

FORM 5

**SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN (STAGE THREE) UNDER
CLAUSE 6 OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submission on: Submissions on the Queenstown Lakes District
Plan Proposed District Plan (Stage 3)
November 2019

Name of Submitter: Aurora Energy Limited

Address of Submitter: PO Box 1404,
DUNEDIN 9054

1. **This is a submission on the following proposed policy statement: Proposed Queenstown Lakes District Plan (Stage Three) ("PDP").**
2. **Aurora Energy Limited ("Aurora") could not gain an advantage in trade competition through this submission.**
3. **Overall issues that have determined the approach of Aurora in preparing submissions on the Proposed Plan are outlined below and attached as Annexure One.**

About Aurora

Aurora depends upon, and fully supports, the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act (**RMA**). Aurora has particular interests in ensuring that the PDP enables the continued and efficient operation of its Regionally Significant Infrastructure, as well as generally ensuring that other existing and new Regionally Significant Infrastructure within the District is adequately provided for. Aurora is supportive of the Queenstown Lakes District Council's notified PDP; however we do have some suggested modifications that we believe should be addressed. These are discussed in detail in **Annexure One** of this submission.

Aurora owns, operates and maintains an electricity distribution network in the Dunedin and Central Otago regions. This network carries electricity from the National Grid to more than 90,000 homes and businesses across Dunedin City and the Central Otago region. Aurora owns substations, lines and cables located in public road reserve, as well as on private property. In addition to the distribution network, Aurora has the capacity to own and operate high voltage (up to 110kV) transmission lines, and associated structures in future, and may be required to do so as regional electricity demand grows. Aurora is committed to providing its customers in the region with an effective and secure supply of electricity which, in doing so, provides a critical service to customers, as well as a public good to

local communities including hospitals, schools, offices and residential dwellings.

Infrastructure Overview

The electricity network works provided by Aurora, which have the potential to impact on land and vegetation resources, includes the excavation of land/earthworks and vegetation clearance associated with the erection, placement, upgrade, repair and maintenance of its infrastructure both on land and within the beds and margins of lakes and rivers. Aurora is responsible for the construction and maintenance of an efficient and safe electricity network, which involves the following infrastructure:

- Underground cables;
- Overhead lines;
- Zone Substations/transformers/kiosks;
- Electricity structures (poles/pylons, earth rods and associated buildings);and
- Access tracks.

Aurora's key area of concern is the effect of the policies and objectives in the PDP on the activities or processes that are required to establish the above infrastructure. There are certain land use activities associated with establishing new infrastructure and maintaining existing infrastructure which involve:

- The excavation of land,
- The disturbance/deposition of soil, and
- Vegetation clearance.

Currently Aurora undertakes these activities in accordance with strict Industry codes of practice, Local Authority requirements, and electricity network technical specification standards.

Aurora's involvement in the Proposed District Plan Staged Review

Aurora has been significantly involved in the QLDC PDP (Stage 1) review as a submitter on PDP Stages 1 and 2 and as an appellant on the decisions on PDP Stage 1. Aurora is also a section 274 party to appeals on PDP Stage 2.

Aurora's relief on PDP Stage 1 is critically important to its involvement in PDP Stage 3. Aurora's submission (and appeal) sought recognition of its "Electricity sub-transmission infrastructure" and "Significant electricity distribution infrastructure", both of which are included within the definition of the term "Regionally Significant Infrastructure" in the PDP. Aurora also sought to include corridor protection rules similar to the approach taken to the National Grid.

A significant amount of Aurora's infrastructure is located on roads, for the simple reason that the Electricity Act 1992 permits electricity infrastructure being installed in roads. However, much of Aurora's infrastructure is located in private property and through crown owned land such as rivers and streams. Consent memorandum lodged with the Court in respect of PDP Stage 1 includes relief that gives recognition to the possible adverse effects from various land use activities on Aurora's network, such as buildings and residential units.

Advice notes were also included to refer to compliance obligations under the New Zealand Electricity Code of Practice for Electrical Safe Distances (**NZECP34**)

Consent memorandum has been lodged with the Court with respect to amendments to the following chapters recording the above relief:

PDP Stage 1

- a) Chapter 7: Lower Density Suburban Residential;
- b) Chapter 8: Medium Density Residential;
- c) Chapter 9: High Density Residential;
- d) Chapter 11: Large Lot Residential;
- e) Chapter 12: Queenstown Town Centre;
- f) Chapter 16: Business Mixed Use;
- g) Chapter 21: Rural;
- h) Chapter 22: Rural Residential and Rural Lifestyle;
- i) Chapter 24: Wakatipu Basin;
- j) Chapter 25: Earthworks;
- k) Chapter 27: Subdivision and Development;
- l) Chapter 38: Open Space Zone; and
- m) Chapter 43: Millbrook.

It is expected that consent orders will be granted in respect of this relief prior to hearings on PDP Stage 3.

The relief sought in this submission seeks to continue to progress that was achieved as part of PDP Stage 1. Aurora seeks to achieve further progress in this submission through a consistent approach to including advice notes, new matters of discretion and notification provisions that give specific recognition to possible adverse effects on Aurora's network and provide Aurora an opportunity to have input on resource consent applications that might impact that network.

Summary of Submission

Aurora seeks amendments to various provisions of the PDP to provide greater clarity and certainty around the application and interpretation of those provisions. Aurora's submission is founded on a desire to simplify rules and, where applicable, to reduce reliance on resource consenting as a means of achieving environmental outcomes.

Aurora seeks that the PDP recognises the strategic and lifeline importance of all parts of the electricity network. This is essential to ensure that the PDP achieves the purpose of the RMA, in that the use, development, and protection of the electricity network (a physical resource) is managed in the most appropriate way to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

The PDP goes some way to achieving these outcomes. However some modifications and/or clarifications are required to notified provisions and additional text is required in order to address all of the relevant resource management issues identified above. Aurora also seeks to ensure consistency across the relief it has sought as part of the PDP Stage 1.

Joint consent memorandum has been filed with the Court and consent orders are expected to be released in the coming months. Aurora seeks a decision from the Council which is consistent with the approach in PDP Stage 1 by carrying over various provisions into

notified chapters in PDP Stage 3.

Aurora seeks to enable the type of activities that it undertakes on a day-to-day basis that keeps its network operational and where the effects of undertaking the activity are generally temporary in nature. The types of activities referred to include minor upgrading, repair, replacement and maintenance. These activities are permitted by Chapter 30 Energy and Utilities but are at risk of requiring resource consents by way of notified Chapter 39 Wahi Tūpuna.

Aurora has committed to a considerable level of investment on renewal, upgrades and new infrastructure in the district as outlined in its Asset Management Plan 2018-2028 and in the 2019 updated Asset Management Plan. This is in response to a growing fleet of aging infrastructure which will need to be upgraded, removed, replaced and otherwise maintained in order to ensure the resilience of the network. Many of these activities can be undertaken quickly on the basis that they do not, and have historically not, required resource consent. A link to Aurora's Asset Management Plans can be found at following URL: <https://www.auroraenergy.co.nz/disclosures/asset-management-plan/>.

4. Aurora's specific submissions are outlined in Annexure One below.

The specific provisions that Aurora's submission relates to are set out in **Annexure One** using the numbering system and headings contained in the PDP. The submissions are set out immediately following these headings, together with the decision sought from Council. The decision that has been requested may suggest new or revised wording for identified sections of the Proposed District Plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strike through~~.

Unless specified in each submission point, the reasons for supporting are that the policies are consistent with the RMA and would support the enhancement or protection of Regionally Significant Infrastructure.

5. Aurora seeks the following decisions from the Queenstown Lakes District Council:

- (a) that the amendments (or those with similar or like effect or consequential amendments to the Proposed Plan that stem from the submissions and general relief sought) outlined in **Annexure One**, be accepted to ensure:
- the sustainable management of Regionally Significant Infrastructure as a physical resource is provided for;
 - that there is appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed;
 - that the existing network can be upgraded in order to meet growth in energy demand;
 - the protection of the existing network from issues of reverse sensitivity and the effects of others' activities;
 - appropriate provision for the planning and development of new network assets; and
 - That notified provision and planning maps included in the PDP Stage 3 are

consistent with Aurora's relief on PDP Stage 1.

- (b) Aurora also seeks such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission; and
- (c) That, in the event that the amendments set out above are not implemented, the PDP be withdrawn.

6. Aurora wishes to be heard in support of its submission.

7. If others make a similar submission, Aurora will not consider presenting a joint case with them at a hearing.



Bridget Irving / Simon Peirce

Counsel for Aurora Energy Limited

Dated 18 November 2019

Address for service

Galloway Cook Allan
Lawyers
123 Vogel Street
P O Box 143
Dunedin 9054

Telephone: (03) 477 7312
Fax: (03) 477 5564
Email: bridget.irving@gallowaycookallan.co.nz;
simon.peirce@gallowaycookallan.co.nz
Contact Person: B Irving / S R Peirce

Relief point #	Provision Text	Support/Oppose	Reason	Relief Sought
Stage 3 Submission				
Chapter 18A General Industrial Zone				
1	<p>Rule 18A.4.5</p> <p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a) external appearance, including materials and colours; b) landscaping at the interface of the site with adjacent roads and public places; c) signage platforms; d) lighting; e) the external appearance and proximity to the street front of any ancillary activities, including Office, Retail and Commercial activities; f) servicing, including water supply, stormwater and wastewater; g) access, manoeuvring, loading and car parking; h) location and provision of waste and recycling storage space; i) the contribution the building makes to the safety of the General Industrial Zone through adherence to CPTED principles; and j) Natural hazards. 	Oppose	<p>Aurora seeks to include “electricity supply” as a matter of discretion where buildings require resource consent. Electricity supply is critically important to buildings and is a relevant consideration at the point of resource consent.</p> <p>Aurora is also concerned about reverse sensitivity effects on Electricity Sub-Transmission Infrastructure (ESTI) and Significant Electricity Distribution Infrastructure (SEDI). This is particularly important in terms of the Notified General Industrial Zone which has a number of instances in which ESTI and SEDI passes directly through properties as opposed to just through adjacent roads.</p> <p>This relief also recognises the functional needs of infrastructure and the potential incompatibility of buildings in proximity to this infrastructure. In many cases engineering solutions can be achieved at the point when a building is being designed. It is very difficult (and often impossible) to engineer solutions after a building has been constructed and can lead to health and safety issues which Aurora has a mandate to manage and address.</p> <p>The relief at (k) largely mirrors relief agreed to at mediation on PDP Stage 1 Topic 17 and has been included in all zone chapters in PDP Stage 1 and 2. The inclusion of (k) in this zone will be consistent with that relief.</p> <p>A consent order recording this relief is likely to be released prior to hearings on PDP Stage 3.</p>	<p>Rule 18A.4.5</p> <p>Buildings (RD Activity Status)</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a) external appearance, including materials and colours; b) landscaping at the interface of the site with adjacent roads and public places; c) signage platforms; d) lighting; e) the external appearance and proximity to the street front of any ancillary activities, including Office, Retail and Commercial activities; f) servicing, including water supply, stormwater and <u>wastewater and electricity supply</u>; g) access, manoeuvring, loading and car parking; h) location and provision of waste and recycling storage space; i) the contribution the building makes to the safety of the General Industrial Zone through adherence to CPTED principles; and j) natural hazards; <u>and</u> k) <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure.</u>
2	N/A	N/A	<p>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34) is mandatory for all persons and Electricity Distribution Providers. It sets minimum safe distances between electricity distribution infrastructure with a goal of maintaining public health and safety and the integrity and resilience of the infrastructure.</p> <p>As part of relief on PDP Stage 1 this same advice has been included in chapters 7, 8, 9, 11, 12, 21, 22, 24, 25, 38 and 43. The inclusion of this advice note will be consistent with PDP Stage 1 and 2 chapters.</p>	<p>Insert new provision:</p> <p><u>18A.3.X Advice Note:</u></p> <p><u>18A.3.X.1 New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZCEP34:2001”)</u></p> <p><u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZCEP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZCEP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.</u></p>

				<p>To assist plan users in complying with NZECP 34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.</p> <p>For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.</p>
3	<p>Rules 18A.6.1</p> <p>18A.6.1 The following restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:</p>	Oppose	<p>This relief is related to the new matter of discretion in relief point 1 for Rule 18A6.1.3. The notified wording of 18A.6.1 precludes Aurora from being an affected party pursuant to section 95E of the RMA. In many instances, engineering advice will be required where a building is approaching minimum safe distances. The nominal approach is set out in NZECP34 but that is not always determinative of adverse effects on Aurora's ESTI or SEDI.</p> <p>Aurora therefore requires notification on a case by case basis in order to assess in each instance that the building will not cause adverse effects in terms of public health and safety and the integrity/resilience of the network.</p>	<p>Amend rule 18A.6.1 as follows:</p> <p><u>Except as provided for under Rule 18A6.1.3 the following restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:</u></p>
4	N/A	N/A		<p>Insert new rule 18A.6.1.3</p> <p><u>18A.6.1.3 For any application for resource consent where Rule 18A4.5(k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.</u></p>
Chapter 19A Three Parks Commercial Zone				
5	N/A	N/A	<p>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34) is mandatory for all persons and Electricity Distribution Providers. It sets minimum safe distances between electricity distribution infrastructure with a goal of maintaining public health and safety and the integrity and resilience of the infrastructure.</p> <p>As part of relief on PDP Stage 1 this same advice has been included in chapters 7, 8, 9, 11, 12, 21, 22, 24, 25, 38 and 43. The inclusion of this advice note will be consistent with PDP Stage 1 and 2 chapters.</p> <p>This relief is consistent with relief point 2.</p>	<p>Insert new provision 19A.3.2.X as follows:</p> <p><u>Rule 19A.3.2.X Advice Note:</u></p> <p><u>19A.3.2.XX New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001")</u></p> <p><u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.</u></p> <p>To assist plan users in complying with NZECP 34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.</p> <p>For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.</p>
6	Rule 19A.4.4 Buildings	Oppose	Aurora seeks to include "electricity supply" as a matter of	Rule 19A.4.4 Buildings

	Buildings Discretion is restricted to: a) building materials; b) glazing treatment; c) design treatment; d) signage platform; e) lighting; f) the ability to service the building(s), in terms of roading, water supply, stormwater and wastewater; g) location of storage; h) landscaping.		discretion where buildings require resource consent. Electricity supply is critically important to buildings and is a relevant consideration at the point of resource consent. Aurora is also concerned about reverse sensitivity effects on ESTI and SEDI. The Three Parks Commercial Zone is a relatively discrete subzone within the larger Three Parks area in Wanaka. Issues which might arise in this zone are the balance between high density of buildings and large consumption of energy and providing sufficient space and recognition for electricity distribution infrastructure. This relief also recognises the functional needs of infrastructure and the potential incompatibility of buildings in proximity to this infrastructure. In many cases engineering solutions can be achieved at the point when a building is being designed. It is very difficult (and often impossible) to engineer solutions after a building has been constructed and can lead to health and safety issues which Aurora has a mandate to manage and address. The relief at (i) largely mirrors relief agreed to at mediation on PDP Stage 1 Topic 17 and has been included in all zone chapters in PDP Stage 1 and 2. The inclusion of (i) in this zone will be consistent with that relief. A consent order recording this relief is likely to be released prior to hearings on PDP Stage 3. This relief is consistent with relief point 1.	Buildings Discretion is restricted to: a) building materials; b) glazing treatment; c) design treatment; d) signage platform; e) lighting; f) the ability to service the building(s), in terms of roading, water supply, stormwater and wastewater <u>and electricity supply</u> ; g) location of storage; h) landscaping. i) <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure.</u>
7	Rule 19A.6.1 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limit-notified: Rule 19A.4.4 Buildings.	Oppose	This relief is related to the new matter of discretion in relief point 6 for Rule 19A.4.4(i). The notified wording of 19A.6.1 precludes Aurora from being an affected party pursuant to section 95E of the RMA. In many instances, engineering advice will be required where a building is approaching minimum safe distances. The nominal approach is set out in NZECP34 but that is not always determinative of adverse effects on Aurora's ESTI or SEDI.	Amend 19A.6.1 as follows: <u>Except as provided for under Rule 19A.6.3</u> the following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limit-notified: Rule 19A.4.4 Buildings.
8	N/A	N/A	Aurora therefore requires notification on a case by case basis in order to assess in each instance that the building will not cause adverse effects in terms of public health and safety and the integrity/resilience of the network. This relief is consistent with relief points 3 and 4.	Insert new Rule 19A.6.3 as follows: <u>For any application for resource consent where Rule 19A.4.4(i) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.</u>
Chapter 20 Settlement Zone				
9	Policy 20.2.2.6 Avoid activities that are not consistent with established amenity values or cause inappropriate adverse environmental effects.	Oppose	Aurora's overhead lines often make up part of the established environment in Settlement areas such as Glenorchy or Makarora. Aurora recognises that this infrastructure is generally inconsistent with amenity values. However, the overhead lines that service settlement zones are often comprised of a single overhead line. If any part of that line is damaged then the supply of electricity to that settlement can	Delete Policy 20.2.2.6 entirely; OR amend as follows: Avoid activities that are not consistent with established amenity values or cause inappropriate adverse environmental effects, <u>or in the case of Regionally Significant Infrastructure, if avoidance is not practicable because of the functional needs of infrastructure</u>

			<p>be compromised.</p> <p>Overhead lines are by their nature vastly easier (and cheaper to the community) to maintain and repair than underground lines. That makes them a good solution for providing electricity supply to settlements.</p> <p>Many of the lines connecting these areas are classified as Significant Electricity Distribution Infrastructure on the basis that the supply of electricity is to areas with less than 700 people. The cost of undergrounding this infrastructure is significant and is not always practicable to install. Aurora seeks recognition of the functional needs of this infrastructure in this provision otherwise it will be contrary to this policy.</p>	<p><u>then remedy or mitigate.</u></p> <p>OR insert a reference to the provisions of Chapter 30.</p>						
10	<p>Rule 20.4.6</p> <p>Within Commercial Precincts identified on the Planning Maps:</p> <p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a) design, scale and appearance of buildings; b) signage platforms; c) lighting; d) landscaping; e) servicing; and f) natural hazards. 	Oppose	<p>Aurora seeks to include “electricity supply” as a matter of discretion where buildings require resource consent. Electricity supply is critically important to buildings and is a relevant consideration at the point of resource consent.</p> <p>Aurora is also concerned about reverse sensitivity effects on ESTI and SEDI. Commercial precincts are primarily identified on the main road of a settlement which is also where Aurora’s electricity distribution infrastructure is located. Glenorchy is a prime example of this, where an 11kV overhead feeder bisects the commercial precinct.</p> <p>This relief also recognises the functional needs of infrastructure and the potential incompatibility of buildings in proximity to this infrastructure. In many cases engineering solutions can be achieved at the point when a building is being designed. It is very difficult (and often impossible) to engineer solutions after a building has been constructed and can lead to health and safety issues which Aurora has a mandate to manage and address.</p> <p>The relief at (g) largely mirrors relief agreed to at mediation on PDP Stage 1 Topic 17 and has been included in all zone chapters in PDP Stage 1 and 2. The inclusion of (g) in this zone will be consistent with that relief.</p> <p>A consent order recording this relief is likely to be released prior to hearings on PDP Stage 3.</p> <p>This relief is consistent with relief points 1 and 6.</p>	<p>Rule 20.4.6</p> <p>Within Commercial Precincts identified on the Planning Maps:</p> <p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a) design, scale and appearance of buildings; b) signage platforms; c) lighting; d) landscaping; e) servicing; and f) natural hazards; and g) <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure.</u> 						
11	N/A	N/A	<p>Unlike the Low Density Suburban Residential and High Density Suburban Residential Zones residential units are a permitted activity. Relief in relation to PDP Stage 1 included recognition of SEDI and ESTI as a matter of discretion on the basis that residential units were a restricted discretionary activity. In this instance, to recognise the reverse sensitivity effects on SEDI and ESTI a new zone standard has been included in relation to buildings generally.</p> <p>Given that residential units can be constructed without resource</p>	<p>Insert new standard for activities in the Settlement Zone to table 20.5</p> <table border="1"> <thead> <tr> <th></th> <th>Table 20.5</th> <th>Non-compliance status</th> </tr> </thead> <tbody> <tr> <td>20.5.XX</td> <td><u>Setback from Electricity Sub transmission Infrastructure or Significant Electricity Distribution</u></td> <td>NC</td> </tr> </tbody> </table>		Table 20.5	Non-compliance status	20.5.XX	<u>Setback from Electricity Sub transmission Infrastructure or Significant Electricity Distribution</u>	NC
	Table 20.5	Non-compliance status								
20.5.XX	<u>Setback from Electricity Sub transmission Infrastructure or Significant Electricity Distribution</u>	NC								

			<p>consent Aurora will not have an opportunity to have any input as to the construction of the building and avoiding adverse effects on its infrastructure. Including a zone standard will ensure that adverse effects are avoided. This amendment will also provide plan users an opportunity to engage with Aurora and seek advice to resolve any issues and likely to avoid requiring resource consent.</p> <p>This relief also recognises the functional needs of infrastructure and the potential incompatibility of buildings in proximity to this infrastructure. In many cases engineering solutions can be achieved at the point when a building is being designed. It is very difficult (and often impossible) to engineer solutions after a building has been constructed and can lead to health and safety issues which Aurora has a mandate to manage and address.</p>	<p><u>Infrastructure</u></p> <p><u>Buildings shall be setback from Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps so as to avoid any adverse effects on that infrastructure</u></p> <p><u>For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.</u></p>
12	N/A	N/A	<p>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34) is mandatory for all persons and Electricity Distribution Providers. It sets minimum safe distances between electricity distribution infrastructure with a goal of maintaining public health and safety and the integrity and resilience of the infrastructure.</p> <p>As part of relief on PDP Stage 1 this same advice has been included in chapters 7, 8, 9, 11, 12, 21, 22, 24, 25, 38 and 43. The inclusion of this advice note will be consistent with PDP Stage 1 and 2 chapters.</p> <p>This relief is consistent with relief points 2 and 5.</p>	<p>Insert new provision 20.3.3.X</p> <p><u>20.3.3.X Advice Note:</u></p> <p><u>20.3.3.XX New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZCEP34:2001")</u></p> <p><u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZCEP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZCEP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.</u></p> <p><u>To assist plan users in complying with NZCEP 34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.</u></p> <p><u>For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.</u></p>
13	Rules 20.6.2	Oppose	<p>This relief is related to the new zone standard in relief point 11 for Rule 20.5.XX. New rule 20.6.3 will provide Aurora specific consideration for the purpose of being an affected party pursuant to section 95E of the RMA. This recognises that Aurora holds the relevant engineering advice to assess the effects from a building on Aurora's electricity distribution infrastructure. In many instances, engineering advice will be required where a building is approaching minimum safe distances. The nominal approach is set out in NZCEP34 but that is not always determinative of adverse effects on Aurora's</p>	Amend rule 20.6.2 as follows:
14	N/A	N/A		<p>Rule 20.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified:</p>

			ESTI or SEDI. Aurora therefore requires notification on a case by case basis in order to assess in each instance that the building will not cause adverse effects in terms of public health and safety and the integrity/resilience of the network. This relief is consistent with relief points 3, 4, 7 and 8.	<u>consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.</u>
--	--	--	---	---

Variation to Chapter 25 Earthworks (relevant to notified Chapter 39)

15	Rule 25.5.2			Oppose	<p>This rule imposes a new maximum volume limit on earthworks within a Wahi Tūpuna mapped area. Aurora supports the intent of this chapter and these rules but considers the notified version of this rule is not efficient given the extent of Wahi Tūpuna mapped areas in PDP Stage 3.</p> <p>Aurora has a significant amount of electricity distribution infrastructure located in Wahi Tūpuna mapped areas. Regular maintenance of these works often requires new poles be installed along existing lines, pole replacements or underground cables being dug up and replaced. These types of repairs and maintenance are day-to-day for Aurora and will inevitable come up against this new limit on maximum total volume.</p> <p>Aurora considers that it would require a significant number of resource consents in order to continue the day-to-day management of its network which would not be administratively efficient for Aurora or the Council. On that basis Aurora considers that this rule should be amended to exclude activities which are otherwise permitted by rules 30.5.5.1 to 30.5.5.2 relating to: minor upgrading, lines and supporting structures and underground electricity cables.</p>	<p>Delete rule entirely;</p> <p>OR amend Rule 25.5.2 as follows:</p> <table border="1"> <thead> <tr> <th>Rule</th> <th>Table 25.2 – Maximum Volume</th> <th>Maximum total volume</th> </tr> </thead> <tbody> <tr> <td>25.5.2</td> <td>Wāhi Tūpuna areas, <u>except where permitted by rules 30.5.5.1 to 30.5.5.2.</u></td> <td>10m³</td> </tr> </tbody> </table>	Rule	Table 25.2 – Maximum Volume	Maximum total volume	25.5.2	Wāhi Tūpuna areas, <u>except where permitted by rules 30.5.5.1 to 30.5.5.2.</u>	10m ³
	Rule	Table 25.2 – Maximum Volume	Maximum total volume									
25.5.2	Wāhi Tūpuna areas, <u>except where permitted by rules 30.5.5.1 to 30.5.5.2.</u>	10m ³										
<table border="1"> <thead> <tr> <th>Rule</th> <th>Table 25.2 – Maximum Volume</th> <th>Maximum total volume</th> </tr> </thead> <tbody> <tr> <td>25.5.2</td> <td>Wāhi Tūpuna areas</td> <td>10m³</td> </tr> </tbody> </table>	Rule	Table 25.2 – Maximum Volume	Maximum total volume	25.5.2	Wāhi Tūpuna areas	10m ³						
Rule	Table 25.2 – Maximum Volume	Maximum total volume										
25.5.2	Wāhi Tūpuna areas	10m ³										
16	Rule 25.5.7			Oppose	<p>Aurora did not submit on notified rule 25.5.7 when it was notified as part of PDP Stage 2. The reason for that was that there are very few roads located within ONFs therefore requiring a resource consent for earthworks above 10m³ in those instances would not be a particular issue.</p> <p>The amendments to this rule as part of PDP Stage 3 would require a significant increase in the number of resource consents required for activities that Aurora undertakes on a day-to-day basis which previously did not require resource consent.</p> <p>Roads as well as Energy and Utilities have been identified together as a recognised threat in 5 Wāhi Tūpuna areas. Energy and Utilities (separate from roads) have been identified as a recognised threat to Wāhi Tūpuna areas in 26 Wāhi Tūpuna areas.</p> <p>The restrictions imposed by this rule on maximum earthworks volumes are significant. Furthermore, it is not clear from Table 39.6 what elements of Energy and Utilities are the cause of the threat. For example earthworks which exceed 10m³ may relate to inspecting an existing underground cable located within a formed road.</p>	<p>Delete the added text to Rule 25.5.7 entirely so that it reads:</p> <table border="1"> <thead> <tr> <th>Rule</th> <th>Table 25.2 – Maximum Volume</th> <th>Maximum total volume</th> </tr> </thead> <tbody> <tr> <td>25.5.7</td> <td>25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u></td> <td>b. 10m³</td> </tr> </tbody> </table>	Rule	Table 25.2 – Maximum Volume	Maximum total volume	25.5.7	25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u>	b. 10m ³
	Rule	Table 25.2 – Maximum Volume	Maximum total volume									
25.5.7	25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u>	b. 10m ³										
<table border="1"> <thead> <tr> <th>Rule</th> <th>Table 25.2 – Maximum Volume</th> <th>Maximum total volume</th> </tr> </thead> <tbody> <tr> <td>25.5.7</td> <td>25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u></td> <td>b. 10m³</td> </tr> </tbody> </table>	Rule	Table 25.2 – Maximum Volume	Maximum total volume	25.5.7	25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u>	b. 10m ³						
Rule	Table 25.2 – Maximum Volume	Maximum total volume										
25.5.7	25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and Wāhi Tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u>	b. 10m ³										

			<p>While there may be temporary visual effects resulting from the works being undertaken, once the works have been completed and reinstated, there is no adverse effects. Furthermore, in road corridors (outside of ONFs) Aurora is acting in reliance on the permitted activity status of installing overhead lines. This is in recognition of the adverse effects (during the construction of the road) already having taken place. When Aurora undertakes its activities it does so in reliance of a global archaeological authority to ensure that archaeological and iwi resources are not disturbed. Therefore, this rule seeks to control effects which are already being managed and is therefore redundant in so far as Aurora's electricity distribution infrastructure is concerned.</p> <p>Aurora recognises that there may be an additional or perhaps improved method of taking into account iwi concerns and is willing to engage with Council and/or iwi to resolve that.</p>	
Variation to Chapter 27 Subdivision and Development (relevant to notified Chapter 18A)				
17	<p>Variation to Policy 27.3.13.5</p> <p><u>Ensure subdivision only occurs where the necessary infrastructure exists to service the lots.</u></p>	Support	<p>Aurora supports this policy on the basis that it ensures infrastructure such as electricity supply can be provided to resulting lots.</p> <p>Resulting lots which have not considered how to service those lots with electricity can often run into engineering issues and issues with neighbouring properties if subdivisions proceed without ensuring that infrastructure services those lots.</p>	Keep varied Policy 27.3.13.5 as notified.
Variation to Chapter 30 Energy and Utilities				
18	<p>Rule 30.3.3.1</p> <p>A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules <u>unless any of the exceptions set out in Rule 30.3.3.3 apply.</u></p>	Neutral	<p>Aurora is neutral on this rule. Aurora supports the intent of this rule to provide clarity as to how the rules of the District Plan are to be interpreted.</p>	<p>Retain if relief in relation to relief point 19 is accepted. Otherwise amend Rule 30.3.3.1 as follows:</p> <p>A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules <u>unless any of the exceptions set out in Rule 30.3.3.3 apply.</u></p>
19	<p>Rule 30.3.3.3</p> <p>The rules contained in this Chapter <u>prevail take precedence</u> over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:</p> <ol style="list-style-type: none"> 25 Earthworks. 26 Historic Heritage. <u>Protected Trees.</u> <u>Indigenous Vegetation and Biodiversity.</u> <u>35 Temporary Activities and Relocated Buildings;</u> <u>36 Noise</u> 	Oppose	<p>Aurora supports the intent of this rule to provide clarity as to how the rules of the District Plan are to be interpreted.</p> <p>This submission seeks various amendments in relation to Chapter 39 (relief points 20-22) to enable activities permitted by rules 30.5.5.1 to 30.5.5.3 relating to:</p> <ul style="list-style-type: none"> - Minor upgrading - Lines and supporting structures - Underground electricity cables <p>These activities are otherwise permitted in all zones. The inclusion of Wahi Tūpuna mapped areas in PDP Stage 3 will introduce a requirement for resource consent which will be administratively inefficient for Aurora and the Council considering the level of works to be undertaken.</p>	<p>If relief in relation to Chapter 39 (relief points 21-23) is not accepted then amend Rule 30.3.3.3 as follows:</p> <p>Rule 30.3.3.3</p> <p>The rules contained in this Chapter <u>prevail take precedence</u> over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:</p> <ol style="list-style-type: none"> 25 Earthworks. 26 Historic Heritage. <u>Protected Trees.</u> <u>Indigenous Vegetation and Biodiversity.</u>

	g) <u>39 Wāhi Tūpuna.</u> Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.			e) <u>35 Temporary Activities and Relocated Buildings;</u> f) <u>36 Noise</u> g) 39 Wāhi Tūpuna. Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.
Chapter 39 Wāhi Tūpuna				
20	Policy 39.2.1.3 Avoid significant adverse effects on values within Wāhi Tūpuna areas and where significant adverse effects cannot be practicably avoided, require them to be remedied or mitigated.	Support	Aurora supports this provision as it recognises that significant adverse effects cannot always be avoided. This is particularly important for electricity distribution infrastructure in which adverse effects are unavoidable due to the functional needs of the network and the need to provide electricity supply to the community.	Retain as notified.
21	Rule 39.5.1 Any buildings or structures: a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Lower Density Suburban Residential; ii. Medium Density Residential; or iii. Large Lot Residential. Shall be setback a minimum of 7m from a waterbody. Non-compliance status = Restricted Discretionary: Discretion is restricted to: a) Effects on cultural values of Manawhenua.	Oppose	Introduction Aurora opposes this rule on the basis that it will place a considerable burden on Aurora to obtain resource consent for activities that are otherwise permitted by Chapter 30. Aurora has a significant level of infrastructure in close proximity to waterbodies, particularly overhead lines, and would be unduly prejudiced by this rule. It is acknowledged that Chapter 39 has been notified to avoid, remedy or mitigate effects on Manawhenua values. Aurora recognises that some of its activities (i.e. zone substations, overhead lines, and ground mounted transformers) may have adverse effects on those values in particular instances. For that reason, Aurora has engaged with Kai Tahu Ki Otakou (now Aukaha) to seek to understand how it can be manage its infrastructure expansion and upgrades to be sensitive to those effects. Issues posed by these Rules However, a significant amount of Aurora’s infrastructure involves a very low level of adverse effects and will be unnecessarily caught by this chapter generally and the effects of rules 39.5.1 to 39.5.3. Those activities includes, the installation of pillar boxes (a structure) on rural land to provide a new electricity connection, cables which are attached to bridges so as to cross rivers (but which do not have any adverse effects on land); and underground cables to provide electricity to existing pump sheds near waterbodies (particularly in the rural zone). Aurora considers that the types of activities permitted by rules 30.5.5.1 to 30.5.5.3 should be permitted on the basis that they relate to existing works where effects are existing. The activities related to this infrastructure will be minor upgrading, repairs and maintenance where adverse effects (if any) are temporary while the works are being undertaken.	Delete Rule 39.5.1 entirely; OR amend as follows Any buildings or structures: a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Lower Density Suburban Residential; ii. Medium Density Residential; or iii. Large Lot Residential. Shall be setback a minimum of 7m from a waterbody-, <u>except where the activity is permitted by rules 30.5.5.1 to 30.5.5.4.</u> Non-compliance status = Restricted Discretionary: Discretion is restricted to: a) Effects on cultural values of Manawhenua-; <u>and</u> b) <u>Functional needs of regionally significant infrastructure</u>
22	Rule 39.5.2 Any buildings or structures: a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Rural; ii. Rural Residential and Rural Lifestyle; or iii. Gibbston Character. Shall be setback a minimum of 20m from a waterbody.	Oppose		Delete Rule 39.5.2 entirely; OR amend as follows: Any buildings or structures: a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Rural; ii. Rural Residential and Rural Lifestyle; or iii. Gibbston Character.

	<p>Non-compliance status = Restricted Discretionary:</p> <p>Discretion is restricted to:</p> <p>a) Effects on cultural values of Manawhenua.</p>		<p>It is unclear as to how the various setbacks from Wahi Tūpuna areas will be policed under these new rules. There is no overlay in the PDP Stage 3 maps which provides a definitive setback distance from the Wahi Tūpuna areas.</p> <p>In the event that resource consent is required for activities that fall outside of rules 30.5.5.1 to 30.5.5.4 then Aurora considers that an additional matter of discretion should be included to recognise the functional needs of Aurora's electricity distribution infrastructure. "Functional needs" was defined in consent memorandum lodged with the Court as:</p> <p><i>"the locational, operational, practical or technical needs of an activity, including development and upgrades".</i></p> <p>Aurora's infrastructure is inherently limited by engineering constraints which dictates the scope of options available to provide an electricity connection. Aurora is further constrained financially by the community who may not wish to pay for engineering solutions that are vastly more expensive than alternatives. That is despite the alternatives having greater adverse effects on Manawhenua values. Note consistency with definition of "functional needs" as per Topic 1 Subtopic 4 consent memorandum.</p> <p>With respect to the provisions of this Chapter and the provisions of Chapter 20 (specifically policy 20.2.2.6) there appears to be some compatibility issues. Policy 20.2.2.6 seeks to avoid activities which are not consistent with established amenity of settlement zones. That amenity is typically classified by open landscapes and visible horizons. Overhead lines are often consistent with those values. Conversely, the rules of Chapter 39 would suggest that a lower form of intrusion on the landscape would be more appropriate. Overhead lines are less intrusive in terms of earthworks but have a greater potential visual effect on amenity values, and vice versa. It is therefore unclear what outcome the PDP seeks in terms of Aurora's infrastructure.</p>	<p>Shall be setback a minimum of 20m from a waterbody, <u>except where the activity is permitted by rules 30.5.5.1 to 30.5.5.4</u></p> <p>Non-compliance status = Restricted Discretionary:</p> <p>Discretion is restricted to:</p> <p>a) Effects on cultural values of Manawhenua; <u>and</u> b) <u>Functional needs of regionally significant infrastructure.</u></p>
23	<p>Rule 39.5.3</p> <p>Any buildings or structures:</p> <p>a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Wakatipu Lifestyle Precinct; or ii. Open Space and Recreation.</p> <p>Shall be setback a minimum of 30m from a waterbody.</p> <p>Non-compliance status = Restricted Discretionary:</p> <p>Discretion is restricted to:</p> <p>a) Effects on cultural values of Manawhenua.</p>	Oppose	<p>Aurora's infrastructure is inherently limited by engineering constraints which dictates the scope of options available to provide an electricity connection. Aurora is further constrained financially by the community who may not wish to pay for engineering solutions that are vastly more expensive than alternatives. That is despite the alternatives having greater adverse effects on Manawhenua values. Note consistency with definition of "functional needs" as per Topic 1 Subtopic 4 consent memorandum.</p> <p>With respect to the provisions of this Chapter and the provisions of Chapter 20 (specifically policy 20.2.2.6) there appears to be some compatibility issues. Policy 20.2.2.6 seeks to avoid activities which are not consistent with established amenity of settlement zones. That amenity is typically classified by open landscapes and visible horizons. Overhead lines are often consistent with those values. Conversely, the rules of Chapter 39 would suggest that a lower form of intrusion on the landscape would be more appropriate. Overhead lines are less intrusive in terms of earthworks but have a greater potential visual effect on amenity values, and vice versa. It is therefore unclear what outcome the PDP seeks in terms of Aurora's infrastructure.</p>	<p>Delete Rule 39.5.3 entirely;</p> <p>OR amend as follows:</p> <p>Any buildings or structures:</p> <p>a) within a Wāhi Tūpuna area (identified in Schedule 39.6); b) where activities affecting water quality are a recognised threat; and c) within the following zones: i. Wakatipu Lifestyle Precinct; or ii. Open Space and Recreation.</p> <p>Shall be setback a minimum of 30m from a waterbody, <u>except where the activity is permitted by rules 30.5.5.1 to 30.5.5.4.</u></p> <p>Non-compliance status = Restricted Discretionary:</p> <p>Discretion is restricted to:</p> <p>a) Effects on cultural values of Manawhenua; <u>and</u> b) <u>Functional needs of regionally significant infrastructure</u></p>
24	N/A	N/A	<p>Aurora's Asset Management Plan</p> <p>Aurora intends to invest a significant amount on infrastructure upgrades over the next 10 years renewing its asset fleets, including support structure and overhead conductors many of which cross streams and rivers. This investment will coincide with the life of this District Plan. Many of these upgrades will occur as a permitted activity under the District Plan by way of rules 30.5.5.1 to 30.5.5.3. There is a risk that this would be significantly compromised by requiring resource consent for these activities where they protrude through setbacks from water bodies.</p> <p>The extent of Aurora's investment is detailed in its 2018-2028 Asset Management Plan, available at https://www.auroraenergy.co.nz/disclosures/asset-management-plan/</p> <p>Regional Council v District Council</p>	<p>Alternative relief to relief points 21 to 23. Insert a new rule 39.5.X as follows:</p> <p>Rule 39.5.X</p> <p>The operation, maintenance, minor upgrading and repair of electricity distribution infrastructure is exempt from Rules 39.5.1 to 39.5.3.</p>

			<p>Where works are located within a waterbody Aurora is already required to seek consent from the regional council. The provisions of the Otago Regional Plan already gives recognition to the adverse effects on Manawhenua values. Aurora considers that it is not administratively efficient to require consent under the District and Regional Plans for the same activity. It is not a function of the District Council to control discharges of contaminants or effects on waterways – that is expressly a function of the Regional Council.</p>	
Planning Maps				
25	<p>Planning maps within a 20 metre vicinity of 39 Ballantyne Road shown below</p> <p>Area is zoned Low Density Suburban Residential Zone</p> 	Oppose	<p>An existing zone substation is located at 39 Ballantyne Road (Ballantyne Road Zone Substation (BRZS)). The BRZS is subject to designation decision 337 as part of PDP Stage 1 so the particular zoning of that site is inconsequential to the types of activities that can occur.</p> <p>Aurora is concerned about the potential reverse sensitivity effects on the BRZS arising from residential dwellings being built in close proximity to the BRZS. The provisions of the Low Density Residential Suburban Zone enable a density of at least 450m² which could lead to significant reverse sensitivity effects on Aurora's BRZS.</p>	<p>Remove the notified zoning;</p> <p>OR insert a building restriction area over the Low Density Residential Suburban Sub-Zone in the area 20 metres from the cadastral boundary of 39 Ballantyne Road. A suggestion of where to place this boundary has been produced at Appendix B with a red outline.</p>

Appendix B: Relief Point 25

