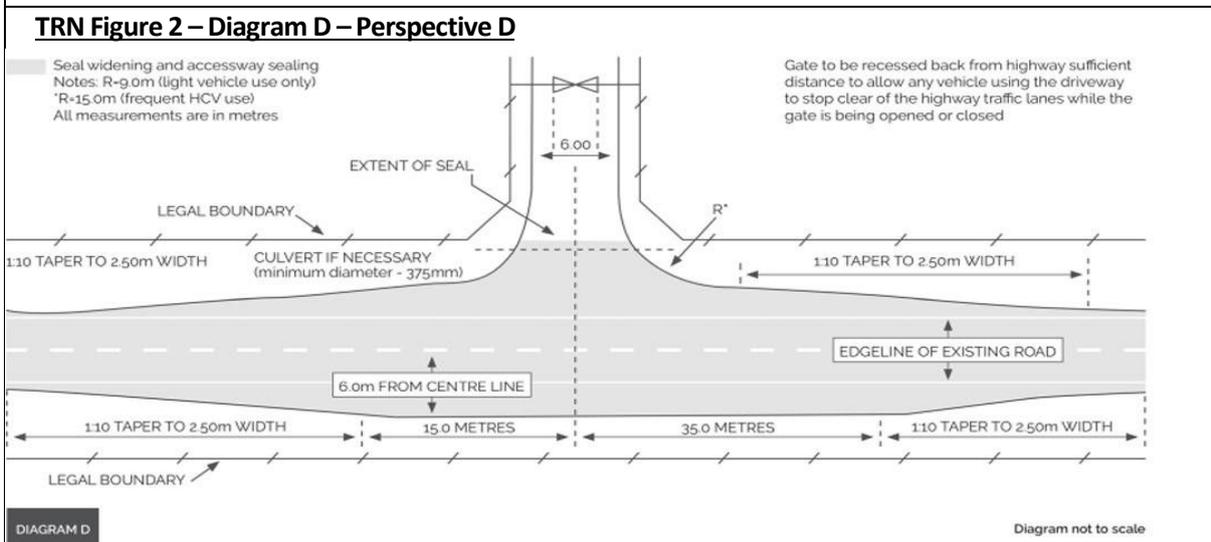
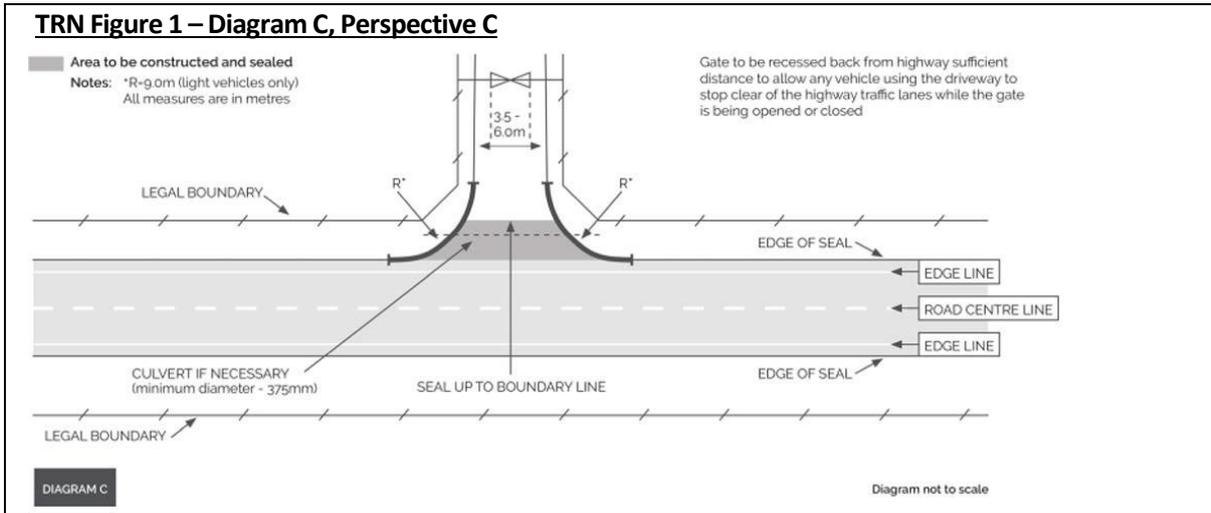
Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)								
	30 – 50 km/h			60 – 70 km/h			80 – 100 km/h		
	<u>K</u>	<u>M</u>	<u>N</u>	<u>K</u>	<u>M</u>	<u>N</u>	<u>K</u>	<u>M</u>	<u>N</u>
Yes	<u>30</u>	<u>30</u>	<u>5</u>	<u>60</u>	<u>40</u>	<u>40</u>	<u>200</u>	<u>60</u>	<u>200</u>
No	<u>20</u>	<u>20</u>	<u>5</u>	<u>60</u>	<u>30</u>	<u>20</u>	<u>150</u>	<u>60</u>	<u>200</u>

**TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above.**

Daily traffic volume using the vehicle crossing (ECMs*)	Is the vehicle crossing on a state highway?	Accessway type
<u>1 – 30; and no more than 2 heavy vehicle movements per week</u>	<u>N/A</u>	<u>TRN Figure 1 Diagram C, Perspective C</u>
<u>1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100</u>	<u>No</u>	<u>TRN Figure 2, Diagram D, Perspective D</u>
<u>1 – 30; and more than 2 heavy vehicle movements per week, or 31-100</u>	<u>Yes</u>	<u>TRN Figure 3, Diagram E, Perspective E</u>

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**TRN S1 – All new vehicle access points shall be located a minimum of 30m from a railway level**

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crossing. The 30m is measured from the closest rail track to the edge of the seal on the proposed vehicle access point. All new vehicle access points that intersect a railway require the approval of KiwiRail.

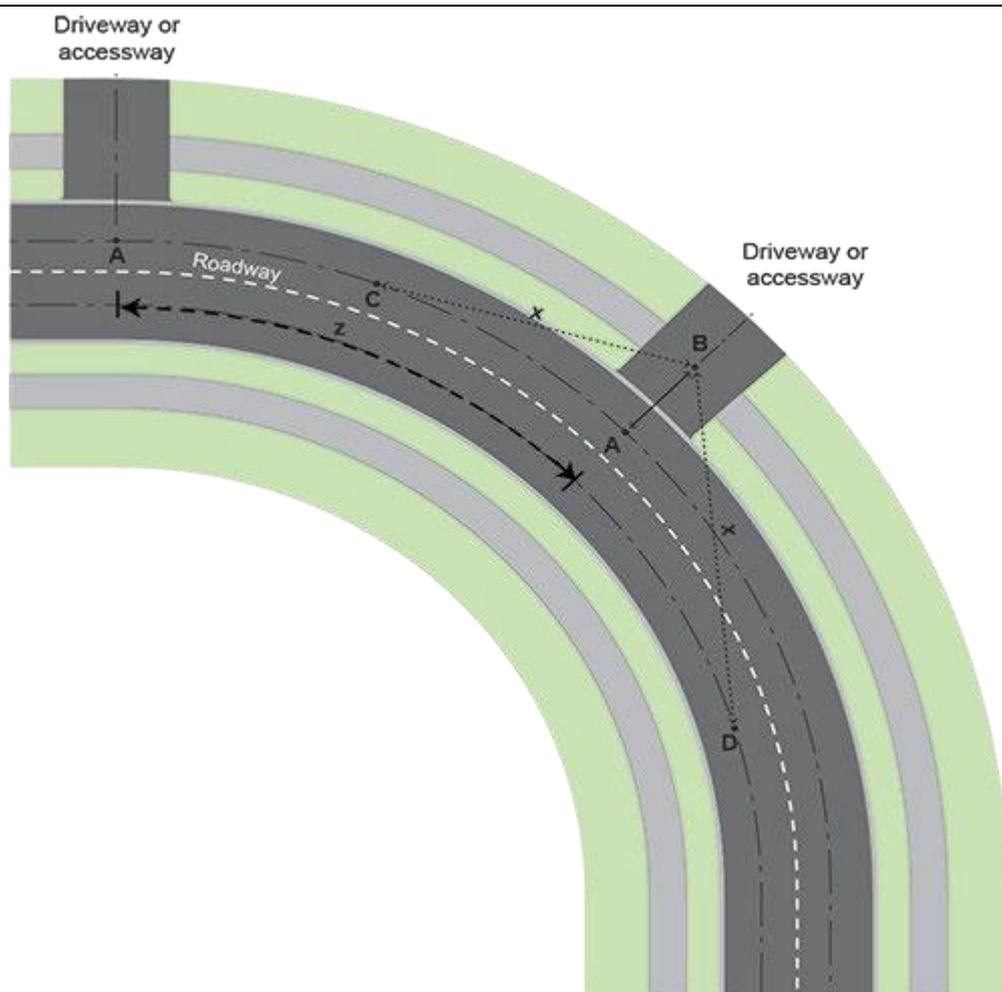
**TRN S2** Access areas must accommodate the 85<sup>th</sup> percentile car tracking curves in **TRN Figure 4 &**. The required driveway must not include any space used for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.

**TRN S3** – Requirements for driveways:

For all zones the minimum driveway width is 3.5m, and maximum gradient is 1:5.

For all zones, where the driveway is longer than 50m, passing bays must be provided at no more than 50m intervals. Turning areas must be provided when the driveway length is 50m or longer.

**TRN Figure 4** – Sight line calculations for **TRN Table 1** and **TRN Table 2**



Sight lines shall be from driver's eye height to driver's eye height (1.15m) above ground level.

Point A: Intersection of lane centreline and driveway centreline.

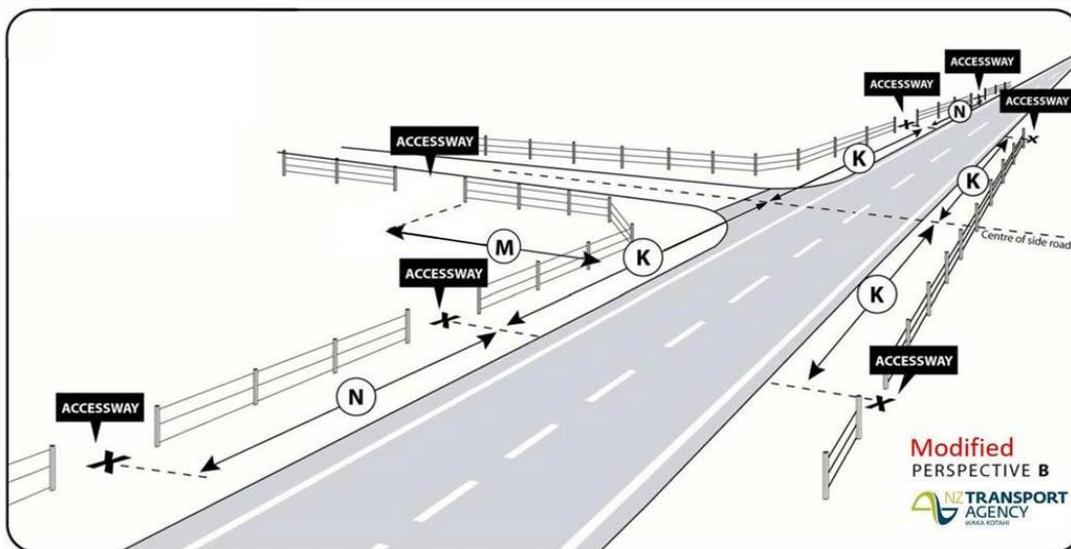
Point B: Position of centreline of driveway where sight distance is measured (note - this is measured

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from the edge lane line and where there is no edge lane line, from the edge of seal).  
Point C and D: Position on centreline of lane where sight distance is measured.

**TRN Figure 5 – Minimum Distance Calculation from vehicle access point and transport corridor intersection for TRN Table 3**



**TRN S4** – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

**TRN Table 4 5** – Minimum number of on-site accessibility parking spaces

Total number of <b>vehicle</b> spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

**TRN S5** – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

**TRN Table 5 6** – Minimum number of on-site bicycle parking spaces

Total number of <b>vehicle</b> spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2

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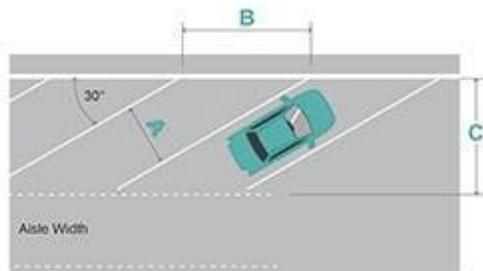
In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter
<p><b>TRN S6</b> – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car-parking spaces on-site for trailer / boat storage.</p> <p><b>TRN S7</b> – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.</p> <ul style="list-style-type: none"> <li>• Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.</li> <li>• Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in <b>TRN Figure 2 6</b>, and</li> <li>• For vehicles of dimensions equal or greater than a service vehicle.</li> <li>• The two-way aisle width for parallel parking bays must be at least 3m wider than for one-way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.</li> <li>• Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.</li> <li>• Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.</li> </ul> <p><b>TRN S8</b> – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with <b>TRN Figure 3 7</b>, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:</p> <ul style="list-style-type: none"> <li>• Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.</li> <li>• The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.</li> <li>• The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.</li> </ul> <p><b>TRN S9</b> - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.</p> <p><b>TRN S10</b> – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.</p> <p><b>TRN S11</b> – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access point and must meet the requirements for the relevant tracking curve in <b>TRN Figure 2 6</b>.</p>	

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This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

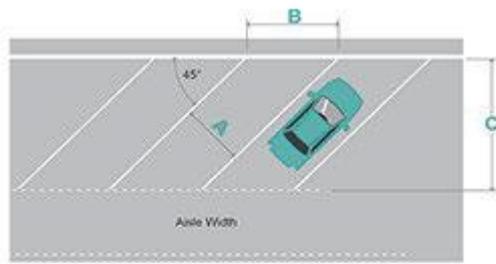
**TRN – Figure 2.6 – On-site car parking space dimensions**



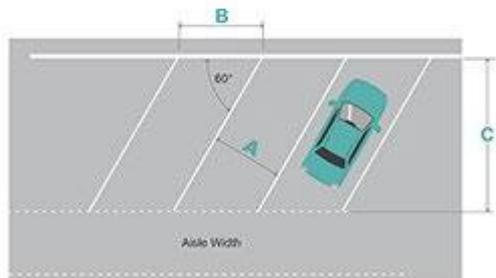
Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9

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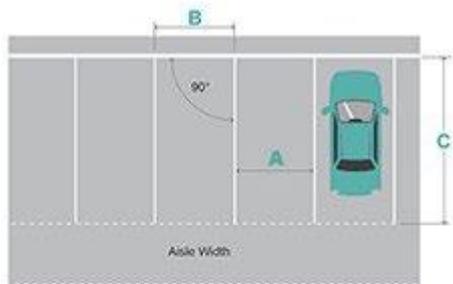
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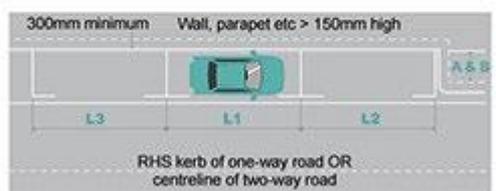
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
4	3.6	5.1	5.2	4.8	6.1	3.3



User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.8	5.7	5.1	5.9	4.9
2	2.5	2.9	5.7	5.1	6.0	4.6
3	2.6	3.0	5.7	5.1	6.0	4.3
4	3.6	4.2	5.7	5.1	6.3	4.0



User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.4	5.4	4.8	5.4	6.2
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	5.1	5.4	5.4
4	3.6	3.6	5.4	4.8	5.4	5.0

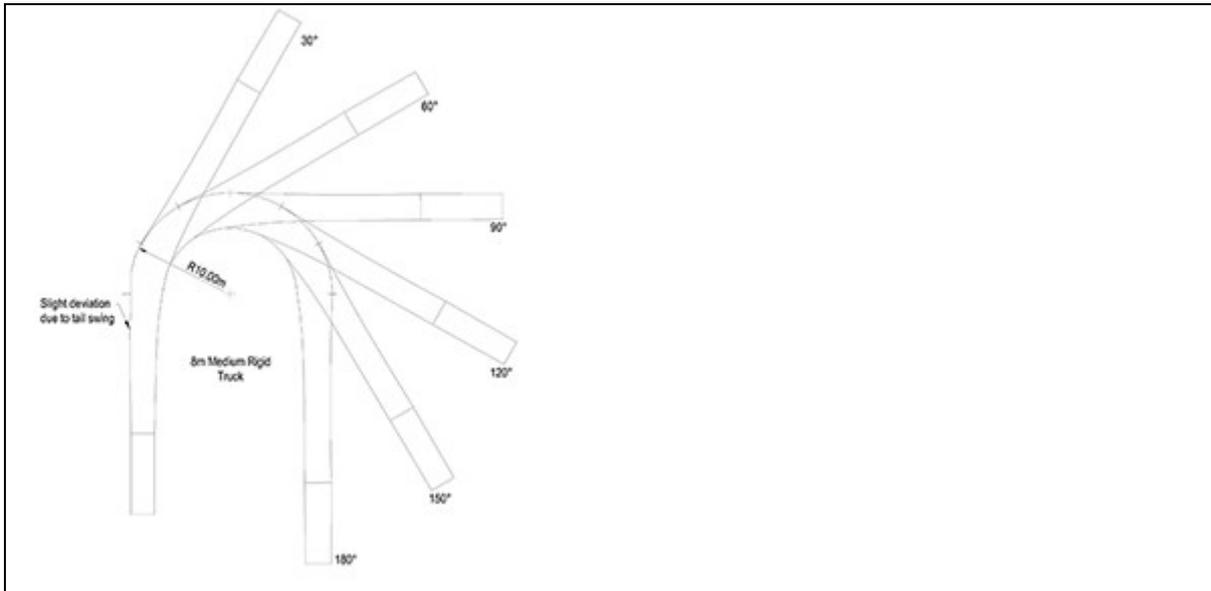


User Class	A	B	L1	L2	L3	Aisle Width
1, 2, 3	2.1	2.1				
4	3.6	3.6				
All			6.3	6.6	5.4	3.0
All			6.1	6.4	5.4	3.3
All			5.9	6.2	5.4	3.6

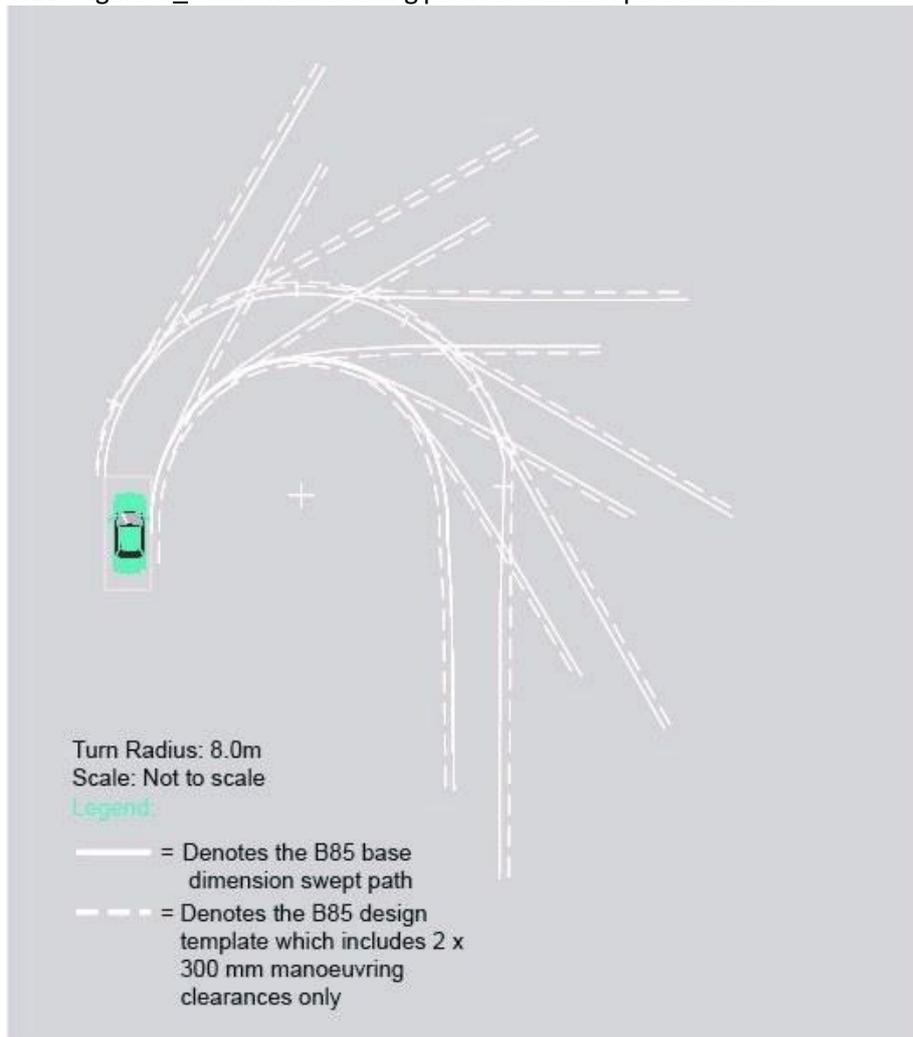
TRN - Figure 3 7 - Tracking path for a 90th percentile two axle truck

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**TRN - Figure 4 8 - Minimum tracking path for the 85th percentile car**



Note:

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With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

**TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation**

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be <b>metaled</b> <del>formed, sealed</del> , marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be <b>formed, sealed, metal</b> <del>ed</del> , marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with <del>less</del> <b>more</b> than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

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<b>TRN S13 – Requirement for rights of way – construction and formation</b>	
All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is <u>3.5</u> m for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

**TRN Table 6 7 – High Trip Generating Activities Thresholds**

<b>Activity</b>	<b>Qualifier</b>
Childcare including preschool, kindergarten and play centre	25 children
Education – Schools	30 students
Education – Tertiary	150 FTE students
Industrial	5,000m <sup>2</sup> Gross Floor Area
Mining and Quarrying	>30 heavy vehicle movements per day
Warehousing and distribution	6,500m <sup>2</sup> Gross Floor Area
Healthcare	300m <sup>2</sup> Gross Floor Area
Office	2,000m <sup>2</sup> Gross Floor Area
Residential	20 residential sites / units
Retail – Shops and supermarkets	250m <sup>2</sup> Gross Floor Area
Retail – Large Format and Bulk Goods	500m <sup>2</sup> Gross Floor Area
Service Stations	2 filling pumps
Mixed use or other activities not otherwise listed in this Table	60 vehicle movements per day

<b>Equivalent Car Movements*</b>	<b>Access is to a road classified** as:</b>			
	<b>Local</b>	<b>Collector</b>	<b>Arterial</b>	<b>State Highway</b>

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<u>per day</u>				
<u>0-100</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>101-200</u>	<u>N/A</u>	<u>Basic</u>	<u>Basic</u>	<u>Full</u>
<u>210-400</u>	<u>Basic</u>	<u>Basic</u>	<u>Full</u>	<u>Full</u>
<u>&gt;400</u>	<u>Full</u>	<u>Full</u>	<u>Full</u>	<u>Full</u>

**\* Equivalent Car Movements (a movement is one car out or into a site)**

- **1 equivalent car movement (ecm) = 1 car / light vehicle movement,**
- **3 ecm = 1 heavy commercial vehicle movement (1 truck),**
- **5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).**

**\*\* Refer TRN – S15 for Road Classifications**

**TRN S14 – High Trip Generating Activities - Transport Assessment requirements**

- ~~1. Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.~~
- ~~2. Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.~~
- ~~3. Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.~~
- ~~4. Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.~~
- ~~5. Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.~~

**1. Basic Traffic Impact Assessment:**

- a. Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**
- b. Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**
- c. Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.**
- d. Need for a traffic impact assessment - Any characteristics of a proposed activity or**

site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.

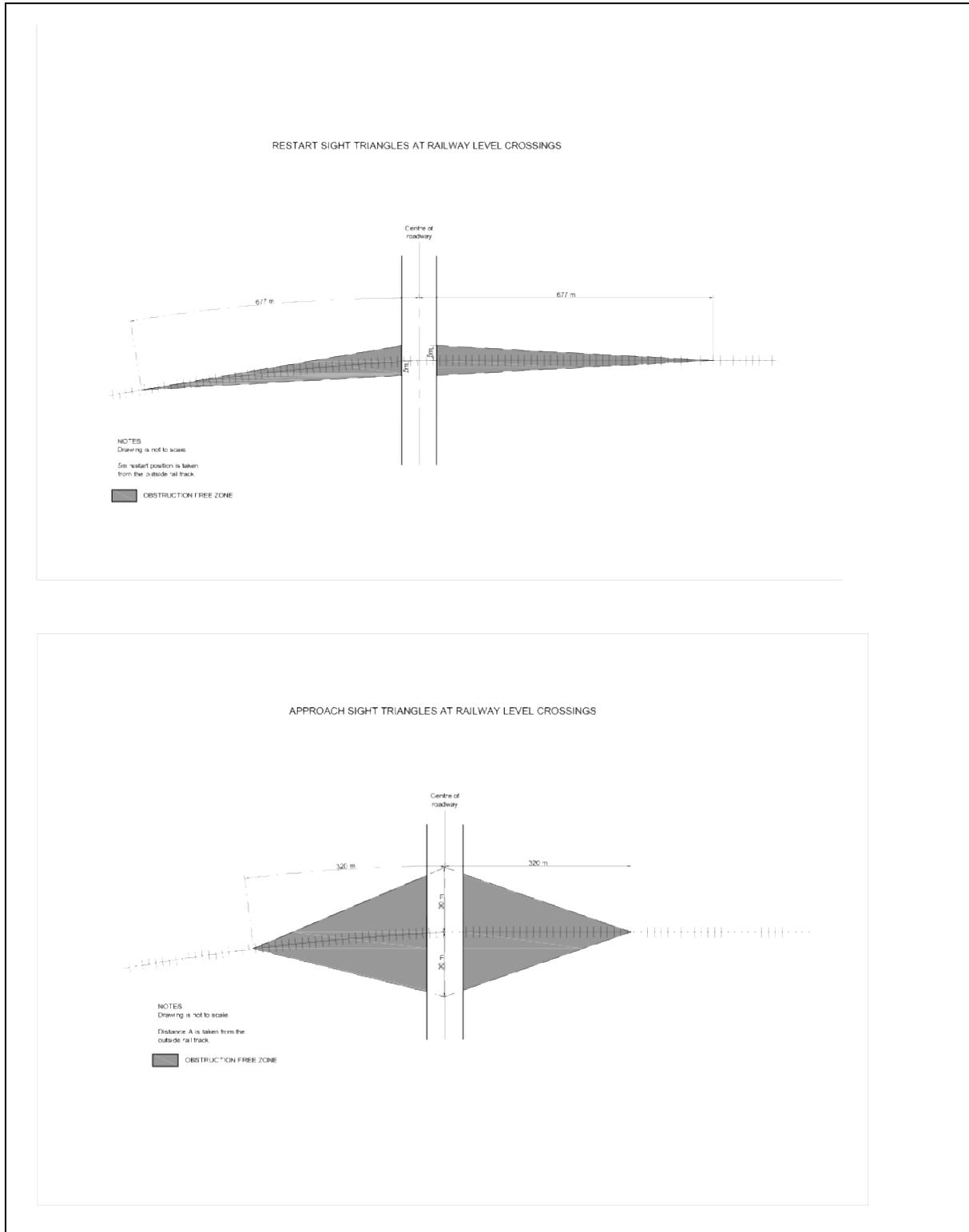
2. **Full Integrated Traffic Assessment:**

- a. Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).
- b. Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.
- c. Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.
- d. Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.
- e. Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.
- f. Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a manner set out in this standard, is unnecessary.

TRN – Figure 9 - Sight Line Requirements at Railway Crossings

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## S - 15 Road Classifications

**State Highway**

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<b><u>Buller District</u></b>	<ul style="list-style-type: none"> <li>• <u>Westport - Mokihinui River (SH67)</u></li> <li>• <u>Mokihinui – Seddonville Rd (SH 67)</u></li> <li>• <u>Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)</u></li> <li>• <u>Westport – Dolomite Point (part SH6)</u></li> <li>• <u>Upper and Lower Buller Gorge (SH6)</u></li> <li>• <u>Lewis Pass - Ikamatua (part SH7)</u></li> <li>• <u>Inangahua Junction - Reefton (SH 69)</u></li> <li>• <u>Springs Junction - Boundary Road (Shenandoah) (part SH 65)</u></li> </ul>
<b><u>Grey District</u></b>	<ul style="list-style-type: none"> <li>• <u>Dolomite Point – Taramakau River (SH6)</u></li> <li>• <u>Big Grey River – Greymouth (SH7)</u></li> </ul>
<b><u>Westland District</u></b>	<ul style="list-style-type: none"> <li>• <u>Taramakau River – Hokitika (SH6)</u></li> <li>• <u>Hokitika – Haast (SH6)</u></li> <li>• <u>Haast – Haast Pass (SH6)</u></li> <li>• <u>Kumara Junction to Arthur’s Pass (SH73)</u></li> </ul>
<b><u>Arterial</u></b>	
<b><u>Buller District</u></b>	<ul style="list-style-type: none"> <li>• <u>Cobden St East (Russell St to Domett St)</u></li> <li>• <u>Cobden St West (Russell St to Palmerston St)</u></li> <li>• <u>Derby St (Russell St to Palmerston St)</u></li> <li>• <u>Derby St (Cobden St (RHS) to SH67 (Brougham St))</u></li> <li>• <u>Golf Links Rd (SH67A to Mill St)</u></li> <li>• <u>Mill St East (Russell St to Domett St)</u></li> <li>• <u>Mill St West (Russell St to SH67 (Palmerston St))</u></li> <li>• <u>Palmerston St (Henley St to Sump at Bend (LHS))</u></li> </ul>
<b><u>Grey District</u></b>	<ul style="list-style-type: none"> <li>• <u>Lake Brunner Rd (Bell Hill Rd to Bridge start)</u></li> <li>• <u>Lake Brunner Rd (Ahau Rd to Bell Hill Rd)</u></li> <li>• <u>Lake Brunner Rd (width change to Unnamed Road 16)</u></li> <li>• <u>Taylorville Rd (SH6 to SH4)</u></li> <li>• <u>Taylorville Rd (50km/hr sign to 97km/hr sign)</u></li> <li>• <u>Stillwater Blackball Rd (Taylorville Rd to Blackball)</u></li> <li>• <u>Arnold Valley Rd (SH7 to Ahau St)</u></li> <li>• <u>Rutherglen Rd (SH6 to Maori Creek/Marsden New River)</u></li> <li>• <u>Rutherglen Rd (end of widening to start of bridge)</u></li> <li>• <u>Bright St (Blackett St to Richmond St)</u></li> <li>• <u>Mawhera Quay (SH7 to Boundary St)</u></li> <li>• <u>Mackay St (Mawhera Quay to Boundary St)</u></li> <li>• <u>Boundary Street (Mawhera Quay to Preston Rd)</u></li> <li>• <u>Tainui St (Mawhera Quay to SH4)</u></li> <li>• <u>Herbert St (Mackay St to SH7)</u></li> <li>• <u>Shakespeare St (SH6 to Alexander St)</u></li> </ul>
<b><u>Westland District</u></b>	<ul style="list-style-type: none"> <li>• <u>Stafford St (Fitzherbert St to Town Belt East)</u></li> <li>• <u>Kaniere Rd (Stafford St to Woodstock – Rimu Rd)</u></li> <li>• <u>Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)</u></li> </ul>
<b><u>Collector</u></b>	
<b><u>Buller District</u></b>	<ul style="list-style-type: none"> <li>• <u>Abattoir Rd (Domett St to Kew Rd)</u></li> <li>• <u>Alma Rd</u></li> </ul>

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	<ul style="list-style-type: none"><li>• <u>Atarau Rd (SH7 to Rough River Bridge)</u></li><li>• <u>Banbury St South (Chamberlain St walkway to Elgin St (LHS))</u></li><li>• <u>Bridge St Karamea (2<sup>nd</sup> bridge abutment to Waverley St (LHS))</u></li><li>• <u>Bright St West (Palmerston St to end of seal)</u></li><li>• <u>Brougham St (Adderley St to SH67 (Palmerston St))</u></li><li>• <u>Buller Road (SH69 (Sinnamon St) to Walsh St)</u></li><li>• <u>Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)</u></li><li>• <u>Craddock Drive (Orowaiti Rd to end of seal)</u></li><li>• <u>Darkies Terrace Rd (SH6 to end of seal)</u></li><li>• <u>Denniston Track (Elgin St (LHS) to Boswell St (LHS))</u></li><li>• <u>Derby St (Craddock Drive to Cobden St (RHS))</u></li><li>• <u>Derby St (Mill St to Robertson St)</u></li><li>• <u>Derby St (Start of KCC (LHS) to Start of KCC (RHS))</u></li><li>• <u>Dole St (SH67 to Tyler Rd)</u></li><li>• <u>Dommett St (Cobden St to Abattoir Rd)</u></li><li>• <u>Gannons Rd (SH69 (Buller Rd) to end of seal)</u></li><li>• <u>Golf Links Rd (50km/hr sign to Marine Parade)</u></li><li>• <u>Karamea Highway (50m past De Malmanches Rd to South Tce)</u></li><li>• <u>Karamea Highway (South Tce to 2<sup>nd</sup> bridge abutment)</u></li><li>• <u>Kew Rd (Eastons Rd to Abattoir Rd)</u></li><li>• <u>Kohaihai (South abutment/Oparara Bridge to 1<sup>st</sup> bridge abutment)</u></li><li>• <u>Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)</u></li><li>• <u>Lighthouse Road (Cape Foulwind Rd to Carpark entrance)</u></li><li>• <u>McGill St (SH67/sump(RHS) to Chamberlain St pathway)</u></li><li>• <u>McKenna Rd (Abbatori Rd to farm tracks (L and RHS))</u></li><li>• <u>Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)</u></li><li>• <u>Mokihinui Rd (SH67 to River Rd (LHS))</u></li><li>• <u>Mokihinui Rd (End of seal to Mokihinui Preserve Rd)</u></li><li>• <u>Nine Mile Rd (Stafford St to start of seal)</u></li><li>• <u>Nine Mile Rd (Railway crossing to start of seal)</u></li><li>• <u>Nine Mile Rd (Start of seal to end of seal)</u></li><li>• <u>Nine Mile Rd (End of seal to railway crossing)</u></li><li>• <u>Orowaiti Rd (Domett St to SH67)</u></li><li>• <u>Queen St (South) SH67 (Brougham St) to Stafford St)</u></li><li>• <u>Rintoul St (The Esplanade (LHS) to Adderley St (South))</u></li><li>• <u>Robertson St (Derby St to end of St)</u></li><li>• <u>Russell St (Gladstone St to end of St)</u></li><li>• <u>Sawmill Rd (Railway Rd to Sawmill Entrance)</u></li><li>• <u>Schadick Ave (Golf Links Rd to Tiphead Rd)</u></li><li>• <u>Seal Colony Rd (Tauranga Bay Rd to End of Loop)</u></li><li>• <u>Stafford St (Queen St to McKenna Rd)</u></li><li>• <u>Stephen Rd (McKenna Rd to Caledonian Rd)</u></li></ul>
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	<ul style="list-style-type: none"> <li>• <u>Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)</u></li> <li>• <u>The Esplanade (SH67 to Fonblanque St)</u></li> <li>• <u>Tiphead Rd (Seal join to end of Rd)</u></li> <li>• <u>Utopia Rd (Westport) (SH67 to end of seal)</u></li> <li>• <u>Victory St (Crampton Rd to Shaw St)</u></li> <li>• <u>Waverley St (Oparara Rd to Wharf Rd)</u></li> <li>• <u>Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)</u></li> <li>• <u>Wilsons Lead Rd (SH6 to Tauranga Bay Rd)</u></li> </ul>
<p><u>Grey District</u></p>	<ul style="list-style-type: none"> <li>• <u>Alexander St (Chapel St to Shakespeare St)</u></li> <li>• <u>Atarau Rd (Main Road (to Blackball) to Rough River Bridge)</u></li> <li>• <u>Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)</u></li> <li>• <u>Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd)</u></li> <li>• <u>Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)</u></li> <li>• <u>Blair Rd (end of seal to private road LHS)</u></li> <li>• <u>Blair Rd (bridge start to private road LHS)</u></li> <li>• <u>Blair Rd (bridge start to private road RHS)</u></li> <li>• <u>Bright St, Greymouth ( SH6 to Blackett St)</u></li> <li>• <u>Buccleugh St (SH6 to end of seal)</u></li> <li>• <u>Camerons Rd (State Highway 6 to Forestry Rd begins)</u></li> <li>• <u>Chesterfield St (Tasman St to end of seal)</u></li> <li>• <u>Cowper St (Brunner St to SH7)</u></li> <li>• <u>Deep Creek Rd (Blair Rd to Nelson Creek Bridge)</u></li> <li>• <u>Domett Esplanade (Bright St to end of Road at Carpark)</u></li> <li>• <u>Felix Campbell St (Water Walk Rd to Shelley St)</u></li> <li>• <u>Gresson St (Boundary St to Gilbert St)</u></li> <li>• <u>Guinness St (Tainui St to Boundary St)</u></li> <li>• <u>Hart St (Denston St to Wilson St)</u></li> <li>• <u>Heaphy St (State Highway 6 to Shakespeare St)</u></li> <li>• <u>Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd Road)</u></li> <li>• <u>Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)</u></li> <li>• <u>Lord St (SH6 to Herbert St)</u></li> <li>• <u>McLean Pit Rd (State Highway 6 to end of road @ dump)</u></li> <li>• <u>Main Rd (Main Rd (South) to Glassons Lane)</u></li> <li>• <u>Marlborough St (Cowper St to KCC start left hand side)</u></li> <li>• <u>Marsden Rd (start of bridge to Rutherglen Rd)</u></li> <li>• <u>Marsden Rd (Shakespeare St to Sinnott Road)</u></li> <li>• <u>Marsden Rd (private road LHS to start of bridge)</u></li> <li>• <u>Marsden Rd (Ridgeway Drive to start of KCC on RHS)</u></li> <li>• <u>Packers Quay, Greymouth (Rigg St to Collins St)</u></li> <li>• <u>Preston Road, Greymouth (Merrick St to end of KCC on right hand side)</u></li> <li>• <u>Puketahi St (SH6 to Alexander St)</u></li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Raleigh St North (SH6 to Cowper St)</u></li> <li>• <u>Roa Rd (Darcy St to end of Roa Rd)</u></li> <li>• <u>Road to Hospital (Cowper St to start of bridge)</u></li> <li>• <u>Shelley St (Chesterfield St to Nelson St West)</u></li> <li>• <u>Swift St (Preston Rd to Achilles Triangle Rd)</u></li> <li>• <u>Steer Avenue, Greymouth (Preston Rd to Reid St)</u></li> <li>• <u>Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)</u></li> <li>• <u>Tasman St (Road Widens/Access Road to end of seal)</u></li> <li>• <u>Turumaha St (Herbert St to Brunner St)</u></li> <li>• <u>Water Walk Road (Raleigh St to Felix Campbell St)</u></li> </ul>
<p><u>Westland District</u></p>	<ul style="list-style-type: none"> <li>• <u>Adamson Rd (Waitangitaoana Rd to end of seal)</u></li> <li>• <u>Arahura Valley Rd (SH6 to German Rd)</u></li> <li>• <u>Arthurstown Rd (Woodstock Rimu Rd to SH6)</u></li> <li>• <u>Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)</u></li> <li>• <u>Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)</u></li> <li>• <u>Cook Flat Rd (SH6 to end of road at river)</u></li> <li>• <u>Cron St (end of seal to end of stage (2024))</u></li> <li>• <u>Forks – Okarito Rd (SH6 to end of seal)</u></li> <li>• <u>Haast – Jackson Bay Rd (SH6 to end of seal)</u></li> <li>• <u>Hampden St (Tancred St to Sewell St)</u></li> <li>• <u>Hampden St (Fitzherbert St to Town Belt East)</u></li> <li>• <u>Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)</u></li> <li>• <u>Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)</u></li> <li>• <u>Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)</u></li> <li>• <u>Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)</u></li> <li>• <u>Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)</u></li> <li>• <u>Park St (Fitzherbert St to Hoffman St)</u></li> <li>• <u>Revell St (Hamilton St to Tudor St)</u></li> <li>• <u>Sewell St (Hamilton St to Park St)</u></li> <li>• <u>Stafford St West (Revell St to Tancred St)</u></li> <li>• <u>Tancred St (Hamilton St to Stafford St)</u></li> <li>• <u>Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)</u></li> <li>• <u>Tudor St (sewell St to Fitzherbert St)</u></li> <li>• <u>Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)</u></li> <li>• <u>Wanganui Flat Rd (SH6 to end of road at riverbank)</u></li> <li>• <u>Weld St (Revell St to Livingstone St)</u></li> <li>• <u>Whataroa Flat Rd (SH6 to Whale Rd)</u></li> </ul>
<p><b>Local Roads</b></p>	
<p><u>Buller, Grey and Westland Districts</u></p>	<p><u>The remainder of the roads not listed in this table are local roads.</u></p>