

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2018-CHC**

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| <b>IN THE MATTER</b> | Of an appeal pursuant to clause 14<br>of the First Schedule of the<br>Resource Management Act 1991 |
| <b>BETWEEN</b>       | <b>AURORA ENERGY LIMITED</b><br><br>Appellant                                                      |
| <b>AND</b>           | <b>DUNEDIN CITY COUNCIL</b><br><br>Respondent                                                      |

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**NOTICE OF APPEAL ON BEHALF OF AURORA ENERGY LIMITED**

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**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. Aurora Energy Limited appeals against a decision of the Dunedin City Council on the following:
  - (a) Second Generation Dunedin City District Plan (2GP Decision)
2. Aurora made a submission regarding the Dunedin City Council Second Generation Plan (OS457; FS2375)
3. Aurora is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Aurora received notice of the decision on 7 November 2018.
5. The decision was made by Dunedin City Council.
6. The decision Aurora is appealing is:
  - (a) The parts of the decision that relate to Aurora's electricity network; specifically (although not exclusively due to consequential amendments sought in this appeal):
    - (i) Plan Overview Decision of Hearings Panel
    - (ii) Network Utilities Decision of Hearings Panel
    - (iii) Scheduled Trees Decision of Hearings Panel
    - (iv) Earthworks Decision of Hearings Panel
    - (v) Public Health and Safety Decision of Hearings Panel
    - (vi) Natural Environment Decision of Hearings Panel
    - (vii) Natural Hazards Decision of Hearings Panel
7. The reasons for Aurora's appeal are:

- (a) Aurora's network provides electricity to over 89,355 customers in Otago and 55,357 within the Dunedin City including other regionally significant infrastructure, lifeline utilities, essential or emergency services and wide range of business.
- (b) Reliable electricity supply is critical to the health and wellbeing of the Dunedin Community. Aurora's network delivers electricity from the electricity generation sources (such Waipori Generation Scheme) and/or the national grid to local consumers. As a result Aurora's electricity distribution network is an important physical resource that needs to be protected and managed in order to enable it to be operated efficiently and effectively for the benefit of Dunedin City.
- (c) The 2GP Decision does not provide adequate recognition or protection for Aurora's electricity distribution infrastructure, particularly the Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure. These parts of the network provide the connection from the national grid/generation sources to the wider low voltage network, or provide supplies to essential services (such as the Hospital), other regionally significant infrastructure (such as the Airport and Port of Otago), large customers or groups of customers and isolated communities, such as Taieri Mouth.
- (d) This infrastructure is recognised within the Proposed Regional Policy Statement (pRPS) and protected. Therefore the 2GP in its current form will fail to give effect to the pRPS when it becomes operative.
- (e) Further, electricity infrastructure has functional needs that drive its location (sometimes in sensitive environments) and form (in order to provide adequate capacity or comply with electricity engineering standards to achieve safety requirements). Therefore, it is not possible in all instances to avoid adverse effects on the environment. The provisions of the 2GP do not adequately recognise these constraints and provide a pathway for infrastructure development in those instances. This will

compromise the ability of network utility operators to provide infrastructure in the required locations and will therefore compromise the social and economic wellbeing of the community.

- (f) In summary, the 2GP Decision has failed to adequately address the following issues:
  - (i) Recognise the significance of Aurora's network for the District; and
  - (ii) Provide an appropriate and effective policy framework to enable the electricity distribution network (particularly the Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure) to be operated, maintained and developed in a manner that provides for the wellbeing of the community.
  - (iii) Provide an appropriate and effective suite of methods to manage effects from activities that are incompatible with the effective operation of Aurora's Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure;
  - (iv) The 2GP Decision fails to achieve sustainable management with respect to Aurora's infrastructure.

8. Aurora seeks the following relief:

- (a) Amendments to the 2GP as set out in the Table attached at Appendix 1 to this Appeal.

9. The following documents are attached to this notice:

- (a) A copy of Aurora's original submission (OS457) and further submission (FS2375);
- (b) A copy of the relevant parts of the 2GP Decision; and
- (c) A list of names and addresses of persons to be served with a copy of this notice.



B Irving

Solicitor for the Appellant

**DATED** this 19<sup>th</sup> Day of December 2018

Address for service

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**Advice to Recipients of Copy of Notice**

*How to Become a Party to Proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to Obtain Copies of Documents Relating to Appeal*

The copy of this notice served on you does not attach a copy of the relevant decision. These documents may be obtained, on request, from the Appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch

## APPENDIX 1 – Table of relief sought

| CHAPTER AND PROVISION                                     | REASONS FOR THE APPEAL                                                                                                                                                                                                                                                                                                                                                                                                                                    | RELIEF SOUGHT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| DEFINITIONS AND STRATEGIC DIRECTIONS                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Definition – Regionally Significant Infrastructure</b> | <p>The Decision does not identify or provide for Regionally Significant Infrastructure at all. To ensure consistency between the pRPS and the 2GP moving forward the definition of Regionally Significant Infrastructure from the pRPS should be incorporated into the PDP.</p> <p>This relief also necessitates the inclusion of definitions for Electricity Sub-transmission infrastructure and Significant Electricity Distribution Infrastructure</p> | <p>Definition of Regionally Significant Infrastructure be included as follows:</p> <p><u>Regionally Significant Infrastructure means:</u></p> <ul style="list-style-type: none"> <li>a) <u>Renewable electricity generation activities , where they supply the national electricity grid National Grid and or local distribution network;</u></li> <li>b) <u>National Grid;</u></li> <li>c) <u>Electricity sub-transmission infrastructure</u></li> <li>d) <u>Telecommunication and radiocommunication facilities;</u></li> <li>e) <u>Roads classified as being of national or regional importance;</u></li> <li>f) <u>Ports and airports and associated navigation infrastructure;</u></li> <li>g) <u>Defence facilities;</u></li> <li>h) <u>Rail infrastructure.</u></li> <li>i) <u>Municipal infrastructure”</u></li> </ul> <p>Definition of Electricity Sub-transmission infrastructure be included as follows:</p> <p><u>Means electricity infrastructure which conveys electricity between:</u></p> <ul style="list-style-type: none"> <li>i. <u>the National Grid and zone substations;</u></li> <li>ii. <u>renewable energy generation sources and zone substations; or</u></li> <li>iii. <u>zone substations.</u></li> </ul> |

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|                                     |                                                                                                                                                                                                                                    | <p>Definition of Significant Electricity Distribution Infrastructure:<br/> <u>Means electricity infrastructure which supplies:</u></p> <p><u>a. Essential public services (such as hospitals and lifeline facilities);</u></p> <p><u>b. Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;</u></p> <p><u>c. 700 or more consumers; or</u></p> <p><u>d. Communities that are isolated and which do not have an alternative supply in the event the line or cable is compromised and where the assets are difficult to replace in the event of failure.</u></p> <p>Alternatively, Aurora seek specific identification of the infrastructure that meets this criteria as the Significant Electricity Distribution Infrastructure in the 2GP which can be described as follows:</p> <ul style="list-style-type: none"> <li>• East Taieri 3 – 11kv Line</li> <li>• Dunedin Airport – 11kv Line</li> <li>• Port of Otago – 11kv Line</li> <li>• University of Otago – 11kv Line</li> <li>• Dunedin Hospital – 11kv Line</li> <li>• 11kv Pylon Line crossing Otago Harbour</li> <li>• 11kv Submarine Cable crossing Otago Harbour</li> </ul> |
| <b>Definition – Functional need</b> | Throughout the relief sought by Aurora reference is made to locational and operational constraints. For simplicity this is referred to as functional need. Functional need has been defined in the pRPS and for consistency and in | <p>Include definition of Functional Need as follows:</p> <p><u>Functional Need means the locational, operational, practical or technical needs of an activity including development and upgrades.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|                                                   | order to implement the pRPS Aurora seek inclusion of the definition in the 2GP.                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Strategic Directions – 2.3 – New Objective</b> | The Decision does not, through the objective and policy framework, specifically support the establishment of network utilities (particularly strategically important utilities). This is considered necessary in order to give effect to the pRPS and achieve the purpose of the Act. Such an objective would also support the existing objective and the relationship between utilities and potentially competing uses. | New Objective 2.3.1A –<br><u>“The social, economic, environmental and cultural benefits of infrastructure are, including Regionally Significant Infrastructure and Significant Electricity Distribution Infrastructure, are recognised and provided for.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Strategic Directions – 2.3 – New Policy</b>    | As above                                                                                                                                                                                                                                                                                                                                                                                                                 | New Policy 2.3.1A.1<br><u>Support the safe and efficient operation of the network utilities through rules that:</u> <ul style="list-style-type: none"> <li>a. <u>Recognise the need for maintenance and upgrading of network utilities to ensure ongoing resilience and efficiency;</u></li> <li>b. <u>recognise the functional needs of the network utility;</u></li> <li>c. <u>Encourage co-location of facilities where operationally and technically feasible;</u></li> <li>d. <u>Where appropriate identify network utility corridors to protect network utilities from sensitive or incompatible activities;</u></li> <li>e. <u>Recognise and protect existing network utilities, particularly Regionally Significant Infrastructure and Significant Electricity Distribution Infrastructure by managing land use, development and subdivision in locations that could</u></li> </ul> |

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|                                                |                                                                                                                                                                                                                                                                                              | <u>compromise the functioning of the network utility.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Strategic Directions Policy<br/>2.3.1.7</b> | The policy does not identify the regionally significant or locally significant parts of Aurora's network and therefore fails to appropriately enable the 2GP to manage these physical resources.                                                                                             | <p>Amend 2.3.1.7 as follows:</p> <p>Enable network utilities through:</p> <ol style="list-style-type: none"> <li>identifying National Grid infrastructure, <u>Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure</u> on planning maps and protecting the safe and efficient establishment, operation and upgrading of this infrastructure from inappropriate development;</li> <li>rules that enable network utilities to be established, operated and upgraded efficiently and effectively;</li> <li><u>Manage the adverse effects of network utilities on the environment, whilst recognising their functional needs;</u></li> <li>Rules that require activities that may damage <u>or compromise functionality</u> or impede access to network utilities, and activities that may be sensitive to their effects to be set back an adequate distance from network utilities</li> </ol> |
| <b>CHAPTER 5 - NETWORK UTILITIES</b>           |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>5.1 – Introduction</b>                      | The decision fails to identify Regionally Significant Infrastructure or Significant Electricity Distribution Infrastructure and as such fails to give effect to the pRPS. This failure also contributes to the 2GP's poor management of network utilities such as Aurora's that are lifeline | <p>Amend the Introduction as follows:</p> <p>...</p> <p>The benefits of electricity transmission and renewable electricity generation in particular have been recognised in the National Policy</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|  | <p>utilities.</p> <p>Statement on Electricity Transmission 2008 (NPSET) and the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). The benefits of sustainable, secure and efficient electricity transmission include: security of electricity supply, efficient transfer of energy through a reduction of transmission losses; the facilitation of the use and development of new electricity generation, including renewable generation; and enhanced supply of electricity through the removal of points of congestion. <u>An effective National Grid is also supported by an efficient and effective electricity distribution network, particularly resilient Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure.</u></p> <p>...</p> <p>While network utilities have social, economic, cultural and environmental benefits they can also have adverse effects on landscape, natural character, biodiversity, Manuwhenua and heritage values, on public health and safety, and on the amenity and character of residential and other areas. <u>At times these effects are unable to be avoided because of the functional needs of the network utility. In those circumstances effects must be managed in other ways.</u></p> <p>Land use activities, development and subdivision can also have adverse effects on the efficient operation of network utilities. In relation to the National Grid, the NPSET requires that Councils, through their district plans, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to</p> |
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|                        |                                                                                                                                                                                                                                                                                                                                                                                                         | <p>ensure that operation, maintenance, upgrading and development of the electricity network is not compromised. <u>In relation to Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure the Regional Policy Statement for Otago requires identification of this infrastructure and management of activities adjacent to it to address potential reverse sensitivity issues. In doing so this Plan will provide for the functional needs of this infrastructure.</u></p> <p>...</p> <p>In addition the Plan restricts sensitive activities and other incompatible development in the vicinity of the National Grid, Radio New Zealand's facilities on the Otago Peninsula, <u>Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure</u> in order to manage the potential adverse effects on these utilities.</p> |
| <b>Objective 5.2.1</b> | <p>The Objective fails to support the establishment and operation and upgrade of network utilities due to the qualification that effects must be minimised and the provisions of an overlay zone , scheduled site or mapped area be met. The functional needs to network utilities may mean that this is not possible in all instances and the utility will have few if any alternatives available.</p> | <p>Amend Objective 5.2.1 as follows:</p> <p>Network utility activities, including renewable energy generation activities, are able to establish, operate and upgrade efficiently and effectively while <u>avoiding, remedying and mitigating</u>, as far as practicable, any adverse effects on the amenity and character of the zone <u>or on the values associated with an overlay zone, scheduled site, or mapped area</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Policy 5.2.1A</b>   | As above                                                                                                                                                                                                                                                                                                                                                                                                | Amend as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Enable network utility activities throughout the city <del>where effects can be adequately managed in lined with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas.</del></p>                                                                                                                                                                                                                                                                                                                                                          |
| <b>Insert New Policy</b> | <p>The policies in chapter 5 fall short of providing any support for the establishment, maintenance and upgrade of network utilities. The nature of network utilities is such that development and upgrade works are unavoidable and at times in sensitive locations (due to that being where the resource is located or the community being served) with potentially significant effects. It is necessary for the objective and policy framework to recognise the benefits of network utilities.</p> | <p>Add new Policy:</p> <p>“Provide for a range of network utilities to operate throughout Dunedin by recognising:</p> <ul style="list-style-type: none"> <li>a. The functional needs of the network utilities;</li> <li>b. The complexity of network utility services and the importance of managing them in an integrated way;</li> <li>c. The benefits of resilient network utilities for the community from an economic, social perspective and for health and safety purposes;</li> <li>d. The need for network utility operators to be able to respond quickly to service disruptions, particularly during natural disasters.</li> </ul> |
| <b>Policy 5.2.1.7</b>    | <p>The Objective fails to support the establishment and operation and upgrade of network utilities due to the qualification that effects must be minimised and the provisions of an overlay zone , scheduled site or mapped area be met. The functional needs to network utilities may mean that this is not possible in all instances and the utility will have few if any alternatives available.</p>                                                                                               | <p>Amend Policy 5.2.1.7 as follows:</p> <p>“Require substations, underground or internal network utilities and network utility structures – small scale to be located, designed, and operated to ensure all risk to health and safety is avoided, or <u>reduced as far as is practicable, whilst having regard to the functional needs of the network utility.</u></p>                                                                                                                                                                                                                                                                        |
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| <b>Policy 5.2.1.11</b>                                        | The drafting of this policy makes in the installation of the relevant infrastructure subservient to the visual amenity values and character of the relevant zone. This is inappropriate given the functional needs of network utilities.                                 | Amend Policy 5.2.1.11 as follows:<br><br>Allow network utility structures – large scale (in all zones), network utility poles and masts – small scale in residential and recreation zones and substations (on than in industrial zones) where the activity is designed and located to avoid, <u>or if avoidance is not practicable having considered the functional needs of the network utility, adequately mitigate:</u><br>a. Adverse effects on the visual amenity and character of the zone in which the activity is located;<br>b. Adverse effects on the amenity of any surrounding residential |
| <b>Policy 5.2.2.2-4</b>                                       | The Decision fails to implement the pRPS with respect to Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure as there are no supporting policies for infrastructure other than the National Grid and Radio Transmitters. | Include specific reference to Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure in Policy 5.2.2.2, 5.2.2.3, 5.2.2.4.<br><br>Delete reference to ‘network utilities activities’ from Policy 5.2.2.2.                                                                                                                                                                                                                                                                                                                                                  |
| <b>Policy 5.2.1.2 (now below objective 5.2.2 and deleted)</b> | This provision previously supported objective 5.2.1, was moved to support objective 5.2.2 and deleted. As above the decision fails to implement the pRPS.                                                                                                                | Reinstate Policy 5.2.1.2 (at 5.2.2.1A) and amend it as follows:<br><br>Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the National Grid infrastructure Electricity Sub-transmission Infrastructure and Significant Electricity Distribution Infrastructure or, where avoidance is not <u>practicable</u> ensure any adverse effects would be insignificant.                                                                                                                                                                            |
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| <p><b>Rule 5.3.2.10 – Network Utility Structures – Large Scale</b></p> | <p>The Decision maintained non-complying activity status in ONF's, HNCC and ONCC's which does not enable the establishment of network utilities. The rules also do not create any differentiation in the type (or importance of the utility) which is inconsistent with the NPSET, NPSRT and the pRPS as it relates to Regionally Significant Infrastructure.</p> <p>Further, the Decision changes the activity status for these types of works from Restricted Discretionary to Discretionary. The reason for this seemed to be due to the potential for non-renewable electricity generation to apply for consent under this category. This ignores all the other types of utility that will fall under this rule and creates perverse outcomes. If the intent was to discourage establishment of non-renewable energy generation that should have been addressed separately. This is also important because a breach of the Network Utility Structures – small scale defaults to this rule.</p> | <p>Amend Rule 5.3.2.10 as follows:</p> <ul style="list-style-type: none"> <li>a. Activity status in Res and Rec zone revert to RD</li> <li>b. Activity status in all other zones revert to RD</li> <li>c. Activity status in ONF, HNCC and ONCC be changed to D.</li> </ul> |
| <p><b>Rule 5.5A – size of structures</b></p>                           | <p>Aurora is supportive rule 5.5.A.8 regarding freestanding structures, however does not support a breach of these standards defaulting to Network Utilities Structures – Large Scale</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Amend Rule 5.5.A.8 as follows:</p> <p>(d) Network Utility Structures -freestanding that exceed the thresholds <u>in a above are a controlled activity</u></p>                                                                                                            |

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|                                                                        | <p>which will mean that freestanding structures (such as transformers) will require Discretionary, Discretionary + or Non-complying consent. This does not enable Aurora to efficiently establish electricity distribution infrastructure, does not give effect to the pRPS or implement the Objectives and Policies within the 2GP.</p>                                                                  | <p><u>(e) Network Utility Structures that exceed the thresholds in b above are treated as network utility structures –large scale.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Rule 5.5.B – Maximum volume in Pedestrian Frontage Areas</b></p> | <p>Aurora is supportive of the separation of this from other utilities structures, however the volume limit remains overly constraining. Particularly if the Council seek to encourage the undergrounding of infrastructure in these areas</p>                                                                                                                                                            | <p>Rule 5.5.B be amended as follows:</p> <ol style="list-style-type: none"> <li>1. In primary and secondary pedestrian street frontage ,mapped atreas, heritage precincts and schedule heritage sites, the maximum volume of freestanding network utility structures – small scale that are visible from an adjoining public place is 0.5m<sup>3</sup>.</li> <li>2. Network utility structures –small scale that contravene this performance standard are <u>a controlled activity</u></li> </ol>                                                                  |
| <p><b>Rule 5.6.1 – Setbacks from National Grid</b></p>                 | <p>The Decision retained reference to Network utility structures in the rules requiring setbacks from the National Grid. This is nonsensical as Aurora will often being carrying out works that directly connect to the National Grid. It is not necessary for the District Plan to regulate this.</p> <p>Further, it is considered unnecessary for other network utilities to obtain a non-complying</p> | <p>Delete reference to underground or internal network utilities (except where located within an existing building or structure), network utility structures – small scale, network utility structures – large scale, standby or temporary energy generators from Rule 6.5.1.1(a) and any consequential amendments to Rule 6.5.1.1(b)</p> <p>In the even that network utilities remain subject to this rule, activity status for a breach of the rule under paragraph c. is sought to be restricted discretionary with the matters of discretion being related</p> |

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|                                                                                                                            | resource consent in the event that this rule (or a variation of it remains in place                                                                                                                                                                                                                                                                                     | solely to the effects of the network utility on the operation of the National Grid.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>New Rule 5.6.3 – Setbacks from Electricity Sub-transmission and Significant Electricity Distribution Infrastructure</b> | Under the pRPS Electricity Sub-transmission Infrastructure is recognised as regionally significant. Significant Electricity Distribution Infrastructure is also identified as important and requiring of protection from incompatible activities. The Decision failed to recognise these parts of the Aurora network and provide a higher level of protection for them. | <p>Addition of the provisions as follows:</p> <p>Identification of Electricity Sub-transmission and Significant Electricity Distribution Lines on the District Plan maps.</p> <p>New definition: <u>Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</u></p> <p><u>“Means the area measured either side of the centre line of above ground Electricity Sub-Transmission Infrastructure or above ground Significant Electricity Distribution Infrastructure as follows:</u></p> <p><u>a. 9.5m from 110kV</u></p> <p><u>b. 9.5m from 66kV</u></p> <p><u>c. 8.5 from 33kV</u></p> <p><u>d. 5m from 11kV”</u></p> <p><u>Note: lines with spans greater than 125m may require greater setbacks than set out above in order comply with NZECP34.</u></p> <p><u>New Rule 5.6.3 – Set back from Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure (buildings structures and activities)</u></p> <p>a. <u>National Grid Sensitive Activities must be established outside of any Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</u></p> |

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|  |  | <p>b. <u>Buildings and structures for activities other than National Grid Sensitive Activities that comply with NZECP34 (where the prior written consent of the electricity infrastructure owner is not needed to meet those requirements).</u></p> <p>c. <u>Subdivision of any land subject to a Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor.</u></p> <p>d. <u>Earthworks</u></p> <p>e. <u>Activities that contravene the performance standards in paragraph a above are non-complying activities.</u></p> <p>f. <u>Activities that contravene the performance standards in paragraph b and c above are restricted discretionary. The relevant performance standards are A.a. and b.and 5.7.4</u></p> <p><u>New Rule 5.6.4 - Set back from Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure (earthworks)</u></p> <p>a. <u>Maximum depth of earthworks within any Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor is 300mm, except the following earthworks are exempt:</u></p> <p>i. <u>Earthworks ancilliary to the operation repair and maintenance of the roading network</u></p> <p>ii. <u>Earthworks for the repair, sealing or resealing of a driveway or vehicle track</u></p> <p>iii. <u>Earthworks that result in vertical holes less and 500mm in diameter provided that the earthworks are located more than 1.5m from the any Electricity Sub-Transmission or Significant Electricity Distribution support structure or stay wire.</u></p> <p>iv. <u>Earthworks associated with post holes or the erection of farm fences or horticultures structures provided that the earthworks are located at least 5m from the outer edge of a Electricity Sub-Transmission or Significant Electricity Distribution support structure;</u></p> <p>v. <u>Earthworks ancillary to a network utility operation as defined in section 166 of the RMA and associated access tracks, provided that the activity is undertaken in</u></p> |
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|                                                                     |                                                                                                                                                                                                  | <p><u>accordance with NZECP34</u></p> <p>vi. <u>Earthworks that are part of cultivation.</u></p> <p>b. <u>Activities that contravene this performance standard are restricted discretionary.</u></p> <p>Add a new performance standard into the activity status table for land use, development activities and buildings and structures activities Chapters 15-35 as required:</p> <p>Consequential amendment to Rule 8A5.5. and 8A5.6 to ensure earthworks comply with standards associated with Setback from Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure (Earthworks)</p> |
| <b>Rule 5.7 – Assessment of Restricted Discretionary Activities</b> | As above. Recognition of the <i>Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</i> necessitates a consequential change to the matter of discretion | <p>Amend 5.7.1 as follows:</p> <p>3. ...<u>Rule 5.7.4 applies to performance standards for setback from the National Grid, network utilities and to activities within the Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor.</u></p> <p>Amend 5.7.4 to include <u>Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</u></p>                                                                                                                                                                                                   |
| <b>Rule 5.8.2 – Assessment of restricted discretionary</b>          | As above in relation to Objectives, Policies and Rules. Amendments to the assessment matters                                                                                                     | Amend cross references to objectives and policies where necessary in order to give effect to the relief above, in particular where reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <b>network utility activities</b>               | are required to be consistent with the relief sought previously                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>is made to provisions in overlay zones, scheduled sites or mapped areas.</p> <p>Amend 5.8.2 A – All restricted discretionary activities c. vii. As follows:<br/>The scale or design is consistent or compatible with surrounding buildings or structures. <u>This criterion does not apply to electricity distribution infrastructure</u></p> <p>Amend 5.8.2A – All restricted discretionary activities c. x. as follows:<br/>Sunlight admission to the footpath and street is maintained. <u>This criterion does not apply to electricity distribution infrastructure.</u></p> |
| <b>CHAPTER 7 – SCHEDULED TREES</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Rule 7.5.2 – Setback from scheduled tree</b> | The Decision creates potential for significant inefficiency for Aurora to carry out operation, maintenance and minor upgrading of its network. In order to enable the efficient and effective operation of Aurora's network is it considered appropriate to allow Operation , repair, minor upgrading and maintenance of existing network utilities with an exemption to this rule. In such circumstances infrastructure already exists and the scale of the works will be limited. | <p>Amend Rule 7.5.2.1 by making the following changes to paragraph g.</p> <p>g. Network utilities activities (excluding operation, repair, minor upgrading and maintenance of existing network utilities)</p>                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>CHAPTER 9 – PUBLIC HEALTH AND SAFETY</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                          |
| <b>Rule 9.3.6 - Noise</b>                    | <p>The Decision did not accept the submission to exempt temporary or standby generators from the noise limits. This will compromise the ability for Aurora to complete standard operation and maintenance works that require temporary generators to provide continuity of supply when sections of its infrastructure must be de-energised to enable works to be completed. This does not enable efficient and effective provision of network utilities.</p> | <p>Amend Rule 9.3.6.6 by adding a new sub paragraph as follows:</p> <p><u>p. noise generated by temporary or standby generators required to ensure the continued operation of a network utility.</u></p> |
| <b>CHAPTER 8 - EARTHWORKS</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                          |
| <b>Rule 8A5.1 – Earthworks – small scale</b> | <p>The Decision creates potential for significant inefficiency for Aurora to carry out operation, maintenance and minor upgrading of its network if earthworks – small scale standards apply. There also appears to an inconsistency in the treatment of infrastructure with earthworks associated with the roading network being exempt.</p>                                                                                                                | <p>Amend Rule 8A5.1 as follows:</p> <p>Add a new sub paragraph j.</p> <p><u>earthworks ancilliary to the operation, repair, minor upgrading and maintenance of existing network utilities.</u></p>       |
| <b>CHAPTER 10 – NATURAL ENVIRONMENT</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                          |

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| <b>Policy 10.2.3.2</b> | <p>This directive policy requires effects to be insignificant for the listed activities to be acceptable. The functional needs to network utilities may mean that this is not always achievable. Given the benefits of network utilities (particularly regionally significant infrastructure or Significant Electricity Distribution Infrastructure) the policy is inappropriate.</p>                              | <p>Policy 10.2.3.2 be amended as follows:</p> <p>Add – <u>“With respect to substations and network utility structures – large scale if, due to the functional needs of the infrastructure effects cannot be reduced so as to be insignificant they must be remedied and mitigated to the extent practicable, including offsetting.”</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Policy 10.2.3.Y</b> | <p>The Decision to include this new policy, in part addresses Aurora’s original submission with respect to Policy 10.2.3.10 which has now been deleted. Aurora considers it is important to include reference to the reason why there may not be a practicable alternative; in this regard reference to functional need should be included. This would also be more consistent with the provisions of the pRPS</p> | <p>Amend Policy 10.2.3.Y as follows:</p> <p>Only allow public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, natural hazard mitigation activities and transportation activities in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix 5 are avoided, or if avoidance is not practicable:</p> <ol style="list-style-type: none"> <li>Insignificant, or</li> <li>Where, <u>having regard to the functional needs of the activity</u> there are no practicable alternative locations, <u>effects must be adequately mitigated.</u></li> </ol> |
| <b>Policy 10.2.5.4</b> | <p>This directive policy requires effects to be insignificant for the listed activities to be acceptable. The functional needs to network utilities may mean that this is not always</p>                                                                                                                                                                                                                           | <p>Amend Policy 10.2.5.4 as follows:</p> <p>Add: <u>“With respect to substations and network utility structures – large scale if, due to the functional needs of the infrastructure effects</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|                         | achievable. Given the benefits of network utilities (particularly regionally significant infrastructure or Significant Electricity Distribution Infrastructure) the policy is inappropriate.                                                                                                                                                                                   | <u>cannot be reduced so as to be insignificant they must be remedied and mitigated to the extent practicable, including offsetting.”</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Policy 10.2.5.14</b> | This directive policy requires effects to be insignificant for the listed activities to be acceptable. The functional needs to network utilities may mean that this is not always achievable. Given the benefits of network utilities (particularly regionally significant infrastructure or Significant Electricity Distribution Infrastructure) the policy is inappropriate. | Amend policy 10.2.5.14 as follows:<br><br>Add: <u>Where functional needs of the network utility mean that effects cannot be reduced so as to be insignificant they must be remedied and mitigated to the extent practicable.</u>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Policy 10.2.5Z</b>   | The Decision to include this new policy, in part addressed Aurora original submission with respect to Policy 10.2.5.6. Aurora considers it is important to include reference to the reason why there may not be a practicable alternative; in this regard reference to functional need should be included. This would also be more consistent with the provisions of the pRPS  | Amend Policy 10.2.5.Z as follows:<br><br>Only allow large buildings and structures, earthworks – large scale, public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels small scale, wind generators – small scale, network utility structures – large scale, transportation activities and natural hazard mitigation activities in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix 3 are:<br><br>c. Insignificant, or<br>d. <u>Where, having regard to the functional needs of the activity</u> |

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|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | there are no practicable alternative locations, <u>effects must be adequately mitigated.</u>                                                                                                                                                                                                |
| <b>Rule 10.5.2 – Assessment matters of restricted discretionary activities</b> | In 10.5.2.3, 10.5.2.5, 10.5.2.11, 10.5.2.16.a.ix.3 the Decision fails to acknowledge the potential for landscaping or screening to interfere with the operation of network utilities. In relation to Aurora's infrastructure vegetative screening can be impractical because of the nature of the electrical infrastructure. The amendment proposed by Aurora recognises that not all network utilities will have the same challenges or issues with the proposed method. | Rule 10.5.2.3.a.3, 10.5.2.4.a.vi.3, 10.5.2.11.a.v.3 and 10.5.2.16.a.ix.3 be amended as follows:<br><br>Landscaping or other forms of screening ( <u>where appropriate</u> ) will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. |
| <b>CHAPTER 11 – NATURAL HAZARDS</b>                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                             |
| <b>Policy 11.2.1.3 and 11.2.1.19</b>                                           | The Decision responded to Aurora's submission in relation to this policy by adding an introduction to 1.4 Nested Tables. The introduction lacks clarity and does not address the specific matter outlined by the reporting officer at paragraph 489 of the Natural Hazards Decision                                                                                                                                                                                       | Amend 1.4-Nested Tables Introduction to provide greater clarity regarding the relationship between city wide activities and other activities.<br><br>Typographical error referring to Section 1.6 also required correction.                                                                 |
| <b>CHAPTER 17 -</b>                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                             |
| <b>Rule 17.6.10.2</b>                                                          | The safety and resilience of Aurora's network is                                                                                                                                                                                                                                                                                                                                                                                                                          | Amend Rule 17.6.10.2 by adding a new paragraph v. to a. and b.:                                                                                                                                                                                                                             |

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|  | compromised if Forestry establishes within close proximity to its Electricity Sub-transmission Infrastructure and Electricity Distribution Infrastructure. The decision has not recognised this by failing to accept Aurora's submission with respect to Rule 17.6.10.2 | v. must not be establish within a <u>Electricity Sub-Transmission or Significant Electricity Distribution Infrastructure Corridor</u> |
|  |                                                                                                                                                                                                                                                                         |                                                                                                                                       |

| Name                                                | Address                                                                                                  | Email                              |
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