

Proposed Wairarapa Combined District Plan
Decision Report pursuant to Clause 10 of the First Schedule
of the Resource Management Act 1991

Subject: Chapter 16 – Network Utilities and Energy

In Reference to:

- ***Network Utilities and Energy Provisions 16.1 – 16.4***
 - ***District Wide Rules 21.1.20, 21.2.1, 21.3.1-21.3.2, 21.3.10 and 21.4(i)***
 - ***Assessment Criteria 22.1.15, 22.1.20-22.1.21***
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16 General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
383.4	Sustainable Wairarapa	-	-
383.5	Sustainable Wairarapa	-	-
436.3	The Energy Efficiency and Conservation Authority	FS 84 Meridian Energy Ltd FS 67 Mighty River Power Ltd	Support Support
385.2	J Gleisner	-	-
385.4	J Gleisner	-	-
264.24	D Riddiford	-	-

Discussion

Sustainable Wairarapa (383.4) requests the Plan provisions be amended to address climate change issues.

Sustainable Wairarapa (383.5) and **J Gleisner** (385.2) request the Plan provisions be amended regarding renewable energy to ensure there are processes, including some form of regulation if necessary, to facilitate the adoption of renewable energy by commercial and home users.

The Energy Efficiency and Conservation Authority (436.3) request the Proposed Plan should include an Energy Chapter. **Meridian Energy Limited** and **Mighty River Power Limited** support this submission.

J Gleisner (385.4) requests the Plan be evaluated to ensure it covers the impact of both peak oil and climate change.

D Riddiford (264.24) seeks farmers to have the same powers as Network Utility Operators.

Evidence Heard

Sustainable Wairarapa presented evidence that the Plan should adopt best practice for energy efficiency.

The Energy Efficiency and Conservation Authority presented evidence that while the Combined Plan addressed energy efficiency and renewable energy in a number of places, a separate energy chapter incorporating specific objectives, policies and rules would recognise and provide for this matter. The current plan structure dilutes the focus on renewable energy, by spreading it over a number of sections.

Meridian Energy Limited presented evidence that the issues of energy efficiency, benefits derived from renewable energy and climate change are understated in the Plan. To provide a complete and balanced analysis of the issues associated with these matters is by creating a separate energy chapter in the Plan.

Mighty River Power Limited presented evidence that a separate energy chapter which incorporates specific objectives, policies and methods would satisfy Council's responsibilities under Section 7 of the Act. Currently the energy provisions are mixed with the provisions for network utilities. Network utilities are for a different purpose than energy generation and are generally undertaken at different locations, with a different scale of effects and with different adverse environmental effects.

D Riddiford presented evidence that farmers should have the same powers as network utility operators.

Commissioners' Deliberations

The District Wide Issue chapters provide an overarching management framework for a range of resource management issues in the Wairarapa. They include the Councils responsibilities and functions under Sections 5 – 8 (Part II) and Section 31 of the Act.

The Commissioners consider some of the responsibilities and functions are complementary and managing them in an integrated manner is the most effective and efficient approach. For example, the coastal area is an important environment in the Wairarapa, with all Section 6 matters having relevance. Conversely, the risks from hazardous substances are a relatively discrete and specific issue and do not overlap significantly with other matters.

The Commissioners consider network utilities and energy matters have a number of commonalities and synergies, therefore, it is appropriate to group them in a single chapter. We disagree that having both in a single chapter in any way diminishes the issues, objectives and policies. Notwithstanding this, the matters of energy efficiency, climate change and benefits of renewable energy are not limited to this single chapter, but also are had regard to in other chapters, such as natural hazards, coastal environment and subdivision and land development, when of particular relevance.

The Commissioners accept that in some aspects, the Plan can provide better regard to Sections 7 (ba) and (j), and a number of amendments are made as outlined in the sections below.

The Commissioners noted that network utility operators have specific powers under the Act as Requiring Authorities.

Decision

Submission Reference: 383.4 Accept in part

383.5 Accept in part

436.3 Reject

FS 84 Reject

FS 67 Reject

385.2 Accept in part

385.4 Reject

264.24 Reject

Reasons

This decision is made for the following reasons:

- With minor amendments, the existing Network Utilities and Energy Chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with network utilities and energy.

16.1 Introduction

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.25	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority FS 16 Transpower NZ Ltd	Support Support Support
521.26	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
521.27	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
521.28	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
520.8	Mighty River Power Limited	FS 84 Meridian Energy Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
482.1	TelstraClear Limited	-	-
486.1	Vodafone New Zealand Limited	-	-
328.3	New Zealand Police (Information and Technology Group)	FS 74 Mighty River Power Ltd	Support
327.3	Telecom New	FS 74 Mighty River Power Ltd	Support

	Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
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Discussion

Meridian Energy Limited (521.25) and **Mighty River Power Limited** (520.8) highlight the matters in Section 7(i) and (j) in the Resource Management Act, which require Council to have particular regard to the effects of climate change and the benefits derived from the use and development of renewable energy. In addition, they note that network utilities in the Wairarapa are typically part of a wider network, on a regional and national scale. Therefore, they request the Plan needs to recognise these role and function of these networks to the nation as well as the districts. **Mighty River Power Limited**, **The Energy Efficiency and Conservation Authority** and **Transpower New Zealand Limited** support the Meridian Energy Limited submission. **Meridian Energy Limited** and **The Energy Efficiency and Conservation Authority** support the Mighty River Power Limited submission.

Meridian Energy Limited (521.26, 521.27, 521.28) also comments that, while energy efficiency can help ease the demand for energy, the efficiency gains will not be sufficient with the need for new generation altogether. In addition, it considers the chapter does not adequately recognise the importance of renewable energy generation and use to the communities in the Wairarapa. Lastly, it requests changes to distinguish between network utilities and energy generation facilities. **Mighty River Power Limited** and **The Energy Efficiency and Conservation Authority** support this submission.

Mighty River Power Limited (520.8) also request the addition of references to other forms of renewable energy, including biomass, wave and tidal energy. **Meridian Energy Limited** and **The Energy Efficiency and Conservation Authority** support this submission.

TelstraClear Limited (482.1) and **Vodafone New Zealand Limited** (486.1) both support the current wording of the Introduction, recognising the benefits of network utilities, while requiring the management of adverse effects.

New Zealand Police (Information and Technology Group) (328.3) and **Telecom New Zealand Limited** (327.3) seek additional provisions be added to acknowledge the technical and operational constraints of some communication facilities, as well as recognising the importance to the economic and social wellbeing of the community. **Mighty River Power Limited** support these submissions. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Meridian Energy Limited presented evidence that the Introduction does not go far enough in recognising Section 7 (ba) and (j) of the Act. Requested wholesale amendment with detailed wording presented.

Mighty River Power Limited presented evidence that the Introduction should recognise that electricity distribution may be a limiting factor for new energy generation and the role and function of electricity distribution through the Wairarapa is important to the nation as well as the districts.

Transpower New Zealand Limited presented evidence that the Introduction be amended to recognise that network utilities that pass through the Wairarapa may be important to New Zealand as a whole.

TelstraClear Limited and **Vodafone New Zealand Limited** presented evidence accepting the Section 42A report recommendation of retaining the Introduction wording.

New Zealand Police (Information and Technology Group) and Telecom New Zealand Limited presented evidence that the wording of the second sentence of the second paragraph with the phrase “They contribute significantly...” be replaced with “Are vital to...”. Telecommunications (as well as electricity, roading, water provision) are vital to everyday life, and are particularly important during emergency events.

Commissioners’ Deliberations

The Introduction describes the context of the subject for the Wairarapa, as well as highlighting the legislative responsibilities under the Act.

The Commissioners consider that, in general, the existing Introduction text most appropriately describes the context of network utilities in the Wairarapa. However, the Commissioners consider some matters can be better expressed, as requested by submitters, to improve the application and understanding of the text.

Specific recognition of Part II matters in the Act that relate to energy into the District Plan is consistent with the content of the other District Wide Issue chapters. The existing discussion on energy in the Introduction recognises that both the more efficient use of energy, as well as the supply of energy from renewable resources, would contribute towards a sustainable energy future for the area. The Commissioners consider the existing wording in the Introduction clearly describes the Part II matters and directions of the central government strategies for renewable energy and energy efficiency. New renewable energy generation is a critical part of the overall application for promoting the benefits to be derived from the use and development of renewable energy.

In terms of the role of network utilities in the Wairarapa, the Commissioners consider that paragraph 2, read as a whole, as currently worded adequately recognises the contribution and importance of network utilities. In particular, the use of the word “critical” in the first sentence reinforces the importance of these utilities.

Decision: 16.1 Introduction

Submission Reference: 521.25	Accept in part
FS 74	Accept in part
FS 77	Accept in part
FS 16	Accept in part
521.26	Accept in part
FS 74	Accept in part
FS 77	Accept in part
521.27	Accept in part
FS 74	Accept in part
FS 77	Accept in part
521.28	Accept in part
FS 74	Accept in part
FS 77	Accept in part
520.8	Accept in part
FS 84	Accept in part
FS 77	Accept in part
482.1	Accept
486.1	Accept

328.3 Reject
 FS 74 Reject

327.3 Reject
 FS 74 Reject
 FS 112 Accept
 FS 85 Accept

Decision Amendment: 16.1 Introduction

Amend 16.1 Introduction, sixth paragraph, second sentence (*Increasing demand...*) as follows:

*“...renewable resources, **including** ~~such~~ hydro, solar, ~~and~~ wind power, **and biomass sources** may also bring...”*

Amend seventh paragraph (*A more efficient...*) as follows:

*“...of energy. **Sections 7 (ba) and (j) require Council to have regard to the efficiency and the end use of energy, and the benefits to be derived from the use and development of renewable energy. Therefore, energy conservation...**”*

Amend eighth paragraph, second sentence (*As with network...*) as follows:

*“...~~As with network utilities, such~~ **The effects from energy generation and distribution facilities** can generally...”*

Reasons

This decision is made for the following reasons:

- The existing Introduction represents the most appropriate description of the context of network utilities and energy in the Wairarapa.
- The amendments to the Introduction better describe the matters under the Act relating to energy, and clarify the types of renewable resources.

16.2 Significant Resource Management Issues

Submitter Number	Submitter Name	Reason	Relief Sought
521.29	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
521.30	Meridian Energy Limited	FS 74 Mighty River Power Ltd	Support
521.31	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support

		FS 16 Transpower NZ Ltd	Support
520.9	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support
526.66	Wellington Regional Council	-	-
328.3	New Zealand Police (Information and Technology Group)	FS 74 Mighty River Power Ltd	Support
296.2	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
327.4	Telecom New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 74 Mighty River Power Ltd	Oppose Oppose Support

Discussion

Meridian Energy Limited (521.29) requests new issues be added to recognise the importance of renewable energy and its benefits on the environment and the community. It considers the current wording of Issue 1 and 3 does not adequately reflect the important of renewable energy and its benefits in the context of the RMA. **Mighty River Power Limited** and **The Energy Efficiency and Conservation Authority** support this submission.

Meridian Energy Limited (521.30) also requests a minor amendment to Issue 3 to include reference to energy generation. **Mighty River Power Limited** (520.9) request another minor amendment to Issues 3 and 4 in relation to network utility corridors. **Transpower New Zealand Limited** (296.2) requests Issues 3 and 4 be retained unchanged. **Mighty River Power Limited** support the Meridian Energy Limited submission. **Meridian Energy Limited** support the Mighty River Power Limited submission. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Ltd submission.

Meridian Energy Limited (521.31) and **Greater Wellington Regional Council** (526.66) requests amendments to Issue 5 to acknowledge energy efficiency would form part of a sustainable energy future, and the influence local authorities have in managing energy use. **Mighty River Power Limited**, **The Energy Efficiency and Conservation Authority** and **Transpower New Zealand Limited** support the Meridian Energy Limited submission.

New Zealand Police (Information and Technology Group) (328.3) and **Telecom New Zealand Limited** (327.4) seek the addition of an Issue recognising the technical and operational constraints of communication facilities. **Mighty River Power Limited** support these submissions. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Meridian Energy Limited presented evidence that the list of issues is not complete and does not fully describe the issues in terms of renewable energy. A list of issues was presented.

Mighty River Power Limited presented evidence that Issue 3 be amended to add reference to energy generation, as this generation is vital to support the Wairarapa's economic and social wellbeing, and some adverse environmental effects may have to be accepted.

The Energy Efficiency and Conservation Authority presented evidence that the existing issues needed to be expanded to cover energy matters.

Commissioners' Deliberations

The Plan has been prepared identifying the "significant" resource management issues for the Wairarapa for the different topics. The Commissioners recognise there are a range of other resource management issues for network utilities and energy in the Wairarapa, but they are not necessarily 'significant'. In particular, the issues noted by Meridian Energy to varying degrees are becoming more important in the Wairarapa, but at this time, the Commissioners do not consider them to be significant. Similarly, the Commissioners do not consider the technical and operational constraints to be a significant resource management issues in the Wairarapa.

The Commissioners concur with the submitters on Issue 3, that adding reference to renewable energy recognises this issue also applies to renewable energy.

Decision: 16.2 Significant Resource Management Issues

Submission Reference: 521.29	Accept in part
FS 74	Accept in part
FS 77	Accept in part
521.30	Accept in part
FS 74	Accept in part
521.31	Reject
FS 74	Reject
FS 77	Reject
FS 16	Reject
520.9	Reject
FS 84	Reject
526.66	Accept
328.3	Reject
FS 74	Reject
296.2	Accept
FS 112	Reject
FS 85	Reject
FS 84	Accept
327.4	Reject
FS 112	Accept
FS 85	Accept
FS 74	Reject

Decision Amendment: 16.2 Significant Resource Management Issues

Amend Issue 3 as follows:

“The Wairarapa depends upon the efficient network of utilities **and energy generation** to support...”

Amend Issue 5 as follows:

“...distribution networks, there is **some capacity** ~~limited capability of~~ for bringing about...”

Add Issue 6 as follows:

“Renewable energy resources can have environmental benefits compared to utilising non-renewable energy resources”.

Reasons

This decision is made for the following reasons:

- The existing Issue statements recognise the significant resource management issues in the Wairarapa relating to network utilities and energy.
- The amended Issue statements better describes the significant resource management issues for the Wairarapa, in promoting sustainable management of natural and physical resources.
- The new Issue Statement recognises that renewable energy sources can have environmental benefits compared to utilising non-renewable energy resources, which is consistent with the provisions in the Act.

16.3.1 Objective NUE1 – Management of Network Utilities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.10	Mighty River Power	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd FS 16 Transpower NZ Ltd	Oppose Oppose Support Support
486.2	Vodafone New Zealand Limited	-	-
296.3	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
482.2	TelstraClear Limited	-	-

Discussion

Mighty River Power Limited (520.10) seeks amendments to the objectives recognising upgrading of network utilities, corridors, and instead of “minimising” potentially adverse effects, “remedying or mitigating” as far as practicable adverse effects. Similarly, **Transpower New Zealand Limited** (296.3) requests “where practicable” be added to the objective. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose these submissions. **Meridian Energy Limited** and **Transpower New Zealand Limited** support the Mighty River Power Limited submission.

Vodafone New Zealand Limited and **TelstraClear Limited** request Objective 16.3.1 be retained.

Evidence Heard

Transpower New Zealand Limited presented evidence that there are utility corridors in the Wairarapa, which include the National Grid. In addition, it is not always possible to avoid adverse effects given the nature of the utilities, therefore, adding the reference “as far as practicable” would recognise this matter. They requested the above matters be incorporated into the objective.

Meridian Energy Limited presented evidence that the Section 42A report recommendation was reasonable. However, they added that is not practical for network utilities and energy generation developments to avoid adverse effects, and the Act requires consideration of the environmental benefits. They requested the objective be amended by adding reference to “as far as practicable”.

Commissioners’ Deliberations

The Commissioners note the support from some submitters for the existing objective.

The Commissioners concur with the submitters that the phrase “minimising potentially” is not consistent with the terminology of the Act. Accordingly, the Commissioners have determined this phrase be replaced with one of the purpose’s of the Act, being “avoiding, remedying or mitigating” the adverse effects on the environment.

In terms of recognising the issue that some network utilities cannot ‘avoid’ adverse effects, the Commissioners note the Act and Plan processes provide for a case-by-case assessment of the positive and negative effects of a proposal via the resource consent process. This process provides an efficient and effective approach to evaluating the environmental effects, and is the most appropriate for achieving the purpose of the Act.

The Commissioners also note one of the purposes of the Act is to avoid, remedy or mitigate the adverse effects, and the Act does not include any statement such as “as far as practicable”. Therefore, the Commissioners consider the recommended objective is the most appropriate in achieving the purpose of the Act.

In relation to corridors, the Commissioners do not consider the Wairarapa has any network utility corridors. There are an assortment of network utilities which cross the Wairarapa, but support single use utilities, with no defined sharing of routes, apart from roads. Therefore, the National Grid, as a single purpose utility, is not considered to be a network utility corridor.

Decision: 16.3.1 Objective

Submission Reference: 520.10	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 84	Accept in part

FS 16	Accept in part
486.2	Accept
296.3	Reject
FS 112	Accept
FS 85	Accept
FS 84	Reject
482.2	Accept

Decision Amendment: 16.3.1 Objective

Amend Objective 16.3.1 as follows, or words to like effect:

*“To enable the efficient development, maintenance, and operation of network utilities, while ~~minimising~~ **avoiding, remedying or mitigating** potentially adverse effects on the environment.”*

Reasons

This decision is made for the following reasons:

- The amended objective better describes the purpose of the Act in promoting sustainable management of network utilities.

16.3.2 NUE1 Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
441.11	Genesis Power Limited	FS 84 Meridian Energy Ltd	Support
521.32	Meridian Energy Limited	FS 74 Mighty River Power Ltd	Support
520.11	Mighty River Power Limited	FS 84 Meridian Energy Ltd FS 16 Transpower NZ Ltd	Support Support
520.12	Mighty River Power Limited	-	-
520.13	Mighty River Power Limited	FS 84 Meridian Energy Ltd FS 16 Transpower NZ Ltd	Support Support
328.3	New Zealand Police (Information and Technology Group)	-	-
238.5	R Scott	-	-
239.5	S Scott	-	-
296.4	Transpower New Zealand Limited	FS 84 Meridian Energy Ltd FS 112 D Riddiford	Support Oppose

		FS 85 Federated Farmers of NZ (Inc)	Oppose
296.5	Transpower New Zealand Limited	FS 84 Meridian Energy Ltd FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Support Oppose Oppose
459.2	Powerco Limited	FS 16 Transpower NZ Ltd FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Support Oppose Oppose
327.5	Telecom New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Mighty River Power Limited (520.11) seeks amendments to Policy (a) by adding the efficient “functioning” and “corridors”. **Mighty River Power Limited** (520.12) and **New Zealand Police (Information and Technology Group)** (328.3) both support the retention of Policy (b). **Powerco Limited** (459.2) seeks Policy (b) and (e) be amended to take into account the statutory, geographic and economic requirements of network utilities. **Telecom New Zealand Limited** (327.5) requests Policy (e) be amended to recognise that network utilities are not always practical in the road corridor. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Powerco Limited and Telecom New Zealand Limited submissions. **Meridian Energy Limited** and **Transpower New Zealand Limited** support the Mighty River Power Limited submission.

Mighty River Power Limited (520.13) requests text be added to Policy (d) taking into the operational requirements of network utilities. **Transpower New Zealand Limited** (296.5) have also requested a change in Policy (d) by adding “Where practicable”. **Genesis Power Limited** (441.11) seek an amendment to Policy (d) by replacing “the” with “any”. **Mighty River Power Limited** (520.13) also request a change to Policy (f) recognising it may not always be possible to co-site or share facilities. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Limited submission. **Meridian Energy Limited** support the Genesis Power Limited submission.

Meridian Energy Limited (521.32) requests a new policy be added to this section in relation to setting standards in terms of the operational requirements for network utilities.

R Scott (238.5) and **S Scott** (239.5) request Policies (a), (e) and (f) be retained. **Transpower New Zealand Limited** (296.4) requests Policies (a), (b) and (c) be retained without further modifications. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Limited submission.

Evidence Heard

Mighty River Power Limited presented evidence that Policy 16.3.2(d) be amended to take into account the technical and operational requirements of network utilities and their importance to the efficient functioning of the Wairarapa to have relevance to resource consent applications.

New Zealand Police (Information and Technology Group) and **Telecom New Zealand Limited** presented evidence noting Policy (e) had three distinct parts, being locating infrastructure in road corridors, locating infrastructure underground in urban areas, and where practical, locating infrastructure underground in rural areas. They commented that

locating all infrastructure underground conflicted with the practical considerations of some utilities, such as road side cabinets and mobile facilities must be located above ground.

Meridian Energy Limited presented evidence requesting the addition of Policy (g) to recognise network utilities have certain operational requirements and constraints derived from the fact that there are often few alternative sites, routes or methods for the network.

Transpower New Zealand Limited presented evidence that there are utility corridors in the Wairarapa, which include the National Grid. In addition, it is not always possible to avoid adverse effects given the nature of the utilities, therefore, adding the reference “as far as practicable” would recognise this matter. They requested the above matters be incorporated into Policy 16.3.2(d).

Commissioners’ Deliberations

The policies set out the management framework for achieving the objective for managing network utilities. The suite of policies are based on providing a regulatory framework for network utilities to be developed, maintained and operated in a way that support the economic and social wellbeing of the community, while remedying and mitigating the adverse effects.

For Policy (a), the Commissioners consider the existing policy is the most effective, and the term ‘operation’ already covers the “functioning” of the utility and is not to be added. As discussed above, the Wairarapa is not covered to have any network utility ‘corridors’, therefore, this word is also not added.

Policy 16.3.2(b) recognises providing a baseline for the development, maintenance and operation of network utilities supports their efficient operation. The Commissioners consider this existing policy already gives effect to the relief sought by Meridian Energy, and is the most effective policy for achieving the objective for managing network utilities.

However, the Commissioners concur with the submitters that the technical and operational requirements and constraints should be considered when assessing resource consent applications. Therefore, a new policy has been incorporated to recognise this matter.

The Commissioners concur with the submitter and Section 42A report recommendation in replacing the word “the” with “any” clarifies the application of the Policy 16.3.2(d).

In terms of Policy 16.3.2(e), the Commissioners concur the submitter that the existing reference to ‘infrastructure’ is problematic and could be clarified by the words ‘cables, lines and pipes’. However, the Commissioners consider that, overall, the existing wording and intent of the policy is the most effective and efficient for achieving the objectives for the Plan, in locating network utilities in road corridors, underground cables, lines and pipes in urban areas, and where practical, these components of utilities be located underground in rural areas.

For Policy 16.3.2(f), the Commissioners consider the existing wording already provides for the relief sought by Mighty River Power, recognising it is not always possible to co-site or share facilities.

Decision: 16.3.2 Policies

Submission Reference: 441.11	Accept
FS 84	Accept
521.32	Accept in part
FS 74	Accept in part

520.11	Accept in part
FS 84	Accept in part
FS 16	Accept in part
520.12	Accept
520.13	Accept in part
FS 84	Accept in part
FS 16	Accept in part
328.3	Accept
238.5	Accept
239.5	Accept
296.4	Accept
FS 84	Accept
FS 112	Reject
FS 85	Reject
296.5	Reject
FS 84	Reject
FS 112	Accept
FS 85	Accept
459.2	Accept in part
FS 16	Accept in part
FS 112	Accept in part
FS 85	Accept in part
327.5	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment: 16.3.2 Policies

Amend Policy (d) as follows:

*“Avoid, remedy or mitigate **any** ~~the~~ adverse effects of network utilities...”*

Amend Policy (e) as follows:

*“Encourage network utility operators to locate their infrastructure within road corridors and underground **cables, lines and pipes** in urban areas, and as practicable, underground **cables, lines and pipes** in rural areas”*

Add new Policy (g) as follows:

“Recognise the technical and operational requirements of network utilities and the benefits they provide to the wellbeing of the Wairarapa when assessing resource consent applications.”

Reasons

This decision is made for the following reasons:

- The existing policies are the most effective and efficient framework for achieving the objective for managing network utilities by establishing a baseline of avoiding, remedying or mitigating the adverse effects while recognising their importance to the efficient functioning of the Wairarapa.
- The amended policies better describes the circumstances for managing the effects and particular types of network utilities in achieving the objective for managing network utilities.
- The new policy recognises that network utilities have some particular technical and operational requirements which are important to consider in assessing resource consent applications.

16.3.3 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.14	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support
398.25	Wairarapa Inc trading as Go Wairarapa	-	-
296.6	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
459.3	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Mighty River Power Limited (520.14) seeks changes to the text in the Explanation in relation to the establishment and upgrading of network facilities, and the need to recognise adverse effects from network utilities cannot always be avoided, remedied or mitigated. **Transpower New Zealand Limited** (296.6) requests further text be added to the Explanation to describe ways of managing the potential adverse effects of network utilities. **Powerco Limited** (459.3) also requests text be added in relation to geographic, economic, technical and operational matters, as well as reference to relevant legislation. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Powerco Limited and Transpower New Zealand Limited submissions. **Meridian Energy Limited** supports the Mighty River Power Limited and Transpower New Zealand submissions.

Wairarapa Inc trading as Go Wairarapa (398.25) supports the Plan provisions in the Explanation relating to co-siting and sharing facilities.

Evidence Heard

Mighty River Power Limited presented evidence continuing the earlier evidence on Objective 16.3.1, that replacing the word “minimises” with “remedies or mitigates” would be consistent with the requested changes to the objective.

Transpower New Zealand Limited presented evidence that the relief sought would provide an example of the limited ability for all adverse effects for the National Grid to be avoided, remedied or mitigated. They presented alternative wording recognising the limited opportunities to minimise the adverse effects for network utilities, and the sentence would provide a more balanced Explanation.

Meridian Energy Limited presented evidence noted the Section 42A report recommendation.

Commissioners' Deliberations

In line with the deliberations above for the objectives and policies, the Commissioners consider that amending the phrase "minimising potentially" by replacing it with "avoiding, remedying or mitigating" for the objective is more consistent with the purpose of the Act. Accordingly, the similar amendment is made to the wording in the Explanation.

The Commissioners concur with the submitter and Section 42A report that adding reference to the 'establishment and upgrading' of network utilities is consistent with the policies.

In terms of a more balanced Explanation as requested by Transpower NZ, the Commissioners consider the existing Explanation already provides a balanced approach. The wording of the second paragraph recognises there may be operational limitations on the location, scale and form of a utility, and this needs to be considered along with the contribution to the wellbeing of the community.

Furthermore, as discussed above, the new policy recognises that technical and operational requirements are to be considered in assessing resource consent applications. The Commissioners consider the existing paragraph two in the Explanation effectively covers this new policy.

Decision: 16.3.3 Explanation

Submission Reference: 520.14	Accept in part
FS 84	Accept in part
398.25	Accept
296.6	Accept in part
FS 84	Accept in part
FS 112	Accept in part
FS 85	Accept in part
459.3	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment: 16.3.3 Explanation

Amend first paragraph of the Explanation as follows:

*"...It is therefore imperative to provide for their **establishment, upgrading, operation and maintenance...**"*

Amend third paragraph of the Explanation as follows:

*"...environmental characteristics of the Wairarapa is **a** fundamental premise..."*

*“...amenity values and therefore should be **located and managed** in a manner that **minimises avoids, remedies or mitigates** their impact on the character of the Wairarapa ...”*

Reasons

This decision is made for the following reasons:

- The existing and amended text better describes the purpose of the Act in promoting sustainable management of network utilities.
- The amendments are consistent with the changes to the objectives and policies for the reasons stated for the above modifications.

16.3.4 Objective NUE2 – Energy Generation and Efficiency

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.70	Department of Conservation	-	-
441.12	Genesis Power Limited	FS 84 Meridian Energy Ltd	Support
520.15	Mighty River Power Limited	-	-
526.67	Wellington Regional Council	-	-

Discussion

Department of Conservation (525.70), **Genesis Power Limited** (441.12), **Mighty River Power Limited** (520.15) and **Wellington Regional Council** (526.67) all support the objective. **Meridian Energy Limited** support the Genesis Power Limited submission.

Evidence Heard

Department of Conservation presented evidence supporting and accepting the Section 42A report recommendation of retaining Section 16.3.4.

Meridian Energy Limited presented evidence that the existing objective is supported.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report that the existing objective 16.3.4 is the most appropriate for achieving the purpose of the Act for renewable energy and energy efficiency.

Decision: 16.3.4 Objective

Submission Reference: 525.70 Accept

441.12 Accept
FS 84 Accept

520.15 Accept
526.67 Accept

Reasons

This decision is made for the following reasons:

- The existing objective is the most appropriate for achieving the purpose of the Act for renewable energy and energy efficiency.

16.3.5 NUE2 Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
441.13	Genesis Power	FS 84 Meridian Energy Ltd	Support
521.33	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
521.34	Meridian Energy Limited	-	-
521.35	Meridian Energy Limited	FS 74 Mighty River Power Ltd	Support
521.36	Meridian Energy Limited	FS 74 Mighty River Power Ltd FS 77 The Energy Efficiency and Conservation Authority	Support Support
520.16	Mighty River Power	-	-
520.17	Mighty River Power	-	-

Discussion

Meridian Energy Limited (521.33), **Mighty River Power Limited** (520.16) and **Genesis Power Limited** (441.14) seek changes to Policy (b) by removing reference to the nature of generation facilities, and focusing on the benefits of these facilities. **Meridian Energy Limited** (521.36) and **Genesis Power Limited** (441.13) also request a new policy be added in relation to the benefits from using renewable energy resources. **Meridian Energy Limited** and **Mighty River Power Limited** support the Genesis Power Limited submission.

Meridian Energy Limited (521.35) requests Policy (d) also takes into account the location and development issues when assessing resource consent applications. **Mighty River Power Limited** and **The Energy Efficiency and Conservation Authority** support the Meridian Energy Limited submissions.

Meridian Energy Limited (521.34) request Policy (c) be retained. **Mighty River Power Limited** (520.17) request Policies (c) and (d) be retained.

Evidence Heard

Meridian Energy Limited presented evidence that the Plan does not respond adequately to the issues or to the relevant Section 7 matters. Request an additional policy directly addressing Section 7 (j), and that the Policy (c) be amended to avoid, remedy or mitigate the adverse effects 'as far as practicable'.

Mighty River Power Limited presented evidence that Policy 16.3.5(b) only focuses on the avoidance, remediation or mitigation of adverse effects of renewable energy generation but not its benefits. Policy 16.3.5(d) recognises the benefits of energy distribution but not the benefits of renewable energy generation. In addition, they submitted the words "particularly of large scale and/or prominent facilities" at the end of Policy 16.3.5(b) are inappropriate and unnecessary. Requested the policies be amended to address the above points.

Genesis Power Limited presented evidence that Policy 16.3.5 needs to more adequately recognise the benefits of renewable energy as is identified in objective 16.3.4. As the recommended policy reads, there is an apparent focus on the effects of such developments, rather than acting as a tool for advocacy of the benefits derived from such energy sources.

The Energy Efficiency and Conservation Authority presented evidence that there was a policy gap in recognising the benefits of renewable energy for energy generation facilities.

Commissioners' Deliberations

The policies set out the management framework for achieving the objective for moving the Wairarapa towards a sustainable energy future. The existing suite of policies are based on providing regulatory and non-regulatory approaches to encouraging energy efficiency and generation of energy from renewable sources.

Policy 16.3.5(b) seeks to provide for renewable energy generation, while managing the adverse effects. In terms of the issue that no every adverse effect can be avoided, remedied or mitigated and inserting a phrase "as far as practicable", the Commissioners note one of the purposes of the Act is to avoid, remedy or mitigate the adverse effects, and the Act does not include any statement such as "as far as practicable". In addition, the Commissioners consider the existing policy reference to "large scale and/or prominent facilities" recognises this is a particular issue for energy generation facilities, with the location, scale and nature of these facilities significantly influencing the potential adverse effects.

In terms of the benefits derived from the use of renewable energy generations, the Commissioners consider an amendment to Policy 16.3.5(d) is the most effective way to achieve the objective. The amended policy recognises this matter applies to energy generation and distribution, as well as in setting environmental standards and in assessing resource consent applications. A standalone new policy is not considered effective, as it is would be adequately recognised in the amended policy.

The amended Policy 16.3.5(d) referring to 'energy generation' recognises the 'operational requirements' of energy generation facilities, and addresses the matters raised by Meridian Energy in relation to location and development issues.

The matter of reverse sensitivity issues for energy generation facilities is addressed in the Rural Zone chapter decision report, where 'other' activities which include energy generation facilities are recognised as having potential reverse sensitivity issues. Therefore, no specific policy is considered to be necessary specifically for energy generation facilities.

Decision: 16.3.5 Policies

Submission Reference: 441.13	Accept in part
FS 84	Accept in part

FS 74 Accept in part

521.33 Reject

FS 74 Reject

FS 77 Reject

521.34 Accept

521.35 Accept in part

FS 74 Accept in part

521.36 Accept in part

FS 74 Accept in part

FS 77 Accept in part

520.16 Accept in part

520.17 Accept in part

Decision Amendment: 16.3.5 Policies

Amend Policy 16.3.5(d) as follows:

*“To recognise the operational requirements of energy **generation and distribution** and its benefits to the wellbeing of the Wairarapa in setting and implementing appropriate environmental standards **and assessing resource consent applications** to avoid, remedy or mitigate the adverse effects on the environment.”*

Reasons

This decision is made for the following reasons:

- The existing policies are the most effective and efficient framework for achieving the objective for moving the Wairarapa towards a sustainable energy future by encouraging energy efficiency and the generation of energy from renewable sources.
- The amended policies better describes the benefits to be derived from energy generation facilities, and that the operational requirements and benefits are important matters to consider in assessing resource consent applications.

16.3.6 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.18	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support
520.19	Mighty River Power	-	-

Discussion

Mighty River Power Limited (520.18) seeks changes to the text by amending “wind farms” to “wind energy facilities”. **Meridian Energy Ltd** supports this submission.

Mighty River Power Limited (520.19) request paragraphs 4 and 5 be retained.

Evidence Heard

Meridian Energy Limited presented evidence supporting the Section 42A report recommendation of replacing ‘wind farms’ with ‘wind energy facilities’.

Commissioners’ Deliberations

The Commissioners concur with the submitters and the Section 42A report that the reference to ‘wind farms’ being replaced by ‘wind energy facilities’ is better description of the matter.

Decision:

Submission Reference: 520.18	Accept
FS 84	Accept
520.19	Accept

Decision Amendment: 16.3.6 Explanation

Amend third paragraph of the Explanation as follows:

*“...land capacity to cater for future wind **energy facilities** ~~farms~~. ~~Wind farm~~ Development **of wind energy facilities** involves large-scale structures **normally** located on elevated land. Consequently, they may have significant environmental effects, particularly on landscape and amenity values. Proposals for wind **energy facilities** ~~farms~~ therefore require...”*

Reasons

This decision is made for the following reasons:

- The amended text better describes the nature of wind energy facilities.

16.3.7 Methods

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.20	Mighty River Power Limited	-	-
520.21	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
495.4	ONTRACK	-	-
526.68	Wellington	-	-

	Regional Council		
331.4	S Murphy & D Harris	-	-
296.7	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
296.8	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
296.9	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
459.4	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 17 Telecom NZ Ltd	Oppose Oppose Support
383.5	Sustainable Wairarapa	-	-

Discussion

Mighty River Power Limited (520.20 and 520.21) requests changes to the regulatory method to include reference to “technical” requirements. Also, they request a new method be added in relation to regulatory controls within high voltage transmission corridors. **Powerco Limited** (459.4) seeks changes by adding new requirements in Method (a), and adding to the list of legislation in Method (g). **Telecom New Zealand Limited** supports the Powerco Limited submission.

Transpower New Zealand Limited (296.7, 296.8 and 296.9) requests retaining Methods (a) and (e), and adding “where practicable” to Method (d). **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Powerco Limited, Transpower New Zealand Limited and Mighty River Power Limited submissions. **Meridian Energy Limited** supports the Transpower New Zealand submission.

ONTRACK (495.4) seeks clarification of Method (a) in relation to the standard for managing network utilities.

Wellington Regional Council (526.68) requests that “energy efficiency” be included in Method (b).

S Murphy & D Harris (331.4) requests the Methods be proactive in encouraging and facilitating local telecommunication initiatives. **Sustainable Wairarapa** (383.5) seeks some form of regulation to support faster uptake of renewable energy initiatives.

Evidence Heard

Mighty River Power Limited presented evidence that a new Method, Principal Reasons for Adoption and Anticipated Environmental Outcome was required to address controls on new

buildings and subdivision in close proximity to transmission lines. They noted the plan already contains rules in this effect.

ONTRACK presented evidence acknowledging the intention of Method 16.3.7(a) relating to undesignated sites.

Commissioners' Deliberations

As discussed above, the Commissioners consider that the technical and operational requirements and constraints should be considered when determining the performance standards for network utilities. Accordingly, Method 16.3.7(a) is amended by adding reference to technical requirements.

Furthermore, the Commissioners concur with the submitter adding a Method on the proximity of new buildings and subdivision to high voltage transmission lines is an effective approach. The Commissioners have slightly modified the submitted wording for consistency with similar provisions in the Plan.

The Commissioners noted the clarification in the Section 42A report in relation to Method (a) and the acknowledgment by Ontrack.

The Commissioners concur with the submitter and Section 42A report recommendation that adding reference to energy efficiency in Method (b) is consistent with the objectives and policies for energy.

In terms of adding the words "where practicable" to the methods, as discussed above, the Commissioners note one of the purposes of the Act is to avoid, remedy or mitigate the adverse effects, and the Act does not include any statement such as "where practicable". Accordingly, the existing wording is retained.

The provision of telecommunication services, such as cellular and broadband networks is undertaken by private entities. The District Plan seeks to provide a management framework which supports the development and expansion of these networks, while avoiding, remedying or mitigating the adverse effects of the components of these networks on the qualities of the Wairarapa. Accordingly, the existing methods are considered to be the most efficient and effective for providing for network utilities.

Decision: 16.3.7 Methods

Submission Reference: 520.20	Accept
520.21	Accept
FS 112	Reject
FS 85	Reject
495.4	Accept in part
526.68	Accept
331.4	Reject
296.7	Accept
FS 112	Reject
FS 85	Reject
FS 84	Accept
296.8	Reject
FS 112	Accept
FS 85	Accept

FS 84	Reject
296.9	Accept
FS 112	Reject
FS 85	Reject
FS 84	Accept
459.4	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 17	Accept in part
383.5	Reject

Decision Amendment: 16.3.7 Methods

Amend Method (a) as follows:

*“Development and performance standards for network utility and energy distribution activities, recognising the relevant **technical and** operational requirements.”*

Amend Method (b) as follows:

*“Provide for opportunities in domestic self-sufficiency in energy generation, **energy efficiency**, and other services.”*

Amend Method (g) as follows:

*“Coordinate with the functions and requirements of other legislation, such as the Telecommunications Act ~~1987~~ **2001**, the **Electricity Act 1992** and the **Gas Act 1992**.”*

Add a new Method (b) as follows:

*“**Restrict new buildings and subdivision in proximity to high voltage transmission lines.**”*

Re-number existing Methods (b) – (g) to (c) – (h).

Reasons

This decision is made for the following reasons:

- The amended Methods better describes the intent of the policies and are consistent with the amended policies above.
- The new Method is effectively in managing new buildings and subdivision in proximity to high voltage transmission lines to ensure the efficient operation of these utilities.

16.3.8 Principal Reasons for Adoption

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.22	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 16 Transpower NZ Ltd	Support Support Support
296.10	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support

Discussion

Mighty River Power Limited (520.22) requests a new paragraph be added recognising the need to protect existing network utilities from nearby subdivision and development. **Transpower New Zealand Limited** (296.10) seeks the addition of text in relation to striking a balance between the functions of network utilities and their adverse effects. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Limited. **Meridian Energy Limited** supports the Transpower New Zealand submission. **Transpower New Zealand Limited, Federated Farmers of NZ (Inc)** and **D Riddiford** support the Mighty River Power Limited submission.

Evidence Heard

Mighty River Power Limited presented evidence that a new Method, Principal Reasons for Adoption and Anticipated Environmental Outcome was required to address controls on new buildings and subdivision in close proximity to transmission lines. They noted the plan already contains rules in this effect.

Transpower New Zealand Limited presented evidence that resource management under the RMA is clearly about trade offs. When considering whether to grant consent to a proposed development it is an exercise of balancing between the positive and adverse effects of the proposal. They request Section 16.3.8 to explicitly refer to this balancing exercise.

Commissioners' Deliberations

As discussed above under Methods, the Commissioners concur with the submitter to add a Method and supporting Principal Reason for Adoption on the proximity of new buildings and subdivision to high voltage transmission lines. The Commissioners have slightly modified the submitted wording for consistency with similar provisions in the Plan.

In terms of adding text on striking a balance, the Commissioners consider that the existing wording in the first paragraph effectively provides this balance. The existing paragraph read as a whole identifies that network utilities and energy generation are essential community services, and the operation of these utilities is vital to the wellbeing of the Wairarapa. However, the wording also recognises this is to be achieved while avoiding, remedying or mitigating the adverse effects on the environment.

Decision: 16.3.8 Principal Reasons for Adoption

Submission Reference: 520.22 Accept in part
FS 112 Accept in part
FS 85 Accept in part
FS 16 Accept in part

296.10 Reject
FS 112 Accept
FS 85 Accept
FS 84 Reject

Decision Amendment: 16.3.8 Principal Reasons for Adoption

Add a new third paragraph to 16.3.8 as follows:

“The safe and efficient operation of energy distribution facilities can be adversely affected by the inappropriate siting of new buildings and subdivision. Regulatory methods will be used for new buildings and subdivision in proximity to high voltage transmission lines.”

Reasons

This decision is made for the following reasons:

- The existing text is effective in describing the reasons for adopting the methods and how they achieve the objective for network utilities and energy.
- The added paragraph effectively describes the new method for managing built development and subdivision in close proximity to high voltage transmission lines.

16.4 Anticipated Environmental Outcomes

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.37	Meridian Energy Limited	FS 2 TelstraClear Ltd FS 1 Vodafone NZ Ltd	Oppose Oppose
520.23	Mighty River Power Limited	FS 84 Meridian Energy Ltd FS 16 Transpower NZ Ltd	Support Support
520.24	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 16 Transpower NZ Ltd	Support Support Support
296.11	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
296.12	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

		FS 84 Meridian Energy Ltd	Support
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Discussion

Meridian Energy Limited (521.37) seeks an amendment to AEO (e) to remove reference to the outstanding landscape values. **Mighty River Power Limited** (520.23) requests changes to AEO (a) by replacing “minimises” with “remedies or mitigates” the adverse effects on the environment. **Mighty River Power Limited** (520.24) also requests a new AEO in relation to high voltage transmission lines. **Transpower New Zealand Limited, Federated Farmers of NZ (Inc)** and **D Riddiford** support the Mighty River Power Limited submission. **TelstraClear Limited** and **Vodafone New Zealand Limited** oppose the Meridian Energy Limited submission.

Transpower New Zealand Limited (296.11 and 296.12) request the phrase “where practicable” be added to AEO (a) and (d). **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Limited submission. **Meridian Energy Limited** supports the Transpower New Zealand submission.

Evidence Heard

Meridian Energy Limited presented evidence that adding an Outcome that seeks to optimise the nation's, and Wairarapa's, renewable energy resource would be entirely consistent with the Act, with specific wording of this new Outcome presented.

Mighty River Power Limited presented evidence that a new Method, Principal Reasons for Adoption and Anticipated Environmental Outcome was required to address controls on new buildings and subdivision in close proximity to transmission lines. They noted the plan already contains rules in this effect.

Transpower New Zealand Limited presented evidence that there are utility corridors in the Wairarapa, which include the National Grid. In addition, it is not always possible to avoid adverse effects given the nature of the utilities, therefore, adding the reference “as far as practicable” would recognise this matter. They requested the above matters be incorporated into Outcome (a) and (d).

Commissioners' Deliberations

As discussed above under Methods, the Commissioners concur with the submitter to add an Anticipated Environmental Outcome on the proximity of new buildings and subdivision to high voltage transmission lines. The Commissioners have slightly modified the submitted wording for consistency with similar provisions in the Plan.

In terms of adding the words “where practicable” to Outcomes (a) and (e), as discussed above, the Commissioners note one of parts of the purpose of the Act is to avoid, remedy or mitigate the adverse effects, and the Act does not include any statement such as “where practicable”. Accordingly, this wording is not added to the Outcomes.

The Commissioners concur with Meridian Energy that referring to outstanding landscapes in Outcome (e) is not effective. However, the effects of energy generation facilities on outstanding landscapes is an important outcome for the Wairarapa. For consistency with the issues and policies above, Outcome (d) is amended by adding reference to energy generation facilities.

The Commissioners consider the wording of Outcome (e) is better expressed in the wording presented by Meridian Energy for renewable energy resources. The Outcome recognises the

renewable energy resource in the Wairarapa and that the Plan seeks recognise the benefits derived from utilising this resource.

Lastly, as discussed above for the objective, the word “minimises” is replaced with “avoids, remedies or mitigates” as this is more consistent with the purpose of the Act.

Decision: 16.4 Anticipated Environmental Outcomes

Submission Reference: 521.37	Accept in part
FS 2	Accept in part
FS 1	Accept in part
520.23	Accept in part
FS 84	Accept in part
FS 16	Accept in part
520.24	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 16	Accept in part
296.11	Reject
FS 112	Accept
FS 85	Accept
FS 84	Reject
296.12	Reject
FS 112	Accept
FS 85	Accept
FS 84	Reject

Decision Amendment: 16.4 Anticipated Environmental Outcomes

Amend Outcome (a) as follows:

*“...which ~~minimises~~ **avoids, remedies or mitigates** adverse effects...”*

Amend Outcome (d) as follows:

*“(d) Network utilities **and energy generation facilities are** located where they have the least adverse effect...”*

Amend Outcome (e) as follows:

*“(e) ~~Greater reliance on~~ **Efficient use and development of Wairarapa’s renewable energy resources contributing towards an increased proportion of New Zealand’s energy consumption being derived from renewable sources. at local and national levels, without significantly affecting the outstanding landscape values of the Wairarapa**”*

Add a new Outcome (f) as follows:

*“(f) **New buildings and subdivision located away from high voltage transmission lines.**”*

Reasons

This decision is made for the following reasons:

- The amended Outcomes better describes the purpose of the Act in promoting sustainable management of network utilities and avoiding, remedying and mitigating the adverse effects on the environment.
- The new Outcome is effective in managing new buildings and subdivision in proximity to high voltage transmission lines to ensure the efficient operation of these utilities.

21.1 District-Wide Rules – Permitted Activities

Submitter Number	Submitter Name	Reason	Relief Sought
483.1	TelstraClear Limited	-	-
296.24	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
487.1	Vodafone New Zealand Limited	-	-
328.5	New Zealand Police (Information and Technology Group)	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
441.10	Genesis Power Limited	FS 84 Meridian Energy Ltd FS 74 Mighty River Power Ltd	Support Support
327.6	Telecom New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

TelstraClear Limited (483.1), **Transpower New Zealand Limited** (296.24), **Vodafone New Zealand Limited** (487.1), **Genesis Power Limited** (441.10), **New Zealand Police (Information and Technology Group)** (328.5) and **Telecom New Zealand Limited** (327.6) request clarifying the relationship between the District-Wide Land Use rules and the Environmental Zones rules, either by improving and clarifying the cross-references between the two sets of rules, or separating the two sets of rules. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose the Transpower New Zealand Limited, New Zealand Police (Information and Technology Group) and Telecom New Zealand Limited submissions. **Meridian Energy Limited** and **Mighty River Power Limited** support the Genesis Power Limited submission.

Evidence Heard

Vodafone New Zealand Limited and **TelstraClear Limited** presented evidence querying the overlap between height limits for Environmental Zones and District Wide Rules for Network Utilities. They noted the Section 42A report assessment, but stated it was silent on

height controls for aerials and antennas in Rule 21.1.20(a)(i). They requested an exemption be added for aerials and antennas under Rule 21.1.20(a)(i) to exclude compliance with the particular zone standards.

Transpower New Zealand Limited presented evidence noting the exemption for works for existing network utilities specifically related to Rule 21.1.17 on Flood Hazard Areas and Erosion Hazard Areas.

New Zealand Police (Information and Technology Group) and **Telecom New Zealand Limited** presented evidence that there were inconsistencies in the Environmental Zone standard and District Wide Network Utility standards. Requested that network utility rules have a stand alone chapter, or alternatively, there be more effective cross referencing.

Genesis Power Limited presented evidence noted the Section 42A report recommendation addressed the discrepancy between the Environmental Zone and District Wide Network Utility rules standards for maximum height.

Commissioners' Deliberations

Rule 21.1.20 provides the baseline for the location, nature and scale for network utilities. The permitted activity rules achieve a balance of enabling the efficient operation of network utilities while avoiding, remedying or mitigating the adverse effects on the environment.

The Commissioners concur with the submitters and the Section 42A report that a number of amendments are required to the rules to resolve any inconsistencies in the rules. However, a blanket exemption from compliance with the Environmental Zone standards or stand alone rule is not considered the most effective approach, as a number of the rules and standards for the Environmental Zones are relevant to network utilities to maintain character and amenity values. The specific amendments are set out in detail in the decisions below.

Decision: 21.1 District-Wide Rules – Permitted Activities

Submission Reference: 483.1	Reject
296.24	Reject
FS 112	Accept
FS 85	Accept
487.1	Reject
328.5	Reject
FS 112	Accept
FS 85	Accept
441.10	Reject
FS 84	Reject
FS 74	Reject
327.6	Reject
FS 112	Accept
FS 85	Accept

Decision Amendment: 21.1 District-Wide Rules – Permitted Activities

Consequential changes discussed below.

Reasons

This decision is made for the following reasons:

- The amended rules and standards clarify their relationship with the Environmental Zone standards.
- A full exemption or standalone rule is not considered the most effective approach, as a number of the rules and standards for the Environmental Zones are relevant to network utilities to maintain their character and amenity.

21.1.20 District-Wide Rules – Network Utilities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.38	Meridian Energy Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 84 Meridian Energy Ltd	Oppose Oppose Support
520.28	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 16 Transpower NZ Limited	Oppose Oppose Support
328.4	New Zealand Police (Information and Technology Group)	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
328.6	New Zealand Police (Information and Technology Group)		
328.7	New Zealand Police (Information and Technology Group)	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
459.5	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
327.7	Telecom New Zealand Limited		
327.8	Telecom New Zealand Limited		
484.1	TelstraClear Limited		
485.1	TelstraClear Limited	FS 17 Telecom NZ Ltd	Support

488.1	Vodafone New Zealand Limited		
489.1	Vodafone New Zealand Limited	FS 17 Telecom NZ Ltd	Support
264.38	D Riddiford		

Discussion

Mighty River Power Limited (520.28), **NZ Police (Information and Technology Group)** (328.6), **Powerco Limited** (459.5), **Telecom New Zealand Limited** (327.7), **TelstraClear Limited** (484.1 and 485.1) and **Vodafone New Zealand Limited** (488.1 and 489.1) all seek changes to rules relating to the maximum height and setbacks for network utilities (Rule 21.1.20(a) (i)). The submissions request exclusions from the maximum height and setback rules in the Environmental Zones, amendments to the list of excluded utilities, and changes to the standards themselves.

Meridian Energy Limited (521.38) seeks the retention of the current Rule 21.1.20(a) (i). **Meridian Energy Limited** and **Transpower New Zealand Limited** support the submission from Mighty River Power Limited. **Telecom New Zealand Limited** supports the submissions from TelstraClear Limited and Vodafone New Zealand Limited.

NZ Police (Information and Technology Group) (328.7) and **Telecom New Zealand Limited** (327.8) request the addition of specific setback and recession plane standard for buildings for network utility purposes (Rule 21.1.20(a) (iii)).

Federated Farmers of NZ (Inc) and **D Riddiford** oppose the Mighty River Power Limited, Meridian Energy Limited, Transpower New Zealand Limited, New Zealand Police (Information and Technology Group), Telecom New Zealand Limited and Powerco Limited submissions as detailed in the above table.

D Riddiford would submit further details at the hearing.

Evidence Heard

NZ Police (Information and Technology Group) and **Telecom New Zealand Limited** presented evidence that the setback standards of the Environmental Zones would apply to network utilities, thereby restricting the siting of utilities. They contended the effects of utilities were different from buildings, and should be managed differently. They stated the original relief sought for bulk and location standards continued to be relevant.

Powerco Limited presented evidence the setback standards for poles would limit where they could be sited, and some times there were no alternative sites available.

TelstraClear Limited and **Vodafone New Zealand Limited** presented evidence supporting the Section 42A report recommendation of adding specific text for brackets and attachments. They contended that aerials and antennas have specific height standards which exempt compliance with the Environmental Zone height standards. In addition, they also contended that aerials and antennas co-located on street lights in road reserve, and to exempt them from the Environmental Zone setback requirements. It was requested that the exemption apply if the height of the aerial or antenna was no higher than 3m above the street light.

Meridian Energy Limited presented evidence noting the Section 42A report recommendation to retain Rules 20.1.20(a)(i) and (v).

Commissioners' Deliberations

Rule 21.1.20 provides the baseline for the location, nature and scale for network utilities. The Commissioners consider that permitted activity rules achieve a balance of enabling the efficient operation of network utilities while avoiding, remedying or mitigating the adverse effects on the environment.

For the maximum height and setback of network utilities, the Commissioners support the approach in the Proposed Plan of aligning these standards with the Environmental Zones. This approach is supported as the different Environmental Zones have varying character and amenity, and excessively tall or inappropriately sited network utilities could degrade the character and amenity values of these Zones. However, the Commissioners concur with the submitters, that the rules as currently written have some interpretation issues between the Environmental Zone standards and District Wide Network Utility standards.

The Commissioners concur with the submitters and Section 42A report to add poles to the list of above ground structures, and to add reference to brackets and attachments for aerials and antennas. These amendments provide for the typical components for network utilities.

For clarity, the Commissioners concur with the evidence of Vodafone NZ and TelstraClear, that aerials and antennas should be exempt from the maximum height limits of the specific network utility standards and Environmental Zones. A minor amendment to the wording of Rule 21.1.20 achieves the relief sought.

In terms of the height recession plane, under the Environmental Zone rules, this standard only applies to properties in the Residential Zone, or for other zoned properties, where they adjoin a Residential Zone. Therefore, the relief sought is already achieved with the existing standards, as a height recession plane only applies to residentially zoned boundaries. For consistency in the Plan, the Commissioners have replaced the wording "height recession plane" with "maximum height to boundary" in Rule 21.1.20.

Setbacks are an effective tool for managing the location of structures to maintain the amenity between properties. The Commissioners concur with some submitters that the existing setback standards for network utilities are inconsistent with the standards for other buildings and structures under the Environmental Zone rules. The Proposed Plan setback standards sought to provide more flexibility for network utilities. However, the Commissioners consider the most effective approach for managing the siting of network utilities is to apply consistent standards with the Environmental Zones for all buildings and structures. The Commissioners recognise network utilities can be different in terms of their nature, size and shape from other structures. However, the nature, size and shape of all types of structures vary. If a network utility was proposed which encroached the setbacks, the resource consent process provides an efficient and effective approach for considering the siting of the structure, which would take into account the nature, size and scale of the proposed utility.

In addition, to avoid doubt, the Commissioners have added a reference to exclude the setbacks for structures within road reserve. Imposing setbacks for road reserve would restrict the efficient use of the road reserve for masts, poles and towers, which are integral and accepted facilities supporting the safe and efficient functioning of the Wairarapa.

However, to manage the effects of network utility structures not being setback in road reserve, a new maximum height standard of 10m is introduced. This height is effective is accommodating the range of facilities and structures for network utilities, while maintaining the character, amenity and function of road reserve. With this addition, no specific exemption is required for aerials and antennas added to streetlights, as they would be required to comply with the overall 10m height limit.

The Commissioners consider the above series of amendments and retaining parts of the existing rule provides the most efficient and effective thresholds for managing the height and location of network utilities. It is important the thresholds achieve a balance for providing for

the operation of network utilities, while avoiding, remedying or mitigating the adverse effects on the environment.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 520.28	Accept
FS 112	Reject
FS 85	Reject
FS 84	Accept
FS 16	Accept
328.6	Accept in part
459.5	Accept in part
FS 112	Accept in part
FS 85	Accept in part
327.7	Accept in part
FS 112	Accept in part
FS 85	Accept in part
484.1	Accept in part
485.1	Accept
FS 17	Accept
488.1	Accept in part
489.1	Accept
FS 17	Accept
521.38	Accept
328.7	Accept in part
327.8	Accept in part
FS 112	Accept in part
FS 85	Accept in part
328.4	Accept in part
264.38	Reject

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (i) Maximum Height and Setbacks as follows:

*“All above ground **network utility and meteorological** structures, except lines, **poles**, towers, masts, aerials, antennas and their brackets or attachments, must comply with the maximum height standards, ~~and any height recession plane~~ **maximum height to boundary, and minimum building setback, for any the Environmental zZone** in which they are located, **except as follows:***

(1) In the case of aerials and antennas, and their brackets or attachments, that are located on buildings, these may exceed the maximum height and maximum height recession plane to boundary standards for any the Environmental zZone in which they are located by no more than 5 metres.

*Aerials and antennas attached to masts, **poles and towers** may exceed the **maximum** height for masts, **poles** and towers as set out in sub-clause (3) below **and the maximum height for the Environmental Zone in which they are located**, by no more than 5 metres. The **maximum** height ~~recession plane to boundary~~ shall not apply to the boundary of a road, road reserve or service lane.*

(2) The minimum building setback and maximum height to boundary shall not apply to the boundary of a road, road reserve or service land.

(3) In the case of masts, **poles and towers, these ~~must~~ **shall** comply with a maximum height of:**

~~(1) Minimum setback of 5 metres from any boundary with a Residential Zone;~~

~~(2) Minimum setback of 10 metres from any front boundary;~~

~~(3) Maximum height of:~~

(a) 20 metres in Rural, Commercial and Industrial Zones

(b) 12 metres in Residential Zone

(c) 10 metres in road, road reserve or service lane for any Environmental Zone.

Reasons

This decision is made for the following reasons:

- The existing recognises specific standards for managing the height and location of network utility structures is the most efficient and effective for achieving the objective for network utilities.
- Towers, poles and masts are a specific type of network utility, and given their nature and function, specific height standards is the most effective tool for managing their height.
- Apply consistent setbacks for all structures, including network utilities in the respective Environmental Zones is the most efficient and effective approach for maintaining the amenity and character of the different environments in the Wairarapa.
- An exemption for setbacks and specific height standard for network utilities in road reserve allows flexibility in the location of network utility structures, while maintaining the amenity, character and function of road reserve.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
459.5	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
327.9	Telecom New Zealand Limited		
296.26	Transpower New	FS 112 D Riddiford	Oppose

	Zealand Limited	FS 85 Federated Farmers of NZ (Inc)	Oppose
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Discussion

Powerco Limited (459.5), **Telecom New Zealand Limited** (327.9) and **Transpower New Zealand Limited** (296.26) seek amendments to the wording for maintenance and upgrading works to existing network utilities (Rule 21.1.20(a) (ix)). These changes include clarifying the rules apply to telecommunication facilities, and allowing for increases in voltage for power lines.

Evidence Heard

Powerco Limited presented evidence adding reference to poles and wires would allow for the ongoing maintenance of existing lines.

Telecom New Zealand Limited presented evidence supporting the Section 42A report recommendations of adding reference to antennas, encompassing telecommunications in definition of minor upgrading, and minor upgrading allow overhead customer connections from existing overhead networks.

Transpower New Zealand Limited presented evidence that existing network utilities should have a stand alone rule, with some minor amendments to the wording.

Commissioners' Deliberations

For the reasons outlined above, the Commissioners do not consider a standalone rule for existing network utilities to be the most efficient or effective approach.

However, the Commissioners concur with the Section 42A report that adding poles to the listed network utility components clarifies the rule applies to these structures. The Commissioners the word "lines" is better expressed than "wires", as lines can apply to a range of network utilities, such as electricity, gas and telecommunications.

The Commissioners also consider that replacing the word "tower" with "support structure" would better recognise the range of structures to support lines as part of network utilities provides an effective approach for maintaining existing network utilities.

Lastly, the Commissioners consider the existing rules provide a framework for the ongoing efficient operation of existing network utilities within certain parameters. These parameters recognise the role of network utilities in contributing towards the wellbeing of the Wairarapa, while maintaining the character and amenity of the different environments. The recommendations in the Section 42A report have been adopted as they are consistent with this approach.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 459.5	Accept in part
327.9	Accept in part
296.26	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (ix) (1) Existing Network Utilities as follows:

*“The operation, maintenance...including existing **towers**, masts, poles, aerials, **antennas**, lines, support structures...”*

“Note: For the purposes of the above rule...security of electricity and ~~associated~~ telecommunication facilities...”

*(h) ~~Tower~~ **Support structure** replacement that does not exceed the existing ~~tower~~ **support structure** dimensions, and is in the same location;*

*Note: ~~it~~ does not include an increase in line voltage **above 110kV** unless the line...”*

Reasons

This decision is made for the following reasons:

- The existing and amended standards for managing existing network utilities provide a framework which allows for their operation, maintenance, repair, minor upgrading and removal within certain parameters. These parameters are effective in managing the adverse effects of network utilities to ensure they maintain the amenity and character of the different environments in the Wairarapa.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
441.7	Genesis Power Limited		
521.39	Meridian Energy Limited		

Discussion

Meridian Energy Limited (521.39) requests Rule 21.1.20(a) (x) include provision for improvements to the efficiencies of existing energy generation facilities. **Genesis Power Limited** (441.7) seeks that Rule 21.1.20(a) (x) be separated into its own section.

Evidence Heard

Meridian Energy Limited presented evidence recognising the existing definition of minor upgrading allowed them to undertake the works outlined in their submission.

Commissioners’ Deliberations

The Commissioners concur with the submitter’s evidence and the Section 42A report that the existing wording of Rule 21.1.20(a)(x) is effective in providing for the operation, maintenance and minor upgrading of existing energy generation facilities.

As discussed above in the policy framework, network utilities and energy facilities are considered to have complementary attributes, and managing them in an integrated manner is the most effective approach in achieving the objectives for energy. Therefore, the

Commissioners have determined not to separate existing energy generation facilities out from the rule.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 521.39 Accept in part
441.7 Accept in part

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (x) (1) Existing Energy Generation Facilities as follows:

*“Minor upgrading” means...wind turbines and structures, **substations**, switchyards, intake...”*

Reasons

This decision is made for the following reasons:

- The existing and amended standards for managing existing energy generation facilities provide a framework which allows for their operation, maintenance, repair and minor upgrading within certain parameters. These parameters are effective in managing the adverse effects of energy generation facilities to ensure they maintain the amenity and character of the different environments in the Wairarapa.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
328.8	New Zealand Police (Information and Technology Group)	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
459.6	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
327.10	Telecom New Zealand Limited		
296.26	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Powerco Limited (459.6) requests that Rule 21.1.20(a) (xi) be deleted, thereby removing the requirement to underground lines and pipes. **NZ Police (Information and Technology Group)** (328.8) and **Telecom New Zealand Limited** (327.10) seek the removal of the words “including the replacement of any vegetation removed” from Rule 21.1.20(a) (xii) for reinstatement. **Transpower New Zealand Limited** (296.26) requests the clause be amended by adding reference to works undertaken in accordance with Electricity (Hazards from Trees) Regulations 2003.

Evidence Heard

Powerco Limited presented evidence supporting undergrounding in new subdivisions, but expressed concern with the economics of undergrounding existing overhead lines.

NZ Police (Information and Technology Group) and **Telecom New Zealand Limited** presented evidence that the current wording of Rule 21.1.20(a)(xii) was not practical or achievable in all situations. They requested revised wording to allow for grass or hydro-seeding of exposed areas of earth.

Transpower New Zealand Limited presented evidence requesting adding a clause permitting the minor trimming of trees within the Growth Limit Zone would ensure the safety around the line is maintained and that electricity supply is not interrupted.

Commissioners' Deliberations

Rule 21.1.20(xi) requires the undergrounding of new lines and pipes in the Residential, Commercial and Industrial Zones. The Commissioners acknowledge the costs of undergrounding compared to overhead utilities. However, the residential, commercial and industrial areas of the Wairarapa are valued for their character and amenity, with overhead lines and pipes having the potential to degrade these values. Considering the benefits to maintaining and enhancing the amenity and character of the different environments, the Commissioners consider undergrounding is an effective approach to avoid the adverse visual effects of aboveground lines and pipes. The Commissioners note this requirement only applies to 'new' lines, and does not require the undergrounding of 'existing' lines, which have existing use rights.

The Commissioners concur with the evidence presented by NZ Police and Telecom NZ that the reinstatement provision has some practical difficulties in achieving compliance. The new wording suggested by the submitters is therefore to be adopted, as it is effective in ensuring the reinstatement of earth on the completion of works on network utilities.

In terms of adding a specific provision in Rule 21.1.20(a)(ix) for the Electricity (Hazards from Trees) Regulations 2003, the Commissioners concur with the assessment and recommendation in the Section 42A report. In particular, that the regulations already allow electricity line companies to trim trees with no requirement for a specific rule in the District Plan. The matters of tree trimming of notable and street trees, as well as for Significant Natural Areas are addressed in the respective Historic Heritage and Indigenous Biodiversity decision reports.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 459.6	Reject
FS 112	Accept
FS 85	Accept
328.8	Accept in part
FS 112	Accept in part
FS 85	Accept in part
327.10	Accept in part
296.26	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (xii)(1) Reinstatement as follows:

~~“Any That continuous vegetative cover shall be established over any natural ground surface disturbed for the construction, upgrade, maintenance or repair of any network utility, including the replacement of any vegetation removed, shall be reconstructed or reinstated.”~~

Reasons

This decision is made for the following reasons:

- The existing rule requiring the undergrounding of new lines and pipes is effective in maintaining and enhancing the character and amenity values of the residential, commercial and industrial areas.
- The new reinstatement rule is better expressed to achieve the objective of managing the effects from network utilities works.
- The matter of trimming of trees near electricity lines is effectively managed by the Electricity (Hazards from Trees) Regulations 2003.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
327.11	Telecom New Zealand Limited	-	-

Discussion

Telecom New Zealand Limited (327.11) requests a new rule for above ground network utility structures above ground be a permitted activity. In addition, it requests that telephone booth also be a permitted activity.

Evidence Heard

Telecom New Zealand Limited presented evidence that network utility structures above ground within road be a permitted activity and subject to the standards already applied in the Plan. They provided detailed evidence about the cabinets used, standards used in other District Plans and the Draft National Environmental Standard. They also outlined the rights under the Telecommunications Act 2001 and the processes Councils have as road controlling authorities for managing structures in road reserve. They requested Rule 21.2.1(a) be deleted. In addition, they indicated support for the Section 42A report recommendation of adding specific standards for buildings for network utility purposes.

Commissioners' Deliberations

Rule 21.2.1(a) lists as a Controlled Activity network utility structures (other than masts and poles) above ground not exceeding 4m² in gross floor area and/or 2m in height within legal road reserve. The submission from Telecom NZ effectively requests this rule be deleted, and a new rule be added to 21.1.20 to permitted above ground structures within legal road reserve with particular size thresholds.

The Commissioners acknowledge the processes for the placement of telecommunications equipment within road reserve under the Telecommunications Act 2001. However, the Telecommunications Act 2001 process does not manage the adverse effects on the environment from the telecommunications equipment, which falls under the RMA, and in turn, the District Plan. Furthermore, the responsibilities of the Councils as road controlling authorities are limited to the functioning of the roads, and not to the wider ambit of issues under the RMA.

The Commissioners consider the existing Rule 21.2.1(a) managing network utility structures in road reserve as a Controlled Activity is the most efficient and efficient approach, given the potential effects of these structures on the local amenity and character and the safe and efficient operation of the road network. As Telecom NZ noted in their evidence, the rollout of broadband technology would require the installation of a number of new cabinets. The Commissioners are concerned about the cumulative effects of cabinets within road reserve, and providing for these types of structures as a Controlled Activity would ensure these effects are assessed. The Commissioners do not consider the costs of obtaining resource consent for these structures outweigh the benefits in terms of avoiding, remedying or mitigating the adverse effects through the resource consent process.

The Commissioners concur with the submitter and the Section 42A report assessment and recommendation that the Plan should make provision for the construction and operation of above ground utility structures. Existing Rule 20.1.20(a)(iii) provides for 'buildings' for network utility purposes up to 10m² not on road reserve. The Commissioners note the submitters support for adding further standards to manage the effects of buildings for network utilities. Accordingly, the Commissioners have adopted the recommended standards in the Section 42A report for these types of buildings.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 327.11 Accept in part

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (iii) Building Size as follows:

~~"Building Size~~

(1) No building located...

(2) Buildings used for network utilities purposes may encroach the minimum building setbacks in the respective Environmental Zone in which it is located, subject to compliance with the following:

- (a) 3 metres from any boundary when located on a site in the Residential Zone, or adjoining the Residential Zone;***
- (b) Compliance with the Noise Standards for the respective Environmental Zone in which it is located."***

Reasons

This decision is made for the following reasons:

- The existing rule for structures within road reserve is the most effective and efficient approach, as it provides for these structures, while avoiding, remedying or mitigating the adverse effects with an assessment through the resource consent process.
- The amended rule is effective in managing the effects of buildings accommodating network utilities, to ensure they provide certain parameters allowing the efficient

operation of network utilities, while maintaining the amenity and character of the local environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
327.12	Telecom New Zealand Limited		

Discussion

Telecom New Zealand Limited (327.12) have also requested an amendment to Rule 21.1.20(a) (xiii) relating to noise from telecommunication facilities.

Evidence Heard

Telecom New Zealand Limited presented evidence supporting the measurement of noise from the closest residential building. They requested the wording amendments detailed in the letter from Hegley Acoustics attached to their evidence be made.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report assessment and recommendation, that managing the noise from network utilities is effective in maintaining the character and amenity of the local environment, and that this measurement be taken from the closest residential building.

The Commissioners reviewed the wording amendments outlined by Mr Hegley on behalf of Telecom NZ and reasons for these changes. We concur with the wording submitted by Telecom NZ, as it clarifies the intent of the rule and improves its enforceability.

Decision: 21.1.20 District-Wide Rules – Network Utilities

Submission Reference: 327.12 Accept in part

Decision Amendment: 21.1.20 District-Wide Rules – Network Utilities

Amend Rule 21.1.20 (a) (xiii) Noise Limits as follows:

*“Sound levels from network utilities within road reserve shall comply with the noise limits for the adjoining zone at any point within 1.5 metres of any **façade side** of a building used for residential purposes. ~~—subject to~~ **A façade correction of minus 3 dB adjustment as a façade correction shall apply** in addition to the assessment provisions of NZS 6802:1991 “Assessment of Environmental Sound” ~~and other provisions of this Plan, but with special attention to the avoidance and mitigation of strong tonal sounds.~~”*

Reasons

This decision is made for the following reasons:

- The amended rule is effective in managing the effects of noise from network utilities, to ensure they provide certain parameters allowing the efficient operation of network utilities, while maintaining the amenity and character of the local environment.

21.2.1(a) Controlled Activities – Network Utilities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
264.42	D Riddiford	-	-

Discussion

D Riddiford (264.42) will submit further on network utilities at the hearing.

Evidence Heard

D Riddiford presented evidence that private individual should have the same requirements as network utility operators.

Commissioners' Deliberations

The Commissioners noted that network utility operators have specific powers under the Act being Requiring Authorities. Rule 21.2.1(a) provides for network utilities to be developed in road reserve within particular limits. The Commissioners consider the existing rule to be effective in providing for certain network utilities structures, as they support the development of a range of utilities which contribute to the economic and social wellbeing of the Wairarapa.

Decision: 21.2.1(a) Controlled Activities – Network Utilities

Submission Reference: 264.42 Reject

Reasons

This decision is made for the following reasons:

- The existing rule is effective in providing for network utility structures in road reserve, as they contribute towards achieving the objective of sustainably managing network utilities.

21.3.1(a) Restricted Discretionary Activities – Network Utility Structures within Road Reserve

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
327.13	Telecom New Zealand Limited	-	-

264.44	D Riddiford	-	-
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Discussion

Telecom New Zealand Limited (327.13) request that “antennas” be added to the list of utilities.

D Riddiford (264.44) states will submit further on network utilities within road reserve further at the hearing.

Evidence Heard

Telecom New Zealand Limited presented evidence supporting the Section 42A report recommendation of adding ‘antennas’ to the list of utilities.

Commissioners’ Deliberations

The Commissioners concur with the submitter and the Section 42A report assessment and recommendation that adding reference to antennas in Rule 21.3.1(a) is effective in managing the effects of antennas which do not comply with the permitted activity standards.

Decision: 21.3.1(a) Restricted Discretionary Activities – Network Utility Structures within Road Reserve

Submission Reference: 327.13	Accept
264.44	Reject

Decision Amendment:

Amend Rule 21.3.1 (a) as follows:

*“Network utility masts, **antennas**, aerials, poles...”*

Reasons

This decision is made for the following reasons:

- The amended wording is effective in encapsulating the full range of types of network utilities components which have thresholds in the permitted activity standards.

21.3.2(a) Restricted Discretionary Activities – Buildings within 20m of a High Voltage Transmission Line

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
296.27	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
520.29	Mighty River Power Limited	-	-

Discussion

Transpower New Zealand Limited (296.27) requests that the reference to the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP) 34 include the year of publication “2001”. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Mighty River Power Limited (520.29) requests this rule be retained.

Evidence Heard

Transpower New Zealand Limited presented evidence accepting the Section 42A report recommendation of adding the year reference for the Code of Practice.

Commissioners’ Deliberations

The Commissioners concur with the submitters and the Section 42A report that the 20m setback for buildings from high voltage transmission lines is an effective tool in maintaining the safe and operation of these network utilities. Adding reference to the year of publication clarifies the exact publication referred to in the rule.

Decision: 21.3.2(a) Restricted Discretionary Activities – Buildings within 20m of a High Voltage Transmission Line

Submission Reference: 296.27	Accept
FS 112	Reject
FS 85	Reject
520.29	Accept

Decision Amendment:

Amend Rule 21.3.2 (a) as follows:

“(iv) Compliance with the... NZECP: 34:2001;”

Reasons

This decision is made for the following reasons:

- The existing and amended rule wording is effectively in managing new buildings in proximity to high voltage transmission lines to ensure the efficient operation of these utilities.

21.3.10 Restricted Discretionary Activities – Anemometers

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.40	Meridian Energy Limited	FS 74 Mighty River Power Ltd	Oppose
520.30	Mighty River Power Limited	-	-

Discussion

Meridian Energy Limited (521.40) requests the rule be retained. **Mighty River Power Limited** opposes this submission.

Mighty River Power Limited (520.30) requests the rule be amended by replacing “anemometers” with “wind measuring structures” with an associated definition. In addition, it requests a new rule be added to the Rural Zone providing for wind measuring structures as a Controlled Activity.

Evidence Heard

Meridian Energy Limited presented evidence withdrawing their submission to retain Rule 21.3.10. Inline with their alternative relief sought in their original submission, they requested wind measuring structure be permitted if they comply with the network utility permitted activity standards (e.g. up to 20m in height + 5m for antenna in the Rural Zone), a Controlled Activity up to 100m maximum height with setback standards, and a Restricted Discretionary Activity if they did not comply with the Controlled Activity standards. In association with these changes, they requested the addition of a definition of wind measuring structure and amending the title of Rule 21.1.20 to ‘Network Utilities and Wind Measurement Structures’.

Mighty River Power Limited presented evidence that the anemometers are a device for measuring wind speed only and requested the overall structure be referred to as a ‘wind measurement structure’. They requested a new Controlled Activity rule be added to the Rural Zone for wind measuring structures. In addition, they requested a definition for wind measurement structure be added to the Plan.

Commissioners’ Deliberations

The Commissioners concur with the submitters that the existing rule’s reference to ‘anemometers’ could indicate reference only to the small meteorological device, rather than the overall structure anticipated by this rule. The submitters requested the rule refer to ‘Wind Measurement Structures’ or ‘Wind Measuring Structures’. However, the Commissioners consider the most accurate reference for these structures is ‘Meteorological Structures’, as the structures have affixed to them a range of meteorological equipment, not just wind measuring equipment. The Commissioners have adopted the definition submitted for ‘wind measuring structures’ as the definition of ‘meteorological structure’, as it encapsulates and effectively represents the nature of the equipment attached to the structure.

The Commissioners concur with the submitters that masts, poles and towers for a range of purposes such as telecommunications, electricity, meteorological, all have similar effects. Therefore, meteorological structures are permitted activities if they comply with the maximum height standards for masts, poles and towers. To achieve this outcome, Rule 21.1.20 is amended to refer to energy generation facilities, and Rule 21.1.20(a) for the height of masts, poles and towers specifically refers to meteorological structure.

For meteorological structures exceeding the permitted activity height limits, the Commissioners also concur with the submitters that consent as a Controlled Activity with specific standards is an effective and efficient approach for providing for these types of structures. The Commissioners have considered the range of standards submitted, and given the purpose of erecting a meteorological structure is to determine the suitability of a particular site for wind energy generation purposes, the Commissioners consider a relatively high standard is appropriate. Therefore, the Commissioners have adopted the standards requested by Meridian Energy, which is a maximum height of 100m and minimum setbacks based on the height of the structure and distance from boundaries and dwellings. The design and form of the structure and period for which it is erected are two main contributors to the adverse effects of the structure on the environment, and therefore, control is reserved on

these two matters. In addition, while height and setback standards are applied, the Commissioners consider it is effective to also retain control over these aspects of the proposal, as it would provide the opportunity to assess whether a lower height or different siting would be more appropriate.

Lastly, the Commissioners also concur with the submitters that a proposed meteorological structure does not comply with the minimum standards it be assessed as a restricted discretionary activity. The existing matters that discretion has been restricted to for anemometers in Rule 21.3.10 are considered to be appropriate.

Decision: 21.3.10 Restricted Discretionary Activities – Anemometers

Submission Reference: 521.40 Accept in part
FS 74 Accept in part

520.30 Accept in part

Decision Amendment: 21.3.10 Restricted Discretionary Activities – Anemometers

Amend Rule 21.3.10 as follows:

“21.3.10 ~~Anemometers~~ Meteorological Structures

(a) ~~Anemometers (including associated support structures) established for the purpose of measuring wind~~ Any meteorological structure that does not comply with the standards for permitted activities and is not otherwise specified as a Controlled Activity.

Discretion is restricted to the following matters:

- (i) Siting and design*
- (ii) Duration of installation*
- (iii) Height*

Consequential Amendments:

Amend title of Rule 21.1.20 as follows:

“Network Utilities **and** Energy Generation Facilities”

Amend Rule 21.1.20 as follows:

“(a) The construction, maintenance and upgrading of network utilities **and** energy generation facilities which meets the following standards:”

Amend Rule 21.1.20 (a) (i) Maximum Height and Setbacks as follows:

“All above ground **network utility and meteorological** structures, except lines, **poles**, towers, masts, aerials, antennas and their brackets or attachments, must comply with the maximum height standards, ~~and any height recession plane~~ **maximum height to boundary, and minimum building setback, for any the Environmental zZone** in which they are located, **except as follows:**

(1) In the case of aerials and antennas, and their brackets or attachments, that are located on buildings, these may exceed the maximum height and maximum height recession plane to boundary standards for any the Environmental Zone in which they are located by no more than 5 metres.

Aerials and antennas attached to masts, **poles and towers** may exceed the **maximum** height for masts, **poles** and towers as set out in sub-clause (3) below **and the maximum height for the Environmental Zone in which they are located**, by no more than 5 metres. The **maximum** height recession plane to boundary shall not apply to the boundary of a road, road reserve or service lane.

(2) The minimum building setback and maximum height to boundary shall not apply to the boundary of a road, road reserve or service land.

(3) In the case of masts, poles and towers, these must shall comply with a maximum height of:

~~(1) Minimum setback of 5 metres from any boundary with a Residential Zone;~~

~~(2) Minimum setback of 10 metres from any front boundary;~~

~~(3) Maximum height of:~~

(a) 20 metres in Rural, Commercial and Industrial Zones

(b) 12 metres in Residential Zone

(c) 10 metres in road, road reserve or service lane for any Environmental Zone.

Add a new definition for 'Meteorological Structure' to Section 27 as follows:

"Meteorological structure – means a mast or pole structure and any support structures, on which anemometers and other meteorological devices or sensors are attached.

Add a new rule to 21.2 Controlled Activities as follows:

"21.2.4 Meteorological structures

(a) Any Meteorological structure in the Rural (Primary Production) or Rural (Special) Zones that exceeds the maximum height standard specified in Rule 21.1.20, and complies with the standards for a Controlled Activity.

The matters over which control is reserved are:

(i) Height

(ii) Siting

(iii) Design

(iv) Duration of installation

Add a new rule for Standards for Controlled Activities as follows:

21.2a Standards for Controlled Activities

(a) Meteorological structures

(i) Maximum height of 100 metres

(ii) Minimum setback of a horizontal distance between the centre of any structure and the site boundary shall be no less than 1.5 times the height of the structure

(iii) Minimum dwelling setback of a horizontal distance between the centre of any structure and any dwelling (excluding a dwelling located on the site on which the structure is located) shall be no less than 4 times the height of the structure.

Reasons

This decision is made for the following reasons:

- The amended rule distinguishes meteorological structures as having special circumstances, and applies a specific regulatory framework. This framework provides for meteorological structures similar to network utility structures. However, the Controlled Activity status recognises they are erected for short periods of time, compared to permanent installations.
- The revised regulatory framework is considered the most efficient and effective approach for meteorological structures, and would contribute towards achieving the objective of moving the Wairarapa towards a sustainable energy future.

21.4(i) Discretionary Activities – Wind Energy Facilities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
441.14	Genesis Power Limited	-	-
264.49	D Riddiford	-	-

Evaluation

Genesis Power Limited (441.14) requests this rule be retained.

D Riddiford (264.49) will submit further on this rule.

Evidence Heard

D Riddiford presented evidence that small scale domestic turbines should not require resource consent.

Commissioners' Deliberations

The Commissioners noted the support from Genesis Energy for Rule 21.4(i) wind energy facilities.

In terms of small scale domestic turbines, the definition of “wind energy facilities” does not include ‘small scale turbines of less than 5kW’. This kilowatt rating provides for small scale domestic turbines as permitted activities, provided they comply with the maximum height standards for masts and towers, setback standards and noise standards. The

Commissioners consider this approach is effective in managing the effects of wind energy facilities of larger scale.

Decision: 21.4(i) Discretionary Activities – Wind Farms

Submission Reference: 441.14 Accept
264.49 Accept in part

Reasons

This decision is made for the following reasons:

- The existing rule is considered the most efficient and effective approach for managing wind energy generation facilities, and would contribute towards achieving the objective of moving the Wairarapa towards a sustainable energy future.

22.1.15 Assessment Criteria – Network Utilities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.41	Meridian Energy Limited	FS 74 Mighty River Power Ltd	Support
436.6	The Energy Efficiency and Conservation Authority	FS 74 Mighty River Power Ltd FS 84 Meridian Energy Ltd	Support Support
521.43	Meridian Energy Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 74 Mighty River Power Ltd	Oppose Oppose Support
520.31	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support
296.6	Transpower New Zealand Limited	-	-
459.7	Powerco Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 74 Mighty River Power Ltd FS 84 Meridian Energy Ltd FS 16 Transpower NZ Ltd	Oppose Oppose Support Support Support

Discussion

Meridian Energy Limited (521.43) requests that criteria (i) be amended, as network utilities are likely to establish in greenfield areas, which the current assessment criteria would create difficulties for this to occur. It also requests that criteria (ii) have economic reasons added when considering whether a utility should be placed underground. Meridian also seeks

criteria (iii) be amended by clarifying the reference to road users and natural and cultural heritage. Lastly, Meridian requests criteria (v) be amended to recognise economic reasons.

Powerco Limited (459.7) requests that criteria (ii) and (v) be amended to include statutory, operation and economic reasons. Also, request criteria (vi) be added to assess the contribution network utility to the efficient functioning of the Wairarapa.

Federated Farmers of NZ (Inc) and **D Riddiford** oppose the Meridian Energy Limited and Powerco Limited submissions as detailed in the above table

Mighty River Power Limited (520.31) requests economic reasons be added to criteria (ii) and (v). They also request criteria (iii) be amended be assessed in terms of the “extent” of the effects. **Transpower New Zealand Limited** (296.6) requests criteria (iii) be amended to read the “degree” of the effects.

Meridian Energy Limited (521.41) requests that the Assessment Criteria in Section 22 include a subsection on the benefits of an activity to an area. **Mighty River Power Limited** supports this submission.

The Energy Efficiency and Conservation Authority (443.6) requests the Proposed Plan includes an Energy chapter. **Meridian Energy Limited** and **Mighty River Power Limited** support this submission.

Evidence Heard

Meridian Energy Limited presented evidence requesting the assessment criteria should refer to economic factors, as well as physical and operational matters.

Mighty River Power Limited presented evidence that criterion (ii) and (v) be widened to include economic reasons. The economics is a component of the ‘environment’ and is a valid assessment matter than should be taken into account on resource consent applications.

Commissioners’ Deliberations

The assessment criteria outline the matters that would be assessed for any resource consent application for network utilities.

As deliberated for the policies above, the economic and operational factors influencing the development and maintenance of network utilities are appropriate considerations. Accordingly, the assessment criteria is amended by adding reference to these matters.

For the other criteria, the Commissioners concur with the assessment and recommendations in the Section 42A report, that these criteria provide a robust and thorough suite of matters relevant to network utilities, and are an efficient and effective approach to managing the effects of network utilities.

Decision: 22.1.15 Assessment Criteria – Network Utilities

Submission Reference: 521.43	Accept in part
FS 112	Accept in part
FS 85	Accept in part
520.31	Accept in part
FS 84	Accept in part
296.6	Accept in part
459.7	Reject

FS 112	Accept
FS 85	Accept
FS 84	Reject
FS 74	Reject
FS 16	Reject
521.41	Accept in part
FS 74	Accept in part
436.6	Reject
FS 84	Reject
FS 74	Reject

Decision Amendment: 22.1.15 Assessment Criteria – Network Utilities

Amend Assessment Criteria 22.1.5 as follows:

“(i) The size and scale of proposed structures and whether they are in keeping with the size and scale of any existing development.

*“(ii) Any **statutory, operational, economic, technological or geographical** reasons why the utilities including structures cannot be placed underground.*

*“(iii) **The extent to which** ~~Whether~~ the **design and appearance or** location of new or additional network utilities, including associated structures, **adversely** affect:*

- (1) **the safety and efficiency of the road network users;***
- (2) **the character, amenity values, including streetscapes, of the surrounding area;***
- (3) **the values and attributes of any site or areas of natural and/or cultural heritage.***

“(iv) Whether there are any significant demonstrable adverse effects on people’s health and safety.

*“(v) Whether alternative locations, routes or other options are **economically, operationally, physically or technically practicable.**”*

Reasons

This decision is made for the following reasons:

- The existing and amended assessment criteria provide efficient and effective matters for managing the effects of network utilities to achieve the objective for efficient operation of network utilities, while avoiding, remedying or mitigating adverse effects on the environment.

22.1.20 Assessment Criteria – Wind Energy Facilities including Anemometers

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.44	Meridian Energy	FS 74 Mighty River Power Ltd	Support

	Limited		
521.45	Meridian Energy Limited	-	-
520.32	Mighty River Power Limited	-	-
520.33	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support
526.110	Wellington Regional Council	FS 84 Meridian Energy Ltd FS 61 Mighty River Power Ltd	Support Support

Discussion

Meridian Energy Limited (521.44 and 521.45) requests that better assessment criteria for this section be completely replaced with new criteria, as it considers the submitted criteria better recognises the benefits to be derived from renewable energy and the range of potential adverse effects. **Mighty River Power Limited** supports this submission.

Mighty River Power Limited (520.32 and 520.33) seeks that anemometers have a separate set of criteria from wind energy facilities. In addition, they request specific changes to the wording of a few criteria. **Meridian Energy Limited** supports this submission.

Wellington Regional Council (526.110) requests that the benefits to be derived from renewable energy be added as a criteria. **Meridian Energy Limited** and **Mighty River Power Limited** support this submission.

Evidence Heard

Meridian Energy Limited presented evidence requesting the assessment criteria should refer to central government energy policies, construction noise, visual effects and ecological effects. They consider the criteria submitted is more comprehensive than that recommended by officers.

Mighty River Power Limited presented evidence that criterion 22.1.20(i)(4) should be deleted, as only parts of wind energy generation facilities can be sited underground.

The Energy Efficiency and Conservation Authority presented evidence that the assessment criteria should include reference to the benefits of renewable energy.

Commissioners' Deliberations

As outlined above, the Commissioners have determined that anemometers be replaced by provisions relating to meteorological structures. The Commissioners consider the network utility assessment criteria in 22.1.15 are effective in assessing the potential range of effects from meteorological structures. Accordingly, 'meteorological structures' have been added to the heading for 22.1.15.

Wind energy generation facilities have the potential to generate a range of positive and adverse environmental effects, and require a rigorous assessment through the resource consent process. It is important the assessment criteria in 22.1.20 provide guidance as to the effects and matters to be considered when assessing any resource consent application.

The Commissioners consider the existing criteria cover all relevant effects and matters to be considered, apart from the Section 7 matters discussed earlier in this decision. The Commissioners consider the recommendation in the Section 42A report of adding "the benefits to be derived from renewable energy" is the most effective criteria in this regard.

For the matter of central government policy and energy targets, the Commissioners do not consider this matter needs to be listed. Central government has a range of targets on a range of issues, such as education, health, biodiversity and the environment, which do not specifically relate to responsibilities under the Resource Management Act, but which may have relevance to specific proposals as the case arise.

The Commissioners concur that adding reference to the construction noise standard would emphasise the assessment of this matter as part of the application.

In terms of visual effects, the Commissioners consider a combination of the existing assessment criteria, criteria submitted by Meridian Energy and criteria recommended in the Section 42A report provides the most thorough and accurate coverage of matters for consideration. The Commissioners consider this assessment matter should relate to visual 'and landscape' effects, as this better reflects the nature of effects of wind energy facilities.

For Clause (4) for visual effects relating to undergrounding, the Commissioners consider the existing wording is appropriately expressed. Undergrounding is a technique used to avoid landscape and visual effects, and this aspect should be considered in assessing a resource consent application.

Lastly, for ecological effects, the Commissioners concur with the Section 42A report, that the existing criteria is the most effective. The existing criteria are broad and would direct a thorough assessment of the ecological effects.

For the other criteria, the Commissioners concur with the assessment and recommendations in the Section 42A report for retaining and amending the other criteria. These criteria provide a robust and thorough suite of matters relevant for wind energy generation facilities, and are an efficient and effective approach to managing the effects of these facilities.

Decision: 22.1.20 Assessment Criteria – Wind Energy Facilities including Anemometers

Submission Reference: 521.44	Accept in part
FS 74	Accept in part
521.45	Accept in part
520.32	Accept in part
520.33	Accept in part
FS 84	Accept in part
526.110	Accept
FS 84	Accept
FS 61	Accept

Decision Amendment: 22.1.20 Assessment Criteria

Amend Assessment Criteria 22.1.20 as follows:

"22.1.20 Wind Energy Facilities ~~including Anemometers~~

*(i) The **landscape and** visual effects of the proposal, including:*

- (1) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads and recreation areas.*
- (2) The visibility of the proposal, **including the number of turbines and their height.***

- (3) *The extent to which the proposal will adversely affect the natural character of the coastal environment, waterbodies, and outstanding landscape or natural features.*
- (4) *The extent to which any aspects of the proposal can be sited underground.*
- (ii) *The ecological impact of the proposal, including the extent of disruption to vegetation **and habitat**, any impacts on waterways, and the likely effect on birds and other fauna.*
- (iii) *The effects on heritage, cultural, geological and archaeological **values and sites**.*
- (iv) *The effects of traffic and vehicle movements.*
- (v) ***The actual or potential noise effects of the construction, development and operation of the wind energy facilities**, including **particular** consideration of the special audible characteristics ~~of wind energy facilities~~, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:1998 “Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators; **and other relevant standards such as NZS 6803:1999 “Construction Noise”.***
- (vi) *The extent to which the proposal will adversely affect amenity values **of the surrounding environment**, including ~~nuisance effects~~ **the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.***
- (vii) *The extent of any earthworks, including the construction of access tracks, roads and turbine platforms.*
- (viii) *The cumulative effects of the proposal.*
- ~~(ix) Operational and technical considerations.~~
- ~~(x) Mitigation and rehabilitation works.~~
- (ix) ***The benefits to be derived from renewable energy“***

Consequential Amendment

Amend Assessment Criteria 22.1.15 as follows:

*“22.1.15 Network utilities **and Meteorological Structures***

Reasons

This decision is made for the following reasons:

- The existing and amended assessment criteria provide efficient and effective matters for managing the effects of wind energy generation facilities to contribute towards achieving the objective of moving the Wairarapa towards a sustainable energy future.

22.1.21 Assessment Criteria – Activities Near High Voltage Transmission Lines

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.34	Mighty River Power Limited	-	-
296.21	Transpower New Zealand Limited	-	-

Discussion

Mighty River Power Limited (520.34) requests all criteria be retained. **Transpower New Zealand Limited** (296.21) requests the heading for the criteria be amended to add a reference to subdivision.

Evidence Heard

Transpower New Zealand Limited presented evidence accepting the Section 42A report recommendation of adding reference to subdivision.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report assessment and recommendation that adding reference to subdivision provides for the assessment criteria to be effectively applied when assessing subdivision applications.

Decision: 22.1.21 Assessment Criteria – Activities Near High Voltage Transmission Lines

Submission Reference: 521.34 Accept
 296.21 Accept

Decision Amendment: 22.1.21 Assessment Criteria

Amend Assessment Criteria 22.1.21 as follows:

*“Activities, **including subdivision**, near High Voltage Transmission Lines
 (i) The extent to which...”*

Reasons

This decision is made for the following reasons:

- The existing and amended assessment criteria are the most effective and efficient in protecting the operation of high voltage transmission lines from inappropriate subdivision and development.

27 Definitions – Network Utility

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.48	Meridian Energy Limited	-	-
520.38	Mighty River Power Limited	FS 16 Transpower NZ Ltd	Support

Discussion

Meridian Energy Limited (521.48) requests the current definition of network utility be retained. **Mighty River Power Limited** (520.38) requests the definition be amended by including specific reference to high voltage transmission lines and clarify the application of meteorological activities. **Transpower New Zealand Limited** supports the Mighty River Power Limited submission.

Evidence Heard

Meridian Energy Limited presented evidence that the definition of network utility should be retained.

Mighty River Power Limited presented evidence that the definition of network utility should be amended in relation to meteorological activities, in association with the rules for wind measuring structures.

Commissioners' Deliberations

As outlined above, the Commissioners have added a new definition and associated rules for 'meteorological structures'. Given this amendment, the Commissioners consider this addressed the matter raised by Mighty River Power, and therefore, the definition of network utility is retained.

Decision: 27 Definitions – Network Utility

Submission Reference: 521.48 Accept

520.38 Reject

FS 16 Reject

Reasons

This decision is made for the following reasons:

- The existing definition of network utility is certain and provides clear guidance for administering and interpreting the Plan.

27 Definitions – Wind Energy Facility

Submitter Number	Submitter Name	Reason	Relief Sought
521.48	Meridian Energy Limited	-	-
520.43	Mighty River Power Limited	-	-

Evaluation

Meridian Energy Limited (521.48) and **Mighty River Power Limited** (520.43) both support the current definition.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report assessment and recommendation that the existing definition of wind energy facility is appropriate.

Decision: 27 Definitions – Wind Energy Facility

Submission Reference: 521.48 Accept
520.43 Accept

Reasons

This decision is made for the following reasons:

- The existing definition of wind energy facilities is certain and provides clear guidance for administering and interpreting the Plan.

27 Definitions – Add definition of High Voltages Transmission Lines, Wind Measurement Structure and Energy Distribution

Submitter Number	Submitter Name	Reason	Relief Sought
520.44	Mighty River Power Limited	FS 16 Transpower NZ Ltd	Support
520.45	Mighty River Power Limited	FS 16 Transpower NZ Ltd	Support
520.46	Mighty River Power Limited	FS 16 Transpower NZ Ltd	Support

Discussion

Mighty River Power Limited (520.44, 520.45 and 520.46) requests definitions be added for 'high voltage transmission lines', 'wind measurement structure' and 'energy distribution'. **Transpower New Zealand Limited** support these submissions.

Evidence Heard

Mighty River Power Limited presented evidence that a definition of wind measuring structure be added to the Plan in association with specific rules.

Commissioners' Deliberations

As outlined above, the Commissioners have added a new definition and associated rules for 'meteorological structures'. Given this amendment, the Commissioners consider this addressed the matter raised by Mighty River Power for wind measurement structure.

The Commissioners concur with the assessment and recommendations in the Section 42A report, that high voltage transmission lines are identified on the Planning Maps, therefore, no definition is required.

Decision: 27 Definitions – Add definition of High Voltages Transmission Lines, Wind Measurement Structure and Energy Distribution

Submission Reference: 521.44	Reject
FS 16	Reject
521.45	Reject
FS 16	Reject
521.46	Reject
FS 16	Reject

Reasons

This decision is made for the following reasons:

- The new definition for meteorological structure is certain and provides clear guidance for administering and interpreting the Plan.
- High voltage transmission lines and energy distribution are effectively defined in the Plan.