Form 5

Submission on Palmerston North City Proposed Plan Change 15A to H
Under Clause 6 of the First Schedule to the Resource Management Act 1991

To: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410

Attention: Team Leader – Governance and Support

Submission on: Proposed District Plan Change 15G: Utilities

Name: Chorus New Zealand Limited

Address: Chorus New Zealand Limited
PO Box 632
WELLINGTON

1. Trade Competition

Chorus New Zealand Limited (Chorus) could not gain any advantage in trade competition through this submission.

Chorus is directly affected by the subject matter to which this submission relates. The subject matter relates to environmental affects and not trade competition or the effects of trade competition.

2. Chorus New Zealand Limited makes the following general submission:

Chorus ‘demerged’ from Telecom as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a world class network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables. Chorus’ telecommunication and radio communication facilities and networks are essential services because of the critical role they play, both in terms of allowing people and communities to provide for their “wellbeing”, and also for assisting to ensure their “health and safety”. Chorus’ fixed line network connects homes and businesses through an extensive network made up of fibre optic and copper cable. The Ultra Fast Broadband (UFB) and Rural Broadband Initiative (RBI) projects currently underway require additional fibre cable (both underground and overhead on existing support structures). This network is also supported by a number of radio communication sites ranging from small repeater sites to large microwave stations.

Chorus works with many different retail service providers to give access to our network and develop innovative new products and services. Our customers include Actrix, Airnet, CallPlus, Compass, Digital Island, Gen-I, Orcon, Spark, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.
In addition to supporting our customers to deliver fixed line services; Chorus’ fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of our customers and the local community.

Reliance on telecommunications has never been so high and this will continue to grow as an ever expanding range of applications are developed that require access to an ultra fast broadband network. Chorus is partnering with the Crown Fibre Holdings to undertake one of the largest infrastructure upgrades the country has ever seen.

Within any District Plan there is a need to provide a balance between the policy and rules framework that provides for the efficient maintenance and rollout of network utility infrastructure, while appropriately managing the effects on the environment from this infrastructure. In recent years, there has been a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF) is an example of a measure put in place by Government to better provide for deployment of critical infrastructure.

Improved internet speed is important from a Government perspective because broadband improvements can increase economic activity and productivity. Prime Minister John Key, in a Press Release dated 5 March 2012, announced the next 693 schools to be connected by Chorus for the ultra-fast broadband initiative. The Prime Minister confirmed in the announcement that, “Building a more competitive and productive economy is one of the Government’s four key priorities for its second term and the rollout of UFB is an important part of this”.

The Ministry of Business, Innovation and Employment (MBIE), who advise the Minister for Communications and Information Technology and manage the Telecommunications Act 2001, has a clear policy direction to develop a sound regulatory environment for the information and communications technology (ICT) sector. The MBIE states on their website that:

“The internet has become part of the way New Zealanders live, learn and do business. We’re (Public) hungry for faster internet speed and the ability to exchange large amounts of information. There is also a desire to find faster and better ways to search, process and use information. New technologies put increasing demands on the capacity on the broadband network infrastructure.”

Further to these policy objectives around the provision of efficient infrastructure, there is a critical need for the provision of resilient telecommunications networks during emergencies as has been highlighted in the case of the Canterbury earthquakes. Functioning communications networks that support emergency services during such events are crucial, and can be the difference between life and death in some circumstances.

Building provisions into District Plans that allow for equipment upgrades to be undertaken in a relatively straightforward manner is pertinent in the telecommunications industry given that technological advancements tend to occur rapidly in the industry. This is evidenced by the recent emergence of mobile devices which rely on the mobile network for connection to the internet. Currently Chorus provides network infrastructure support for the 3G network which is supplied to the public by our customers. In addition, the 4G network is currently under development and this will provide a high speed network with increased data capacity. Other
technological advances during the life to the District Plan, along with more instances of telecommunications providers seeking to co-locate on each other's assets, are also likely to occur requiring existing assets to be upgraded. Therefore any new District Plan provisions should be created with such technological advancements and/or provision for co-location of equipment being kept in mind.

The purpose of this submission is to ensure that the provisions of Proposed District Plan Change 15G: Utilities adequately recognises and provides for telecommunication and radio communication utility Infrastructure, and does not unnecessarily impede the efficient and effective operation, maintenance and upgrading of the network. While it is considered that the policy framework generally provides a good balance between the provision for telecommunication utilities and their environmental effects, it is considered that as currently drafted some of the associated rules are:

(a) unreasonably restrictive in the manner in which telecommunication and radio communication facilities are provided for in relation to the actual and potential environmental effects of the activities; and

(b) unclear, uncertain or unworkable.

For the above reasons, it is considered that aspects of the Proposed Plan Change 15G: Utilities fail to promote the purpose of the Resource Management Act ("RMA").

3. Chorus makes the following submissions to the Proposed District Plan Change 15G: Utilities and seeks:

The particular parts of Proposed Plan Change 15G to which Chorus's submissions relate, and the relief sought are outlined in the attached table. Chorus's submissions seek:

EITHER
(i) The relief as set out in the specific submissions in Appendix 1 attached;

OR
(ii) Such other relief to like effect to remedy the concerns outlined in the submissions;

AND in relation to both (i) and (ii) above

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

4. Chorus New Zealand Limited wishes to be heard in support of its submission.

5. If others make a similar submission Chorus would be prepared to consider presenting a joint case with them at the hearing.
Signed:

Gretchen Joe
Head of Property Operations
Chorus New Zealand Limited

Dated at Wellington this 4th day of March 2015

Address for Service:
Chorus
PO Box 632
Wellington

Contact Details:
Attention: Mary Barton
Telephone: 027 702 8650
E-mail: mary.barton@chorus.co.nz
**APPENDIX 1:**

Proposed text is in **bold and underlined** and text requested to be deleted is in **strikethrough**.

**PROPOSED PLAN CHANGE G: UTILITIES**

<table>
<thead>
<tr>
<th>Specific provision this submission relates to</th>
<th>Chorus Supports/ Opposes</th>
<th>Chorus submission is that:</th>
<th>Chorus seeks the following relief:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 23 – Utilities:</strong>&lt;br&gt;23.1 Introduction</td>
<td></td>
<td></td>
<td>Amend paragraph 3, page 491 as follows:</td>
</tr>
<tr>
<td>Paragraph 3, discussion on Effects, (page 491).</td>
<td>Oppose in part</td>
<td>The discussion needs to acknowledge that it is not only ‘linear’ infrastructure that has technical and or operational constraints that mean it is not always possible to avoid, remedy or mitigate adverse effects. An example is telecommunication and radiocommunication masts. The deletion of the words ‘linear infrastructure” and refer to term network utilities is sought for consistency. The term infrastructure is not defined under the proposed Plan Change.</td>
<td>“It is also important to recognise that due to technical or operational constraints it is not always possible to avoid, remedy or mitigate adverse effects associated with the establishment, operation or maintenance of linear infrastructure network utilities. The Plan includes provisions to manage adverse effects resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure, as well as providing a means to recognise and acknowledge the benefits that network utilities have”.</td>
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</table>

**Section 23 – Utilities:**

**23.2 Resource Management Issues**
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<tr>
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<tr>
<td>Issue 1 (page 492)</td>
<td>Support</td>
<td>This issue recognises the essential nature and importance of network utilities to the economic, social, health and wellbeing of the Palmerston North community.</td>
<td>Retain Issue 1 as currently drafted.</td>
</tr>
<tr>
<td>Issue 2 and associated Explanation (page 492).</td>
<td>Oppose in part</td>
<td>As currently drafted, Issue 2 and the associated Explanation do not adequately recognise that adverse effects may not always be able to be avoided, remedied or mitigated due to the technical and operational constraints of network utilities (as acknowledged in 23.1 introduction (paragraph 3 on page 491). In this context the effects need to be 'managed'.</td>
<td>Amend Issue 2 as follows: The actual and potential need to manage the adverse effects on the environment resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure, while recognising that not all adverse effects may be able to be avoided, remedied or mitigated due to their technical and operational constraints. Amend Paragraph 2 of the Explanation as follows: Network utilities comprise a wide range of structures with varying degrees of impact on the environment. As well as impacting upon visual amenity, the establishment, operation maintenance and upgrade of network utilities can lead to other adverse effects ...on public health and safety. The Plan seeks to manage the adverse effects while recognising that in some cases some level of adverse effect will need to be accepted in recognition of the necessity of the works and</td>
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### Chorus New Zealand Limited

**Palmerston North Proposed Plan Change 15A-H**

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<td>Issue 3 (page 492)</td>
<td>Support</td>
<td>Issue 3 recognises that the operation, maintenance and upgrade of regionally or nationally important network utility structures or activities can be adversely affected by other activities, and is supported on this basis.</td>
<td><em>their technical and operational requirements.</em> Retain Issue 3.</td>
</tr>
</tbody>
</table>

**Section 23 – Utilities:**

#### 23.3 Objectives and Policies

| General across Section 23 | Support in part | The phrase “establishment, operation, maintenance and minor upgrading” is commonly used in section 23. It is considered that the phrase potentially creates uncertainty as to what is being enabled for a network utility. The definition of minor upgrade is essentially restricted to electricity and makes little provision for upgrading equipment or realignment of lines or other changes that will be required to ensure that the network can be efficiently maintained and upgraded without undue or uncertainty to what is permitted. | That the phrase establishment, operation, maintenance and minor upgrading be replaced throughout section 23 with Construction, operation, maintenance including repair and replacement and upgrading or similar wording. |

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"Chorus"
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<td>Objective 1, Policy 1.1 (page 494)</td>
<td>Support</td>
<td>Objective 1 and Policy 1.1 recognise that telecommunications and radiocommunications are of national and regional importance (Policy 1.1 item iv.)</td>
<td>Retain Objective 1 and Policy 1.1 in relation to the provision for telecommunications and radiocommunications as regionally or nationally significant infrastructure.</td>
</tr>
<tr>
<td>Objective 2, Policies 2.1 and 2.2 and associated Explanations (pages 495 and 497)</td>
<td>Oppose in part</td>
<td>Policy 2.1 permits the operation, maintenance and upgrading of existing regionally or nationally important network utilities, with the threshold of effects being whether the works or activities will significantly change the character, intensity or scale of adverse effects. In contrast Policy 3.1 is concerned with the operation, maintenance and upgrading of network utilities that are neither regionally or nationally significant with the threshold being whether or not the effects are minor or less than minor. The application of a higher threshold of effects to regionally or nationally significant network utilities is considered inappropriate, particularly given their essential nature. An amendment is sought to Policy 2.2 to remove the</td>
<td>Amend Policy 2.1 as follows: To permit the operation, maintenance and upgrading of existing regionally or nationally important network utilities that result in minor or less than minor adverse effects, where such works or activities can be carried out without significantly changing the character, intensity or scale of the adverse effects associated with them. Amend Policy 2.2 as follows: To enable the operation, maintenance and upgrading of existing regionally or nationally important network utilities and the establishment of new regionally or nationally important network utilities, provided that the adverse effects are avoided, remedied or mitigated to the extent practicable, having regard to...... Make changes to the Explanation for Policies 2.1 and 2.2 as</td>
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### Chorus New Zealand Limited
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<td>Objective 2, Policy 2.3 (page 495)</td>
<td>Support</td>
<td>overlap with Policy 2.1 as currently both policies deal with the operation, maintenance and upgrading of regionally or nationally important network utilities (and these policies are inconsistent). A change is also sought to make it clear that the adverse effects of nationally and regionally important infrastructure will be avoided, remedied or mitigated to the 'extent practicable', having regard to the benefits of the works and the technical and operational constraints.</td>
<td>necessary to reflect the amendments above, including making it clear that Policy 2.1 applies to the operation, maintenance and upgrading of regionally or nationally important network utilities, while and Policy 2.2 provides for new regionally or nationally important network utilities.</td>
</tr>
<tr>
<td>Objective 3, Policy 3.2 (page 495)</td>
<td>Oppose in part</td>
<td>As currently drafted, the Policy is inconsistent with the Council's Engineering Standards for Land Development. As set out in the extract below, these standards are only applicable to new network utilities at the time of a subdivision. An amendment to Policy 3.2 is sought to reflect this. 1.11 NETWORK UTILITIES Prior to making application for consent, the</td>
<td>Amend Policy 3.2 as follows: To ensure that network utilities associated with new land development are designed, located, developed, constructed, upgraded, operated and maintained in accordance with the Council's Engineering Standards for Land Development.</td>
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Chorus New Zealand Limited
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<td>Developer shall forward all subdivisional proposals to all public utility providers. This will enable each provider to design and allow for their utilities to be installed with the minimum delay and ensure no interference to the final surfacing of carriageways and footpaths and formations of berms. Formal advice from all network utility providers as to programming and extent of works is to form part of the engineering approval application process. Provision shall be made for the installation of suitable ducts within the development area if an authority is unable to install its services at the time of initial construction. In Urban areas and rural residential areas, all services are to be underground. Where a proposed development fronts a road reserve with existing overhead power and telecommunication services, these services are to be installed underground as part of the development at the Developers cost.</td>
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Objective 3, Policy 3.4
Undergrounding

Oppose in part

Amendments are sought to Policy 3.4 to:
- provide for an overhead customer connection from an existing overhead support structure as a permitted activity. Overhead customer connections have minimal adverse effects

Amend Policy 3.4 as follows:
To require the placement of new network utilities unless:
- there are natural or physical features or structures, or technological and operational constraints that
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<td>and are commonly provided as a permitted activity in District Plans; and • clarify that the policy only applies to 'new' network utilities. It is noted that this clarification has recently been accepted in recent Wellington area utility plan changes which have included a similar policy (Upper Hutt City, Hutt City and Porirua City).</td>
<td>Supports</td>
<td>makes underground placement impracticable or unreasonable; • they are of a temporary nature and required for emergency purposes or critical events; they are of a nature that can only operate above ground; and • in the case of lines (i) they are to provide a customer connection utilising an existing support pole in any zone; and/or (ii) they traverse any Rural Zone or roads within the Rural Zone.</td>
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Objective 3, Policy 3.5 (page 496) | Support | The specific recognition of the benefits of co-location is supported. | Retain Policy 3.5. |

Section 23 – Utilities: Rules 

Rule 23.7.1 Permitted Activities (page 501) | Oppose in part | As drafted the performance standards relating to height and setbacks potentially apply to the minor upgrading or maintenance of existing | Amend R23.7.1 Permitted Activities as follows: The establishment, operation, maintenance and minor
### Chorus submission is that:

Telecommunications and radiocommunications. A new rule is sought to separately provide for these activities, and to make it clear which permitted activity performance standards are potentially applicable.

**Other changes seek to make it clear that not all the performance standards listed are relevant, and to make a distinction between the generic provision for telecommunications and radiocommunications in Rule R23.7.1 (iii), and the more specific rule applying to aerial, antenna and dishes (which are also telecommunications and radiocommunication facilities).**

### Chorus seeks the following relief:

Upgrade of any of the following...are permitted activities provided that these comply with the relevant performance standards listed herein.

**(iii) New**

*Telecommunications and radiocommunication lines, links, works and facilities* **not otherwise provided in item (iv) below.**

Insert new item as follows:

**(xii) Maintenance and minor upgrading of telecommunication and radiocommunication facilities, subject only to compliance with performance standards (a) (h) and (i) as applicable.**

### Specific provision this submission relates to

<table>
<thead>
<tr>
<th>Rule R23.7.1, Performance Standard (a) Height (i) (page 502); and Definition of 'Utility Structure' in Section 4 Definitions (page 42).</th>
<th>Oppose part in part</th>
<th>This performance standard requires that all above ground utility structures, except lines, masts, aerials, antennas and their brackets or attachments must comply with the relevant height control or recession plane for the relevant zone, except where it applies to the boundary of a road or service lane. For the purposes of telecommunications, the definition of...</th>
<th>Either:</th>
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<td></td>
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<td>(i) Delete the definition of “Utility Structure” in Section 4 Definitions; and</td>
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<td></td>
<td>(ii) Add the following to the end of Rule R23.7.1 performance standard (a) (i):</td>
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<td></td>
<td><em>In the case of a telecommunication cabinet located on a</em></td>
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</table>
### Specific provision this submission relates to

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<td></td>
<td>&quot;Utility Structure&quot; is defined in Section 4 Definitions as being either an Original or Replacement Utility Structure – which draws from the definition of &quot;Replacement Utility Structure&quot; in the National Environmental Standards for Telecommunication Facilities (NES). The inclusion of a rule controlling height in relation to utility structures provided for in the NES is inappropriate, noting also that the height rules applicable in the District Plan are significantly different from the NES. The application of Rule R23.7.1 (a) (i) to telecommunications structures such as cabinets is considered acceptable, other than to a cabinet located on a building. Telecommunication cabinets associated with building mounted antennas are commonly located on building roofs, with minimal adverse effect.</td>
<td><strong>building, the zone height or height recession plane does not apply.</strong> Or, alternatively, (i) Delete the definition of &quot;Utility Structure&quot; in Section 4 Definitions; and (iii) Delete Rule R23.7.1 performance standard (a) (i) in its entirety.</td>
</tr>
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</table>

<p>| Rule R23.7.1, Performance Standard (a) Height (iii) (page 41) | Oppose in part | The provision for masts in the Rural Zone is considered too restrictive, particularly in view of the ability for masts to be visually absorbed in the Rural... | Amend Rule R23.7.1 performance standard (a) (iii) to provide for Masts up to 25m in the Rural Zone. |</p>
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<tr>
<td>Rule R23.7.1, Performance Standard (a) Height (iv) (page 502)</td>
<td>Oppose in part</td>
<td>The performance standard provides for an additional height allowance for co-location by two or more providers, but does not specify the additional allowance permitted. This rule is unclear and uncertain.</td>
<td>Amend Rule R23.7.1 performance standard (a) (iv)) to provide an additional allowance of 3m.</td>
</tr>
</tbody>
</table>
| Rule R23.7.1, Performance Standard (d) Undergrounding (page 503) | Oppose in part | An amendment is sought to Rule R23.7.1 performance standard (d) (i) to provide for overhead customer connections utilising an existing support pole and to make it clear that the standard only applies to new facilities. These changes are sought in conjunction with the changes to Policy 3.4 above, on the basis that any adverse effects are minimal (and less than minor). | Amend Rule R23.7.1 performance standard (d) (i) as follows: **New** lines shall not be located above ground except:  
(a) where lines traverse any Rural Zone, or roads within this zone  
(b) where they involve the maintenance, repair, replacement and upgrading of existing overhead lines. Upgrading in this context means an improvement, increase in capacity or improved security provided that only existing support structures are utilized.  
(c) where lines are to provide temporary links, connections or services, they may be above ground for up to three consecutive months in any 12 month period; and  
(d) to provide a customer connection utilising an |
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| Rule R23.7.1, Performance Standard (f) Aerials and Antennas (page 503) | Oppose in part | Amendments are sought to make it clear that commonly used ancillary components to antennas will not be included in the measurement of each antenna (other than in the specified circumstances). | Amend the NOTE TO PLAN USERS as follows:

*In relation to Rule 23.7.1(f) the mountings of any antenna and any ancillary components, including radio frequency equipment or similar devices such as amplifiers and controller boxes shall not be included in the measurement of each antenna provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself. Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measure is of each individual antenna and not a cumulative measurement.* |

<p>| Rule R23.7.1 Performance standard (i) (a) Radiofrequency Field Exposures (page 504) | Oppose in part | The radio frequency field exposure performance standard applies “the relevant New Zealand standards or guidelines.” This is vague and inconsistent with the specific reference to the NZ Standard NZS 2772: Part 1: 1999 under the default Non-Complying activity Rule R23.11.1 (page 511). | Amend Rule 23.7.1 performance standard (i) (a) with respect to radio frequency fields to provide consistency with the wording under the Non complying rule R23.11.1, and certainty as to what is applicable (by removing reference to “guidelines”). |</p>
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<tr>
<td>Rule 23.9.1 (iii) (page 508) Oppose in part</td>
<td>As currently worded, there is no default of restricted discretionary activity for a non-compliance with the antenna &quot;area&quot; performance standard. Restricted discretionary activity status in these circumstances is considered appropriate. A change is also included to provide consistency with the proposed change to the definition of Antenna (see submission below).</td>
<td>Amend Rule 23.9.1 (iii) so it also includes the 'area' of antennas as follows: Diameter or area standards for Aerials, Antennas, and Antenna Dishes;</td>
</tr>
</tbody>
</table>

**Section 4 Definitions**

| Aerial, Antenna and Antenna Dish (page 20) | Oppose | There are separate definitions of ‘Aerial’, ‘Antenna’ and ‘Antenna Dish’, and as defined these overlap. For example, the definition of “Aerial” means the part of a radiocommunication facility or telecommunication facility used for the transmission or reception of signals. The definition of “Antenna” is as per the NES (i.e. a device that receives or transmits radiocommunication signals.....). Further, the definition of “Antenna Dish” include antennas that are not dish antennas (for example, as defined it includes panel antennas). These definitions create uncertainty. | Delete the definitions of Aerial, Antenna and Antenna Dish and replace with the following: ANTENNA: means the part of a radiocommunication facility or telecommunication facility used or intended for transmission or reception, including dishes, panels and aerials (i.e. an array of wires, rods or tubes). They include the antenna mounting and ancillary components such as radio frequency units, amplifiers, controller boxes, or similar devices, but not any supporting mast or similar structure. |
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<td>Mast (page 32)</td>
<td>Oppose in part</td>
<td>In addition, the ancillary components of an antenna is amended to include other commonly used devices, such as amplifiers and controller boxes.</td>
<td>means any mast, pole, tower or similar structure designed to carry aerials or antenna dishes antennas to facilitate radiocommunication or telecommunication.</td>
</tr>
<tr>
<td>Minor Upgrading (page 33)</td>
<td>Oppose</td>
<td>An amendment to the definition of “Mast” is sought to provide consistency with the change requested to the definition of “Antenna” above.</td>
<td>Amend the definition of minor upgrading to include telecommunication networks.</td>
</tr>
</tbody>
</table>

**Minor Upgrading (page 33)**

Oppose in part

The definition makes no provision for the upgrading of telecommunications networks and only refers to electricity. The telecommunication networks will be upgraded as new technology is introduced. It is the intent of the Section 23 to provide for upgrading yet the associated definition is currently drafted in a way that reads to only apply to the electricity network.

Amend the definition of minor upgrading to include telecommunication networks.

*Means, in respect of network utilities, an increase in the carrying capacity, efficiency or security of electricity and telecommunications lines networks, utilising the existing support structures or structures of a similar scale, intensity and character, and includes but is not limited to:*

- the replacement of any antenna on an existing mast or other support structure with a new one

Amendments are sought to allow for:

- the replacement of existing antennas;
- the replacement of existing support poles in road reserve within 2 metres of the existing pole which it is replacing in specified...
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circumstances.

These changes are sought to allow for the efficient and effective use of existing infrastructure for activities that have less than minor adverse effects.

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<tr>
<td>provided the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20%, and the overall height of the facility to which the antenna is attached does not increase.</td>
</tr>
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</table>

- an increase in the height of replacement poles in road reserve by a maximum of 1m for the purpose of achieving road controlling authority clearance requirements provided that the permitted zone height is not exceeded; and/or the replacement of an existing pole in road reserve within 2m horizontal distance of the existing. |
Form 5

Submission on the Palmerston North City Sectional District Plan Review
Proposed Plan Change 15A to 15H
Under Clause 6 of the First Schedule to the Resource Management Act 1991

To: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410

Attention: Team leader – Governance and Support

Submission on: Proposed Plan Change 15G Utilities

Name: Spark New Zealand Trading Limited

Address: Spark New Zealand Trading Limited
Private Bag 92028,
Auckland 1010

1. Trade Competition

Spark New Zealand Trading Limited (Spark) could not gain any advantage in trade competition through this submission.

Spark is directly affected by the subject matter to which this submission relates. The subject matter relates to environmental affects and not trade competition or the effects of trade competition.

2. Spark New Zealand Trading Limited makes the following general submission:

Spark New Zealand Trading Limited (formerly Telecom) is now primarily a retailer of telecommunications services, both fixed and mobile, to consumers and businesses. Whilst Spark continues to own the mobile network and the National Transport Network linking exchanges up and down the country. The key elements of the Spark network that may be affected by district plans are:

- Spark 29 Base Stations deployed throughout Palmerston North and the wider Manawatu area, of which operate 3G technologies. The existing Palmerston North sites will be upgraded to 4G by June 2015 and it is planned to upgrade the remaining sites with 4G by June 2017. Aligned to this growth in the “macro” network, developing technological breakthroughs have enabled the deployment of micro cells, small cells and ceFi units to provide improved in-building and inner city coverage.
- Spark has payphones and Wi-Fi hotspots across the City providing additional connectivity options for Palmerston North City residents regardless of whether or not they are Spark mobile customers.
The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest (both in terms of allowing people and communities to provide for their “wellbeing”, and also for assisting to ensure their “health and safety”).

Spark is a major telecommunication network provider within Palmerston North City. The network is utilised for a wide range of purposes that are essential to modern mobile society. Access for residents and business to quality, reliable telecommunications will be a fundamental requisite for the region to become a competitive, attractive and safe place to live and work. The pivotal role of modern telecommunications as a catalyst for social and economic development is now widely recognised around the world. This includes personal and commercial communications, wireless data transfer, linking financial institutions to convey critical financial transaction data, fire and burglary monitoring and control facilities, and other emergency services communications.

The provision of resilient telecommunication networks during emergencies is critical, as has been highlighted in the case of the Canterbury earthquakes. Telecommunication is being recognised as Significant Infrastructure i.e. the whole network and a critical lifeline utility. The telecommunications network needs to be regularly upgraded, to respond to and provide for growth, to ensure reliability for Public Protection and Disaster Recovery (PPDR), as well as providing for technological developments. Recognising this and catering for its development will be key to ensuring Palmerston North and the wider area retains its place as an attractive place for talent and capital to locate.

Within any District Plan there is a need to provide a balance between the policy and rules framework that provides for the efficient maintenance and rollout of network utility infrastructure, with appropriately managing the effects on the environment from this infrastructure. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF) which deals with the provision for telecommunications in roads is an example of a measure put in place by Government to better provide for deployment of critical infrastructure. The NESTF is a permissive instrument, and overrides all District Plans that are more restrictive.

The Spark network is subject to constant maintenance, modification and upgrading as the number of customers and services increase, and changes in technology occur rapidly. Technological advances during the life to the District Plan, along with more instances of telecommunications providers seeking to co-locate on each other’s assets, are also likely to occur requiring existing assets to be upgraded. Therefore any new District Plan provisions should be created with such technological advancements and/or provision for co-location of equipment being kept in mind.

3. Spark makes the following submissions to Proposed Plan Change 15G Utilities, and seeks:
The particular parts of Proposed Plan Change 15G to which Spark’s submissions relate, and the relief sought are outlined in the attached table. Spark’s submissions seek:

EITHER
(i) The relief as set out in the specific submissions attached as Appendix 1;

OR
(ii) Such other relief to like effect to remedy the concerns outlined in the submissions;

AND in relation to both (i) and (ii) above

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

4. Spark New Zealand Trading Limited wishes to be heard in support of its submission.

5. If others make a similar submission Spark would be prepared to consider presenting a joint case with them at the hearing.

Signed: ...........................................
Paul Hallowes
Spark New Zealand Trading Limited

Dated at Auckland this 3 day of March 2015

Address for Service:
Spark New Zealand Trading Limited
Private Bag 92028,
Auckland 1010

Attention: Graeme McCarrison

Contact Details:
Attention: Graeme McCarrison
Telephone: 0274 811 816
E-mail: graeme.mccarrison@spark.co.nz
### PROPOSED PLAN CHANGE G: UTILITIES

<table>
<thead>
<tr>
<th>Specific provision this submission relates to</th>
<th>Spark supports/opposes</th>
<th>Spark’s submission is that:</th>
<th>Spark seeks the following relief:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 23 – Utilities:</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>23.1 Introduction</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Paragraph 3, discussion on Effects,</td>
<td>Oppose in part</td>
<td>The discussion needs to acknowledge that it is not only “linear” infrastructure that has technical and or operational constraints that mean it is not always possible to avoid, remedy or mitigate adverse effects. An example is telecommunication and radiocommunication masts. The deletion of the words “linear infrastructure” and refer to term network utilities is sought for consistency. The term infrastructure is not defined under the proposed Plan Change.</td>
<td>Amend paragraph 3, page 491 as follows: “It is also important to recognise that due to technical or operational constraints it is not always possible to avoid, remedy or mitigate adverse effects associated with the establishment, operation or maintenance of linear infrastructure <strong>network utilities</strong>. The Plan includes provisions to manage adverse effects resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure, as well as providing a means to recognise and acknowledge the benefits that network utilities have”.</td>
</tr>
<tr>
<td><strong>Section 23 – Utilities:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>23.2 Resource Management Issues</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue 1 (page 492)</td>
<td>Support</td>
<td>This issue recognises the essential nature and importance of network utilities to the economic, social, health and wellbeing of the Palmerston North community.</td>
<td>Retain Issue 1 as currently drafted.</td>
</tr>
<tr>
<td>Issue 2 and</td>
<td>Oppose in part</td>
<td>As currently drafted, Issue 2 and the associated</td>
<td>Amend Issue 2 as follows:</td>
</tr>
<tr>
<td>Specific provision this submission relates to</td>
<td>Spark Supports/Opposes</td>
<td>Spark's submission is that:</td>
<td>Spark seeks the following relief:</td>
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<tr>
<td>associated Explanation (page 492).</td>
<td>part</td>
<td>Explanation do not adequately recognise that adverse effects may not always be able to be avoided, remedied or mitigated due to the technical and operational constraints of network utilities (as acknowledged in 23.1 introduction (paragraph 3 on page 491). In this context the effects need to be ‘managed’.</td>
<td>The actual and potential need to manage the adverse effects on the environment resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure, while recognising that not all adverse effects may be able to be avoided, remedied or mitigated due to their technical and operational constraints. Amend Paragraph 2 of the Explanation as follows: Network utilities comprise a wide range of structures with varying degrees of impact on the environment. As well as impacting upon visual amenity, the establishment, operation maintenance and upgrade of network utilities can lead to other adverse effects ……on public health and safety. The Plan seeks to manage the adverse effects while recognising that in some cases some level of adverse effect will need to be accepted in recognition of the necessity of the works and their technical and operational requirements.</td>
</tr>
<tr>
<td>Issue 3 (page 492)</td>
<td>Support</td>
<td>Issue 3 recognises that the operation, maintenance and upgrade of regionally or nationally important network utility structures or activities can be adversely affected by other activities, and is supported on this basis.</td>
<td>Retain Issue 3.</td>
</tr>
</tbody>
</table>
### Section 23 – Utilities:

#### 23.3 Objectives and Policies

<table>
<thead>
<tr>
<th>Specific provision this submission relates to</th>
<th>Spark Supports/Opposes</th>
<th>Spark’s submission is that:</th>
<th>Spark seeks the following relief:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General across Section 23 Support in part</td>
<td>The phrase “establishment, operation, maintenance and minor upgrading” is commonly used in section 23. It is considered that the phrase potentially creates uncertainty as to what is being enabled for a network utility. The definition of minor upgrade is essentially restricted to electricity and makes little provision for upgrading equipment or realignment of lines or other changes that will be required to ensure that the network can be efficiently maintained and upgraded without undue or uncertainty to what is permitted.</td>
<td>That the phrase establishment, operation, maintenance and minor upgrading be replaced throughout section 23 with Construction, operation, maintenance including repair and replacement and upgrading or similar wording.</td>
<td></td>
</tr>
<tr>
<td>Objective 1, Policy 1.1 (page 494) Support</td>
<td>Objective 1 and Policy 1.1 recognise that telecommunications and radiocommunications are of national and regional importance (Policy 1.1 item iv.)</td>
<td>Retain Objective 1 and Policy 1.1 in relation to the provision for telecommunications and radiocommunications as regionally or nationally significant infrastructure.</td>
<td></td>
</tr>
<tr>
<td>Objective 2, Policies 2.1 and 2.2 and associated Explanations (pages 495 and 497) Oppose in part</td>
<td>Policy 2.1 permits the operation, maintenance and upgrading of existing regionally or nationally important network utilities, with the threshold of effects being whether the works or activities will significantly change the character, intensity or scale of adverse effects. In contrast Policy 3.1 is concerned with the operation, maintenance and</td>
<td>Amend Policy 2.1 as follows: To permit the operation, maintenance and upgrading of existing regionally or nationally important network utilities that result in minor or less than minor adverse effects, where such works or activities can be carried out without significantly changing the character, intensity or scale of the adverse effects associated with them.</td>
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</tr>
<tr>
<td>Specific provision this submission relates to</td>
<td>Spark Supports/ Opposes</td>
<td>Spark’s submission is that:</td>
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<td>upgrading of network utilities that are neither regionally or nationally significant with the threshold being whether or not the effects are minor or less than minor. The application of a higher threshold of effects to regionally or nationally significant network utilities is considered inappropriate, particularly given their essential nature. An amendment is sought to Policy 2.2 to remove the overlap with Policy 2.1 as currently both policies deal with the operation, maintenance and upgrading of regionally or nationally important network utilities (and these policies are inconsistent). A change is also sought to make it clear that the adverse effects of nationally and regionally important infrastructure will be avoided, remedied or mitigated to the 'extent practicable', having regard to the benefits of the works and the technical and operational constraints.</td>
<td>Amend Policy 2.2 as follows: To enable the operation, maintenance and upgrading of existing—regionally—or—nationally—important—network utilities and the establishment of new regionally or nationally important network utilities, provided that the adverse effects are avoided, remedied or mitigated to the extent practicable, having regard to .... Make changes to the Explanation for Policies 2.1 and 2.2 as necessary to reflect the amendments above, including making it clear that Policy 2.1 applies to the operation, maintenance and upgrading of regionally or nationally important network utilities, while and Policy 2.2 provides for new regionally or nationally important network utilities.</td>
<td></td>
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</tbody>
</table>

| Objective 2, Policy 2.3 (page 495) | Support | The policy provides protection to regionally and nationally important network utilities through the consideration of reverse sensitivity effects. | Retain Policy 2.3. |

| Objective 3, Policy 3.2 (page 495) | Oppose in part | As currently drafted, the Policy is inconsistent with the Council’s Engineering Standards for Land Development. As set out in the extract below, these | Amend Policy 3.2 as follows: To ensure that network utilities associated with new land |
1.11 NETWORK UTILITIES

Prior to making application for consent, the Developer shall forward all subdivisional proposals to all public utility providers. This will enable each provider to design and allow for their utilities to be installed with the minimum delay and ensure no interference to the final surfacing of carriageways and footpaths and formations of berms. Formal advice from all network utility providers as to programming and extent of works is to form part of the engineering approval application process. Provision shall be made for the installation of suitable ducts within the development area if an authority is unable to install its services at the time of initial construction. In urban areas and rural residential areas, all services are to be underground. Where a proposed development fronts a road reserve with existing overhead power and telecommunication services, these services are to be installed underground as part of the development at the Developers cost. The reference to the Councils Engineering Standards for Land Development should include the version and date of this document.
### Specific provision this submission relates to

<table>
<thead>
<tr>
<th>Spark Supports/Opposes</th>
<th>Spark's submission is that:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Objective 3, Policy 3.5 (page 496)</td>
<td>Support</td>
<td>The specific recognition of the benefits of co-location is supported.</td>
</tr>
<tr>
<td>Objective 3, Policy 3.9 (page 496)</td>
<td>Oppose</td>
<td>It is recognised that engagement with the community is important. However this policy imposes an unrealistic and unreasonable expectation of engagement on all aspects of the works being undertaken on the network. To encourage network utility providers to engage with communities affected by the establishment of new network utilities and by their subsequent operation, maintenance and upgrade.</td>
</tr>
</tbody>
</table>

### Section 23 - Utilities: Rules

| Rule 23.7.1 Permitted Activities (page 501) | Oppose in part | As drafted the performance standards relating to height and setbacks potentially apply to the minor upgrading or maintenance of existing telecommunications and radiocommunications. A new rule is sought to separately provide for these activities, and to make it clear which permitted activity performance standards are potentially applicable. Other changes seek to make it clear that not all the performance standards listed are relevant, and to make a distinction between the generic provision for telecommunications and radiocommunications in Rule R23.7.1 (iii), and the more specific rule applying to aerial, antenna and dishes (which are also telecommunication and radiocommunication lines, links, works and facilities not otherwise provided in item (iv) below. | Amend R23.7.1 Permitted Activities as follows:

The establishment, operation, maintenance and minor upgrade of any of the following...are permitted activities provided that these comply with the relevant performance standards listed herein.

(iii) New telecommunication and radiocommunication lines, links, works and facilities not otherwise provided in item (iv) below.

Insert new item as follows:

<p>|xii| Maintenance and minor upgrading of telecommunication and radiocommunication facilities. |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>Rule R23.7.1(ix)</td>
<td>Oppose in part</td>
<td>Telephone kiosks are commonly provided for in road reserve and are an accepted part of the streetscape. They are not provided for in the definition of “street furniture” and they are not telecommunications cabinets. Accordingly a specific reference is sought.</td>
<td>subject only to compliance with performance standards (a) (h) and (i) as applicable.</td>
</tr>
<tr>
<td>Rule R23.7.1, Performance Standard (a) Height (i) (page 502); and Definition of ‘Utility Structure’ in Section 4 Definitions (page 42).</td>
<td>Oppose in part</td>
<td>This performance standard requires that all above ground utility structures, except lines, masts, aerials, antennas and their brackets or attachments must comply with the relevant height control or recession plane for the relevant zone, except where it applies to the boundary of a road or service lane. For the purposes of telecommunications, the definition of “Utility Structure” is defined in Section 4 Definitions as being either an Original or Replacement Utility Structure – which draws from the definition of “Replacement Utility Structure” in the National Environmental Standards for Telecommunication Facilities (NES). The inclusion of a rule controlling height in relation to utility structures provided for in the NES is inappropriate, noting also that the height rules applicable in the District Plan are significantly</td>
<td></td>
</tr>
</tbody>
</table>

Either:

(i) Delete the definition of “Utility Structure” in Section 4 Definitions; and

(ii) Add the following to the end of Rule R23.7.1 performance standard (a) (i):

In the case of a telecommunication cabinet located on a building, the zone height or height recession plane does not apply.

Or, alternatively,

(i) Delete the definition of “Utility Structure” in Section 4 Definitions; and

(ii) Delete Rule R23.7.1 performance standard (a) (i) in its entirety.
## Palmerston North Proposed Plan Change 15A-H

<table>
<thead>
<tr>
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<tr>
<td>Rule R23.7.1, Performance Standard (a) Height (iii) (page 502)</td>
<td>Oppose in part</td>
<td>different from the NES. The application of Rule R23.7.1 (a) (i) to telecommunications structures such as cabinets is considered acceptable, other than to a cabinet located on a building. Telecommunication cabinets associated with building mounted antennas are commonly located on building roofs, with minimal adverse effect.</td>
<td>Amend Rule R23.7.1 performance standard (a) (iii) to provide for masts up to 25m high in the Rural Zone and 25m in the Institutional zone.</td>
</tr>
<tr>
<td>Rule R23.7.1, Performance Standard (a) Height (iv) (page 502)</td>
<td>Oppose in part</td>
<td>The provision for masts in the Institutional and Rural Zones are considered too restrictive, particularly in view of the ability for masts to be visually absorbed into the Institutional and Rural environments.</td>
<td>Amend Rule R23.7.1 performance standard (a) (iv) to provide an additional allowance of 3m.</td>
</tr>
<tr>
<td>Rule R23.7.1, Performance Standard (f) Aerials and Antennas (page 503)</td>
<td>Oppose in part</td>
<td>Amendments are sought to make it clear that commonly used ancillary components to antennas will not be included in the measurement of each antenna (other than in the specified circumstances).</td>
<td>Amend the NOTE TO PLAN USERS as follows: <strong>In relation to Rule 23.7.1(f) The mountings of any antenna and any ancillary components, (including radio frequency equipment or similar devices such as but not limited to amplifiers and controller boxes) shall not be included in the</strong></td>
</tr>
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<tr>
<td>Rule R23.7.1 Performance standard (i) (a) Radiofrequency Field Exposures (page 504)</td>
<td>Oppose in part</td>
<td>The radio frequency field exposure performance standard applies “the relevant New Zealand standards or guidelines.” This is vague and inconsistent with the specific reference to the NZ Standard NZS 2772: Part 1: 1999 under the default Non-Complying activity Rule R23.11.1 (page 511).</td>
<td>Amend Rule 23.7.1 performance standard (i) (a) with respect to radio frequency fields to provide consistency with the wording under the Non complying rule R23.11.1, and certainty as to what is applicable (by removing reference to “guidelines”).</td>
</tr>
<tr>
<td>Rule 23.9.1 (iii) (page 508)</td>
<td>Oppose in part</td>
<td>As currently worded, there is no default of restricted discretionary activity status for a non-compliance with the antenna “area” performance standard. Restricted discretionary activity status in these circumstances is considered appropriate. A change is also included to provide consistency with the proposed change to the definition of Antenna (see submission below).</td>
<td>Amend Rule 23.9.1 (iii) so it also includes the ‘area’ of antennas as follows: Diameter or area standards for Aerials, Antennas, and Antenna Dishes:</td>
</tr>
</tbody>
</table>

**Section 4 Definitions**

<p>| Aerial, Antenna and Antenna Dish (page 20) | Oppose | There are separate definitions of ‘Aerial’, ‘Antenna’ and ‘Antenna Dish’, and as defined these overlap. For example, the definition of “Aerial “means the | Delete the definitions of Aerial, Antenna and Antenna Dish and replace with the following: ANTENNA: means the part of a radiocommunication facility |</p>
<table>
<thead>
<tr>
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<th>Spark Supports/Opposes</th>
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<tbody>
<tr>
<td>part of a radiocommunication facility or telecommunication facility used for the transmission or reception of signals. The definition of “Antenna” is as per the NES (i.e., a device that receives or transmits radiocommunication signals.....). Further, the definition of “Antenna Dish” include antennas that are not dish antennas (for example as defined it includes panel antennas). These definitions create uncertainty. In addition, the ancillary components of an antenna is amended to include other commonly used devices, such as amplifiers and controller boxes.</td>
<td></td>
<td>or telecommunication facility used or intended for transmission or reception, including dishes, panels and aerials (i.e., an array of wires, rods or tubes). They include the antenna mounting and ancillary components such as radio frequency units, amplifiers, controller boxes, or similar devices, but not any supporting mast or similar structure.</td>
<td></td>
</tr>
<tr>
<td>Mast (page 32)</td>
<td>Oppose in part</td>
<td>An amendment is sought to the definition of “Mast” to provide consistency with the change requested to the definition of “Antenna” above.</td>
<td>means any mast, pole, tower or similar structure designed to carry aerials or antennas—dishes antennas to facilitate radiocommunication or telecommunication.......</td>
</tr>
<tr>
<td>Minor Upgrading (page 33)</td>
<td>Oppose</td>
<td>The definition makes no provision for the upgrading of telecommunications networks and only refers to electricity. The telecommunication networks will be upgraded as new technology is introduced. It is the intent of the Section 23 to provide for upgrading yet the associated definition is currently drafted in a way that reads to only apply to the electricity</td>
<td>Amend the definition of minor upgrading to include telecommunication networks. Means, in respect of network utilities, an increase in the carrying capacity, efficiency or security of electricity and associated telecommunications lines networks, utilising the existing support structures or structures of a similar scale, intensity and character, and includes but is not limited to:</td>
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<td>Specific provision this submission relates to</td>
<td>Spark Supports/ Opposes</td>
<td>Spark's submission is that:</td>
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</table>
| Minor Upgrading (page 33)                     | Oppose in part           | An amendment is sought to allow for the replacement of existing antennas in specified circumstances. This change will enable the efficient and effective use of existing infrastructure for activities that have less than minor adverse effects. | Amend the definition of “Minor Upgrading” to include the following additional item:  

the replacement of any antenna on an existing mast or other support structure with a new one provided the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20%, and the overall height of the facility to which the antenna is attached does not increase. |
SUBMISSION ON PALMERSTON NORTH DISTRICT PLAN
CHANGE 15A-H

04 March 2015
SUBMISSION FORM

Clause 6 of First Schedule of the Resource Management Act 1991

To: Team Leader – Governance and Support
   City Corporate
   Palmerston North City Council
   submission@pncc.govt.nz

Submitter Details

Full name of submitter: Mighty River Power Limited
Contact name if different from above: Miles Rowe
Address for service of the submitter: PO Box 445
                                        HAMILTON 3240
Contact phone number: (07) 857 0342
Email: miles.rowe@mightyriver.co.nz

Submission

This submission is a submission on Plan Change 15A-H to the Palmerston North City District Plan. It is prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003. Sections 1 to 2 of this submission provide context for the submission points (specific provisions; submission; decision sought) as set out in section 3 of this submission.

Trade Competition

Mighty River Power Limited could not gain an advantage in trade competition through this submission.

Mighty River Power wishes to be heard in support of its submission.

If others make a similar submission, Mighty River Power will consider presenting a joint case with them at the hearing.

Signature of submitter
(or person authorised to sign on behalf of submitter)

Dated:

219
1.0 INTRODUCTION

This document contains Mighty River Power Limited’s (‘Mighty River Power’ or ‘the Company’) submission on Proposed Plan Change 1SA-H to the Palmerston North City District Plan (‘the Proposed Plan Change’).

Mighty River Power’s submission is structured as follows:

- Section 2 provides a brief introduction to Mighty River Power and its activities within Palmerston North City;
- Section 3 sets out submissions relating to particular provisions that affect Mighty River Power’s activities.
- Appendix 1 sets out the national and regional Policy context for Mighty River Power’s submission.

2.0 MIGHTY RIVER POWER LIMITED

2.1 COMPANY

Mighty River Power is a publicly listed company and the fourth largest electricity generator in New Zealand, typically generating about 17% of New Zealand’s electricity. In addition, the Company is the third largest retailer in New Zealand, selling electricity through various retail businesses.

Mighty River Power has a diverse and expanding portfolio of generation assets throughout the North Island, which over the last 5 years has generated an average of over 6,000 gigawatt hours of electricity per year.

The generation assets owned or operated by the Company include the Waikato Hydro Scheme on the Waikato River; geothermal power stations in the Waikato and Bay of Plenty regions, and a thermal (gas-fired) station in Auckland. Over the last 5 years the Company has consistently achieved in excess of 90% of its generation from renewable resources.

2.2 ASSETS, OPERATIONS AND POLICIES

Mighty River Power does not currently operate any Wind Farms in New Zealand. However, the Company holds consents for two wind farm developments – Puketoi in Tararua District and Turitea in Palmerston North. Both of these projects if constructed would have a combined capacity of up to 490 MW (compared to 689 MW in wind generation installed in New Zealand to date).

In addition, Mighty River Power holds all necessary land access agreement and transmission consents for these two wind farm projects. Both projects would be connected to the National Grid via the Linton Substation in Palmerston North.
## SUBMISSION POINTS

The section sets out Mighty River Power's submissions in relation to the Proposed Plan Change.

<table>
<thead>
<tr>
<th>Specific Provision</th>
<th>Support / Oppose</th>
<th>Mighty River Power’s Submission is:</th>
<th>Relief sought:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Plan Change in its Entirety</td>
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</tr>
<tr>
<td>Entire Plan Change</td>
<td>Support in part</td>
<td>There is a significant policy context which relates to the Proposed Plan Change and how it addresses the resource management issues associated the use and development of renewable energy resources. To support this submission, Mighty River Power has provided a summary of the relevant national and regional policy context in Appendix 1. This provides a clear mandate in relation to the promotion of renewable electricity generation as well as a need to enable the continued operation and development of renewable electricity generation activities and the development of new renewable energy resources. The points raised in this submission reflect Mighty River Power’s need to protect its investment in the City and to ensure that its interests are appropriately recognised and provided for in the District Plan.</td>
<td>i. Provide additional support in the Policy and Rule framework of the Proposed Plan Change to better provide for existing and new renewable electricity generation activities in Palmerston North City. Further to the above general relief, specific relief in relation to specific Proposed Plan Change provisions is requested below in other submission points. ii. Any consequential amendments required as a result of other relief requested in this submission are also sought.</td>
</tr>
<tr>
<td>Entire Plan Change</td>
<td>Oppose</td>
<td>Mighty River Power notes that throughout the Proposed Plan Change the phrase (Renewable Energy Generation Activities) is used incorrectly. The phrase needs to be replaced with either ‘Renewable Electricity Generation Activities’ or ‘the Use of Renewable Energy Resources’ as appropriate to the context. In making these changes it is relevant to note that Section 4 – Definitions includes new definitions as part of this Plan Change for “Renewable Electricity Generation Activities/Facilities” and “Renewable Energy Resources”.</td>
<td>Throughout Proposed Plan Change 15A-H, replace the phrase ‘Renewable Energy Generation Activities’ to either ‘Renewable Electricity Generation Activities’ or ‘the use of Renewable Energy Resources’ as appropriate to the context.</td>
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### Section 4 – Definitions

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<tr>
<td>‘Mast’ and ‘Meteorological Activities’</td>
<td>Support</td>
<td>It is appropriate that both definitions include reference to wind resource investigations, so that the District Plan’s Utility provisions cover these activities and structures.</td>
<td>Retain definitions for ‘Mast’ and ‘Meteorological Activities’ without change.</td>
</tr>
<tr>
<td>‘Renewable Electricity Generation Activities / Facilities’</td>
<td>Support</td>
<td>It is noted that this term is defined differently than in the National Policy Statement for Renewable Electricity Generation (NPS-REG). In particular it is understood and accepted that infrastructure for the conveyance of the electricity from the point of generation (i.e. the transmission or distribution lines and support structures) is not covered by the renewable electricity generation policies but instead fall under the Utilities provisions of the District Plan. For this reason Mighty River Power supports the proposed definition.</td>
<td>Retain definition in same or similar form. In order to ensure consistent use of this term throughout Plan Change 15, it is necessary to replace the phrase ‘Renewable Energy Generation Activities’ to either ‘Renewable Electricity Generation Activities’ or ‘the use of Renewable Energy Resources’ as appropriate to the context.</td>
</tr>
<tr>
<td>‘Renewable Energy Resources’</td>
<td>Support</td>
<td>The definition of ‘Renewable Energy Resources’ is appropriate.</td>
<td>Retain definition in same or similar form.</td>
</tr>
<tr>
<td>‘Separation Distance’</td>
<td>Oppose</td>
<td>Several Rules in the Subdivision and Rural Chapters of the Plan Change include standards for a ‘Wind Farm Separation Distance’. However, the existing definition of ‘separation distance’ refers only to outer walls of buildings and boundaries of a site and the Plan Change does not provide guidance or clarity on how the wind farm separation distance is to be measured. As Wind Farm Separation Distance standards apply to subdivision and buildings, any definition needs to capture both new buildings and proposed building sites. In addition, the Wind Farm Separation Distance should apply to any consented wind turbine site. Mighty River Power seeks that the definition is amended accordingly.</td>
<td>Amend the definition of ‘Separation Distance’ as follows: Separation Distance means the distance from the outer wall of a building to: (a) the outer wall of another building; (b) the boundary of a site. In the case of a Wind Farm Separation Distance, it means the distance from the outer wall of a proposed building, or the edge of an identified building site shown on a scheme plan, to the outer wall of a wind turbine tower or the closest edge of a consented wind turbine site. In the case of hazardous …</td>
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In the alternative, provide a new definition for
## Specific Provision

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| 'Wind Farm'        | Oppose in part   | Mighty River Power generally supports the definition of 'Wind Farm' in the Proposed Plan Change, subject to resolution of the issue with the way this term is applied to Rule 9.8.6 – Wind Farms. However Mighty River Power considers that for clarity it would be appropriate to explicitly exclude from the definition:  
• Substations, switchyards or any associated switching gear; and  
• Earthworks and roading  
Mighty River Power understands that these activities are not intended to be covered or controlled by the Wind Farm Rule in the Proposed Plan Change, and are instead covered by the general utilities and earthworks Rules of the Proposed Plan Change. If this is the case then, Mighty River Power considers it is appropriate for the definition of 'Wind Farm' to reflect this. If the definition is not amended it has the potential to cause unnecessary confusion regarding the application of Rules. | Amend the definition of 'Wind Farm' as follows (or similar):  
Wind Farm means turbines other than a Domestic Wind Turbine used to generate energy from the wind, and includes:  
• pylons or towers that support turbines  
• ancillary buildings and structures on the Wind Farm Site  
• Community-scale wind farms.  
A The term Wind Farm excludes earthworks and roading, transmission lines, substations, switchyards or any switching gear, and infrastructure associated with transmission lines. |
| 'Wind Farm Site'   | Support          | Mighty River Power supports the definition for 'Wind Farm site' to include not only land parcels where there are turbines or other ancillary buildings, but also land parcels where a land agreement has been entered into or written agreement obtained relating to the wind farm activity. In combination with the Wind Farm rules, this definition will help to ensure appropriate setbacks between the wind farm and sensitive activities. | Retain definition in same or similar form. |

### Section 5 – Information Requirements

| 5.4 (o) Special Information Requirements for Wind Farms | Oppose | Section 5.4(o) specifies that a Noise Assessment, Landscape Assessment, and Social Impact Assessment are to be provided with any application for a wind farm. The noise assessment and landscape assessment are generally consistent with the matters listed in the Assessment Criteria for discretionary activity rule R9.8.6. However the landscape assessment requires a ‘Skyline Assessment Report’ (clause (ii) 2nd bullet point of section 5.4(o)). It is unclear what this means or | Either replace the information requirements in section 5.4(o) with the following:  
In addition to the information required for a land use resource consent in Section 5.4 (a) to 5.4 (e), any resource consent application for a wind farm must include an assessment of environmental effects which addresses the Assessment Criteria |


Mighty River Power submission on PC S54K to the Palmerston North District Plan

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<td>how it differs from the 1st bullet point in clause (ii) relating to an ‘assessment of landscape and amenity effects, including cumulative visual effects’. Mighty River Power believes the requirement for a Skyline Assessment Report should be deleted.</td>
<td>in Rule R9.8.6.</td>
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<td>The Social Impact Assessment required in clause (iii) of section 5.4 (o) is not consistent with any of the Assessment Criteria in Rule 9.8.6, nor does it specify the matters that are to be addressed by the Social Impact Assessment. A Social Impact Assessment can be useful where a proposal may have a significant impact on demographics, such as schooling or other social issue, but the results are likely to be far less useful or conclusive where the community is pre-conditioned to the type of development, such as wind farms in Palmerston North. For example, a Social Impact Assessment was not undertaken for the Turitea wind farm consent, nor was one requested or commissioned by the Board of Inquiry before it granted the consent. Social Impact Assessments can be very expensive to prepare and currently the Assessment would be required on every wind farm proposal other than a domestic wind turbine. Mighty River Power does not believe that it is warranted or justified.</td>
<td>Or, in the alternative, amend or delete clause (ii) and (iii) of section 5.4(o) as follows:</td>
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<td>(ii) Landscape Assessments prepared by an appropriately qualified landscape professional, including:</td>
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<td>• Assessment of Landscape and Amenity Effects, including cumulative visual effects and any adverse visual effects on the characteristics and values of the Tararua Ranges Landscape Protection Area.</td>
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<td>• A Skyline Assessment Report including a statement as to whether the proposed development will affect the whole/part of the Tararua Ranges Landscape Protection Area and whether or not its characteristics and values are protected.</td>
<td></td>
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</table>

Section 7 – Subdivision

7.1 Introduction, The Effects of Subdivision | Oppose | Mighty River Power considers that a minor change should be made to the list of effects of subdivision (on page 83), so that the final bullet point makes reference to ‘consented’ as well as existing land use activities. Doing so would give effect to the explicit direction in Policy D of the NPS-REG and Policy 3-2 of the RPS (See Appendix 2) and would be consistent with the proposed District Plan Rules. | Amend the final bullet point in the list on page 83 of the Plan Change as follows: |
<p>| Oppose             |                  | • reverse sensitivity effects where new, sensitive land uses lead to constraints on existing or consented land use activities. Alternatively, add a new bullet point that |</p>
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<tbody>
<tr>
<td>7.2.1 Resource Management Issue &amp; Explanation</td>
<td>Oppose</td>
<td>The Resource Management Issue 7.2.1 does not appear to have been drafted so that it covers the full range of matters which are subsequently addressed in the explanation to the Issue. In particular Mighty River Power notes that the explanation addresses reverse sensitivity effects, however these are not explicitly covered in Issue 7.2.1 itself. Mighty River Power also considers that the Explanation should reference reverse sensitivity effects on consented renewable electricity generation activities, as well as existing activities to give effect to the explicit direction in Policy D of the NPS REG and Policy 3-2 of the RPS (See Appendix 1) and be consistent with the proposed District Plan Rules.</td>
<td>Amend Issue 7.2.1 so that it reads as follows: <em>Uncontrolled subdivision can lead to the unsustainable use of land and other resources, including infrastructure and renewable energy resources. Particularly with regard to rural land, where inappropriate land fragmentation will reduce the overall productive capability of rural areas and result in the loss of versatile soils for use as production land.</em> Amend the final bullet point in the Explanation for Issue 7.2.1 as follows: • Management of reverse sensitivity effects associated with complaints from new sensitive land uses located in proximity to consented renewable electricity generation activities or any existing, lawfully established activities or operations.</td>
</tr>
<tr>
<td>7.2.5 Resource Management Issue &amp; Explanation</td>
<td>Oppose in part</td>
<td>Mighty River Power considers that the explanation to Issue 7.2.5 should make specific reference to the potential reverse sensitivity effects on windfarms including consented as well as existing wind farms. Doing so would give effect to the explicit direction in Policy D of the NPS REG and Policy 3-2 of the RPS (See Appendix 1) and be consistent with the proposed District Plan Rules. In particular, the restricted area for the Rural Residential Overlay, which is outlined in the 3rd paragraph of the Explanation, will serve to reduce the potential for reverse sensitivity issues on windfarms, in addition to farming and horticultural enterprises.</td>
<td>Amend the 3rd, 4th and 6th paragraphs of the Explanation for Issue 7.2.5 as follows: <em>The District Plan makes specific provision for rural-residential subdivision on some of the City’s less versatile rural land to meet demand for rural living, and to help reduce pressure to subdivide higher quality land, for residential purposes. An Overlay for rural residential subdivision identifies areas suitable for rural residential development,</em></td>
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<td>Specific Provision</td>
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<td>The 4th paragraph is supported but the last sentence dealing with reverse sensitivity issues being &quot;avoided or mitigated at the time of subdivision consent though the imposition of conditions or the decline of consent&quot; is applicable to all reverse sensitivity effects dealt with in the 3rd, 4th and 6th paragraphs. The 3rd, 4th and 6th paragraphs of the Explanation should be rationalised and grouped together.</td>
<td>to avoid a proliferation of rural residential activities throughout the Rural Zone and reverse sensitivity issues for farming and horticultural enterprises and Wind Farm activities. Reverse sensitivity effects are also recognised in the Plan in relation to the Palmerston North Airport and other significant regional and district infrastructure and nearby residential activities (including such activities in the Rural Zone). Reverse sensitivity issues should be avoided or mitigated at the time of subdivision consent through the imposition of conditions or the decline of consent. Similarly, Network utilities and Renewable Electricity Generation Facilities are often located in the rural environment on account of their special technical and locational requirements. Recognition of operational requirements at the time of subdivision consent, and in setting conditions on subdivision applications, will protect existing network utilities and existing or consented renewable electricity generation facilities from reverse sensitivity effects, provide for their continued reliable and secure operation and ongoing maintenance, while ensuring the health and safety of the people and communities that they serve. In all cases reverse sensitivity issues should be avoided or mitigated at the time of subdivision consent through the imposition of conditions or the decline of consent.</td>
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<tr>
<td>Section 7.3</td>
<td>Oppose</td>
<td>The list of matters included in Objective 3 does not include reverse sensitivity effects. This is despite the fact that the policies associated with the Objective address this matter, including Policy 3.1 (h) (relating to setbacks from transmission), Policy 3.2 (a) (iii) and (viii), and Policy 3.5 (n). Mighty River Power considers that the Objective should be amended to explicitly include reference to reverse sensitivity effects.</td>
<td>In addition to the above change, relocate paragraph 6 before paragraph 5 so that all paragraphs dealing with reverse sensitivity effects are dealt with together.</td>
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<tr>
<td>Objective 3</td>
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<td>Add a further bullet point to Objective 3 which reads as follows: * avoids reverse sensitivity effects.</td>
</tr>
<tr>
<td>Section 7.3</td>
<td>Oppose</td>
<td>Mighty River Power considers that proposed Policy 3.1 should specifically address potential reverse sensitivity effects on wind farms. Doing so would provide an appropriate policy link to the wind farm separation distance performance standard contained in the subdivision Rules and would give effect to the explicit direction in Policy D of the NPS REG and Policy3-2 of the RPS (See Appendix 1).</td>
<td>Add a new clause (1) (i) to Policy 3.1 to read as follows:  (i) setbacks from existing or consented wind turbines sites for subdivision for new residential dwellings.</td>
</tr>
<tr>
<td>Policy 3.1</td>
<td></td>
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<td>Amend clause (a) (iii) to Policy 3.2 to read as follows:  (iii) the subdivision and subsequent development will not result in significant adverse effects on the operation and viability of any adjoining farm, forestry or horticultural activity, or other lawfully established land-based activity, or existing or consented Wind Farm;</td>
</tr>
<tr>
<td>Section 7.3</td>
<td>Oppose</td>
<td>Mighty River Power considers that proposed Policy 3.2 should specifically address potential reverse sensitivity effects on wind farms. Doing so would give effect to the explicit direction in Policy D of the NPS REG and Policy3-2 of the RPS (See Appendix 1).</td>
<td>Amend clause (b) to Policy 3.4 to read as follows:  (b) the subdivision layout and design of the allotment will avoid, remedy or mitigate the potential for adverse effects on the environment, including reverse sensitivity effects.</td>
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<tr>
<td>Section 7.3</td>
<td>Oppose</td>
<td>The explanation to Policies 3.1-3.4 should be amended to provide a clear link to the wind farm separation distance performance standard which follows.</td>
<td>Add the following paragraph to the explanation to Policies 3.1 to 3.4: <strong>Subdivision can create adverse reverse sensitivity effects on electricity transmission and wind farms. These effects are to be managed through the use of performance standards requiring that building sites are setback from these important physical resources.</strong></td>
</tr>
<tr>
<td>Explanation to</td>
<td>Oppose</td>
<td>Policy 3.5 relates to subdivision within identified rural residential areas. Clause (n) of the policy currently requires that it be demonstrated that reverse sensitivity effects on existing land use activities can be avoided or adequately mitigated. Mighty River Power considers that this requirement should be extended to 'consented' wind farms as well. This would give effect to the explicit direction in Policy D of the NPS REG and Policy3-2 of the RPS (See Appendix 1) and be consistent with the wind farm separation distance standards in the Proposed Plan Change.</td>
<td>Amend clause (n) of Policy 3.5 as follows: (n) Actual and potential reverse sensitivity effects in relation to existing land use activities, including existing strategic infrastructure and network utilities, <em>existing or consented Wind Farms, activities allowed by zoning, or areas anticipated for urban growth, are avoided or can be adequately mitigated.</em></td>
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<tr>
<td>Policies 3.1-3.4</td>
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<tr>
<td>Section 7.3</td>
<td>Oppose in part</td>
<td>The fourth paragraph of the explanation notes that reverse sensitivity effects in relation to consented renewable energy generation activities (wind farms) are recognised in the Plan. Mighty River Power supports this in principle but considers that the reference should be to 'renewable electricity generation activities'. This is appropriate as the reference is quite specific to wind farms rather than a broader reference to the use of renewable energy resources.</td>
<td>Amend the fourth paragraph of the explanation to Policy 3.5 by replacing the phrase ‘renewable energy generation activities’ with ‘renewable electricity generation activities’.</td>
</tr>
<tr>
<td>Explanation to</td>
<td>Support</td>
<td>Mighty River Power supports the method for Objective 3 and associated policies that provides a framework for assessing resource consent applications for subdivision in rural areas, including to address reverse sensitivity effects.</td>
<td>Retain the statement in Section 7.4 Methods: Objective 3 and Policies 3.1-3.6 in same or similar form.</td>
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<tr>
<td>Policy 3.5</td>
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<tr>
<td>Section 7.3</td>
<td>Oppose</td>
<td>Given the policies (and explanations) and rules that address the potential for</td>
<td>Amend 7.6.3 Environmental Results Anticipated as</td>
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<td>Explanation to</td>
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<td>Objective 3 and</td>
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<td>7.6.3</td>
<td>Oppose</td>
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<tr>
<td>Environmental Results Anticipated</td>
<td>Support</td>
<td>reverse sensitivity effects, including through the use of separation distances, it is considered appropriate to specifically include the avoidance or mitigation of reverse sensitivity effects associated with subdivision in the Environmental Results Anticipated.</td>
<td>3. The significant adverse effects, including reverse sensitivity effects, of land development are avoided or mitigated.</td>
</tr>
<tr>
<td>Controlled activity subdivision in Rural Zone – performance standards R7.16.1.2 (b)</td>
<td>Support</td>
<td>Performance standard (b)(i) of Rule R7.16.1.2 requires a 20 hectare minimum lot area for controlled activity subdivision in the Rural zone. Mighty River Power supports this performance standard as a means to avoid fragmentation of rural land and ad hoc development of rural residential activities in inappropriate localities.</td>
<td>Retain the minimum lot area at 20 hectares in performance standard (b)(i) of Rule R7.16.1.2.</td>
</tr>
<tr>
<td>Controlled activity subdivision in Rural Zone – performance standards R7.16.1.2 (g) and Explanation</td>
<td>Oppose in part</td>
<td>Performance standard (g) of Rule R7.16.1.2 applying to rural subdivision requires a 1.5 km separation distance between sites for new residential dwellings and any wind turbine on a site for which a Wind Farm resource consent has been granted. Mighty River Power supports the intent of this provision, however it considers the drafting of the standard should be amended to make it clear that the separation distance: a) applies to all consented wind turbines whether they have been constructed or not; and b) only applies to that portion of a proposed lot on which a dwelling is proposed to be built. At present the standard could be interpreted to only apply to existing turbines (and not unbuilt consented turbines) and arguably to the whole of a proposed lot within 1.5 km of a wind turbine. Neither possible interpretation is considered appropriate. The Explanation associated with this Performance Standard is appropriate and should be retained.</td>
<td>Amend Performance Standard (g) of Rule R7.16.1.2 as follows: (g) No rural subdivision shall be approved, so as to which would enable result in a site for a new residential dwelling to be located within 1.5 km of any existing or proposed wind turbine for which resource consent has been granted. Retain the Explanation for performance standard (g) of Rule R7.16.1.2 in same or similar form.</td>
</tr>
<tr>
<td>R7.16.2.1 – Restricted</td>
<td>Support</td>
<td>Mighty River Power supports the reduction in the area of the Rural Residential Overlay as a means to avoid fragmentation of rural land and ad hoc</td>
<td>Retain Rule 7.16.2.1, including the matters for which discretion is restricted in same or similar</td>
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<td>Specific Provision</td>
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<tr>
<td>Discretionary Rule for subdivision in Rural Residential Areas and Rural Residential Overlay, including Assessment Criteria and Explanation</td>
<td>Support</td>
<td>development of rural residential activities in inappropriate localities. Mighty River Power supports the Restricted Discretionary Activity Rule R7.16.2.1 for subdivision in Rural Residential Areas and Rural Residential Overlay, and in particular the matters listed under the Rule for 'reverse sensitivity effects' and 'effects on Strategic Infrastructure and physical resources of national, regional or district importance, including the National Grid'. Mighty River Power also supports the Assessment Criteria for Rule R7.16.2.1.</td>
<td>form.</td>
</tr>
<tr>
<td>R7.16.3.2 – Discretionary Activity Rule for Subdivision in the Tararua Ranges Landscape Protection Area</td>
<td>Support</td>
<td>Rule R7.16.3.2 is a proposed Rule relating to subdivision in the Tararua Ranges Landscape Protection Area. The Proposed Plan Change excludes company lease subdivision (where no additional allotments are created) from this Rule, and as a result all company lease subdivisions fall under the general company lease Rule R7.16.3.1 (1). Mighty River Power considers that this approach to company lease subdivision is appropriate as this type of subdivision is very unlikely to create new development rights and therefore need not be covered by the specific Tararua Ranges Landscape Protection area subdivision Rule.</td>
<td>Retain Rule R7.16.3.2 without amendment.</td>
</tr>
<tr>
<td>Explanation to Rules R7.16.3.1 &amp; R7.16.3.2</td>
<td>Oppose</td>
<td>Mighty River Power understands that is it Council's intention that subdivision which fails to comply with Controlled Activity Performance Standard R7.16.1.2 (g) for Wind Farm Separation Distance be a non-complying activity. However Mighty River Power does not believe that this is clear from the proposed Plan provisions, including the Explanation to Rules R7.16.3.1 &amp; R7.16.3.2. Specifically Mighty River Power notes that the Explanation to Rules R7.16.3.1 &amp; R7.16.3.2 states that: &quot;The provision of this Discretionary Activity Rule will ensure that rural subdivisions which do not comply with the Controlled Activity performance standards (other than lot area and wind farm separation distance performance standards) are...&quot; (emphasis added) To ensure that it is clear that the Discretionary Rules do not apply to subdivision which does not comply with Performance Standard R7.16.1.2 (g), the Explanation requires amendment.</td>
<td>Amend the Explanation to Rules R7.16.3.1 &amp; R7.16.3.2 as follows (or similar): The provision of this Discretionary Activity Rule will ensure that rural subdivisions which do not comply with the Controlled Activity performance standards (other than lot area and wind farm separation distance performance standards) are...</td>
</tr>
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<tr>
<td>Non-complying Rule R7.16.4.1 &amp; Explanation</td>
<td>Oppose</td>
<td>Mighty River Power understands that it is Council's intention that subdivision which fails to comply with Controlled Activity Performance Standard R7.16.1.2 (g) for Wind Farm Separation Distance is a non-complying activity. However Mighty River Power does not believe that this is clear from the proposed Plan provisions, including the Non-Complying Rules in R7.16.4.1 and associated Explanation.</td>
<td>Amend Rule R7.16.4.1(3) as follows (or similar): (3) Any subdivision which does not comply with the Controlled Activity Performance Standards for Lot Area (Rule 7.16.1.2 (b) (i) and (ii)) and Wind Farm Separation Distance (Rule 7.16.1.2 (g)), is a Non-Complying Activity. Amend the Explanation to R7.16.4.1 by amending paragraph 3 as follows: Provision of this non-complying activity Rule enables Council to evaluate subdivision applications with undersized lots and/or building sites within 1.5 km of wind turbines on its merits, and set conditions appropriate to its future use and development and to avoid, remedy or mitigate any adverse effects on the environment.</td>
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**Section 9 - Rural**

| 9.1 introduction | Oppose | The Introduction to the Rural Chapter does not recognise the significant renewable energy resource within the Rural Zone of Palmerston North City, and the functional, operational and logistical requirements for wind farms to locate in this Zone. Mighty River Power considers that including such recognition in the Introduction would give appropriate effect to the NPS-REG and the Regional Policy Statement (see Appendix 1). | Add the following paragraph, or similar to section 9.1 of the District Plan: The Rural Zone in the City contains significant renewable energy resources (particularly wind energy). Locating renewable electricity generation facilities in the Rural Zone is an appropriate response to this resource. It is also appropriate taking account of the functional, logistical and operation requirements of renewable electricity generation facilities. Notwithstanding this, decisions on the location and design of renewable electricity generation facilities |

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<tr>
<td><strong>Section 9.2 Resource Management Issues and Explanation</strong></td>
<td>Oppose in part</td>
<td>Mighty River Power generally supports the Resource Management Issues listed in Section 9.2. In the main these are appropriately drafted and reflect the issues that exist in the Rural Zone of Palmerston North, including the issues addressing renewable electricity generation activities. One minor point is the wording of Issue 14. As proposed this identifies: “The need to protect Wind Farms from reverse sensitivity effects associated with noise sensitive activities establishing in the surrounding rural environment.” Mighty River Power does not consider that the phrase ‘noise sensitive activities’ in Issue 14 is appropriate. It considers that the phrase is too narrow and does not reflect the range of matters which new activities may be sensitive too. Mighty River Power therefore seeks that the word ‘noise’ is removed from this phrase. Issue 16 identifies the renewable electricity generation activities on the Tararua Ranges has the potential to limit the use and development of the land for rural residential development. Mighty River Power considers that this issue is weighted in favour of rural residential development giving the impression that rural residential development may be the preferred land use activity in the Tararua Ranges. The issue should be amended to acknowledge that wind farms have the potential to result in adverse effects on rural residential development. Mighty River Power also generally supports the Explanation for the Resource Management Issues in 9.2, subject to the deletion of the word ‘noise’ in the fifth paragraph, consistent with the change sought to Issue 14.</td>
<td>Retain the proposed Resource Management Issues in Section 9.2, except for amendments to Issue 14 and Issue 16 as follows: 14. The need to protect Wind Farms from reverse sensitivity effects associated with noise sensitive activities establishing in the surrounding rural environment. 16. The Tararua Ranges are a significant wind energy resource for renewable electricity generation and the development of Wind Farms in this area has the potential to result in adverse effects on limit the use and development of rural land in close vicinity for rural residential development. Retain the Explanation for the Resource Management Issues in 9.2, except that the fifth paragraph, final sentence be amended as follows: ... However, there is a need to manage reverse sensitivity effects from noise sensitive activities seeking to locate in close proximity to consented Wind Farms.</td>
</tr>
<tr>
<td><strong>Section 9.3 Objective 1 and associated Policies and Explanation</strong></td>
<td>Oppose in part</td>
<td>Mighty River Power generally support Objective 1 and its associated Policies. This is because they look to control subdivision of the Rural Zone, and in particular rural residential subdivision so that it does not occur in an ad hoc and unplanned manner.</td>
<td>Retain Objective 1 and its associated Policies, or similar provisions. Amend the second paragraph of the Explanation</td>
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<td>Specific Provision</td>
<td>Support / Oppose</td>
<td>Mighty River Power's Submission is:</td>
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<td><strong>Section 9.3</strong></td>
<td>Oppose</td>
<td>However Mighty River Power seeks a minor change to the second paragraph of the Explanation to the Objective and Policies. This is because as proposed, the Explanation does not recognise the need to control rural development in relation to existing or consented Wind Farms. The Explanation should be amended accordingly, as this would then give effect to the explicit direction in Policy D of the NPS-REG and Policy 3.2 of the RPS (See Appendix 1).</td>
<td>for Objective 1 and policies as follows: Unrestricted rural residential development within the Rural Zone would have significant adverse effects on primary production activities, rural character, landscape and amenity, existing or consented wind farms and existing network utility infrastructure...</td>
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<tr>
<td><strong>Policy 3.5</strong></td>
<td>Oppose</td>
<td>Objective 3 seeks to enhance the quality and natural character of the rural environment. Mighty River Power opposes the first part of Policy 3.5 relating to Outstanding Natural Features and Landscapes. This is because the Policy, in the context of Objective 3, is overly restrictive, and not consistent with the Regional Policy Statement. However Mighty River Power generally accepts the intent of the Policy to avoid significant adverse visual effects on regionally Outstanding Natural Feature and Landscape but notes that the management of Outstanding Natural Features and Landscapes is comprehensively addressed under Objective 7 and need not be addressed under Objective 3 as well. The second part of Policy 3.5 relates to 'significant amenity landscape in the Tararua Ranges and its foothills' and 'landmark features'. Mighty River Power is concerned that 'significant amenity landscapes' and 'landmark features' have not been identified in the District Plan, nor have the characteristics and values of these landscapes and features. It therefore remains unclear what the policy is seeking to control in the way of adverse visual effects. Clearly the Policy is aimed at wind farm activities and Mighty River Power has a similar concern with the Assessment Criteria for Wind Farm Rule R9.8.6. It is further noted that Policy 3.5 is a new policy but the Explanation for Objective 3 and policies (including proposed changes to the Explanation) is unrelated to the matters addressed in Policy 3.5. Mighty River Power believes the Policy should be amended to apply more generally to the adverse visual effects of development so as to provide a better fit for Objective 3.</td>
<td>Amend Policy 3.5 as follows (or similar): To avoid significant adverse visual effects of renewable energy generation activities on regionally Outstanding Natural Features and Landscapes and To control adverse visual effects of development on the remainder of the Skyline of the Tararua Ranges and on the significant amenity landscapes in the Tararua Ranges and its foothills, in particular the landmark features of including Te Mata Peak and Te Mata-Kaihinu Ridgeline.</td>
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<tr>
<td><strong>Objective 7 &amp;</strong></td>
<td>Oppose</td>
<td>Objective 7 and its associated policies purport to recognise parts of the Tararua Ranges as regionally Outstanding Natural Feature and Landscapes (ONFL). In</td>
<td>Delete Objective 7 and Policies 7.1 and 7.2 unless the Tararua Ranges Landscape Protection Area</td>
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<td>Specific Provision</td>
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<td>Policies 7.1 &amp; 7.2</td>
<td>Oppose</td>
<td>relation to the identification of this regional ONFL the PNCC technical report ‘Landscape Management Palmerston North City (July 2013)’ and the Horizons One Plan (Schedule G: Regionally Outstanding Natural Features and Landscapes - Table G1) describe the characteristics and values of this regional ONFL (amongst other matters) as: “Visual, natural and scenic characteristics of the skyline of the Ruahine and Tararua Ranges, as defined by the series of highest ridges and highest hilltops along the full extent of the Ruahine and Tararua Ranges, including the skyline’s aesthetic cohesion and continuity, its prominence throughout much of the Region and its backdrop vista in contrast to the Region’s plains”. (emphasis added) On this basis of this description Mighty River Power considers the regional ONFL values listed by the Region and intended to be spatially defined in district plans should be restricted to the highest ridges and hilltops. As a result the Tararua Ranges Landscape Protection Area should be modified to give effect to the Horizons One Plan and to appropriately reflect the intent of the Objective 7 to recognise regional ONFL by excluding the lower and mid flanks of the Tararua Ranges. In addition, Mighty River Power considers that the Tararua Ranges Landscape Protection Area should not include the consented windfarm environment, particularly turbine locations which contradict the identification of the area as a regional ONFL.</td>
<td>(Map 9.1) is modified to meet the regionally outstanding threshold of the highest ridgelines and hilltops as well as excluding the consented windfarm environment.</td>
</tr>
<tr>
<td>Section 9.3 Policy 7.3 &amp; Explanation</td>
<td>Oppose in part</td>
<td>Subject to Mighty River Power’s submission point above relating to Objective 7, Policies 7.1 and 7.2 and the Tararua Ranges Landscape Protection Area (Map 9.1), it is considered that Policy 7.3 requires amendment to ensure it gives effect to the Horizons One Plan (Regional Policy Statement) Policy 6-6. In particular it is the significant adverse cumulative effects of development on the characteristics and values of the ONFL that are to be avoided. Related to this point, it is noted that Assessment Criterion (h) for Wind Farm Rule R9.8.6 refers to the ‘values and characteristics of the Tararua Ranges Landscape Protection Area’. Mighty River Power considers the matter that should be avoided are not structures which have the ‘potential to cause’ significant adverse cumulative</td>
<td>Amend Policy 7.3 as follows: To avoid further development of renewable energy electricity generation activities and other major structures that have the potential to cause will result in significant adverse cumulative effects on the characteristic and values of the Tararua Ranges Landscape Protection Area (Map 9.1). Amend the explanation which follows Policy 7.3 by</td>
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<td>Support / Oppose</td>
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| Section 9.3        | Oppose in part   | effects, but those that ‘will result in’ such effects. Mighty River Power considers that the Policy should be amended accordingly. In addition, Mighty River Power considers that further clarity should be provided regarding what is meant by ‘further development’. The meaning of this phrase is not addressed in the Policy itself or the explanation and seems unnecessarily open for interpretation. Mighty River Power considers that the phrase should mean the development of new wind farms beyond the footprint of those consented at the date the Plan Change was notified. Mighty River Power also considers that the upgrade and replacement of infrastructure associated with the renewable electricity generation facility should be excluded from the meaning of further development. Finally, Mighty River Power also considers that references to renewable energy generation activities in the Policy should be changed to renewable electricity generation activities (as per its general Proposed Plan Change submission). | adding the following paragraph:  
Policy 7.3 uses the phrase 'further development'. For the purposes of this Policy, and in relation to Wind Farms, this means the development of Wind Farms beyond the footprint of those for which resource consent has already been granted as at [insert plan notification date]. The phrase also excludes the maintenance, replacement and upgrade of these consented Wind Farms provided that adverse effects on the landscape values of the Tararua Ranges Landscape Area are the same or similar in character, intensity and scale. |

Amend Objective 8 as follows:  
To recognise and provide for the benefits and national significance of renewable energy use and development and the importance of the City’s renewable energy resources to long term sustainability. |
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| Section 9.3 Policies 8.1 to 8.4 and Explanation | Support and Oppose in part | The Objective should be amended to be consistent with the intent of the Explanation and to give effect to the NPS-REG and the Horizons One Plan. | Amend Policy 8.1 as follows:  
8.1 To provide for the investigation, development, operation, maintenance and upgrade of appropriate new and existing renewable energy generation activities. |
| | | Mighty River Power supports Policies 8.2 and 8.3 in their current form. Mighty River Power also supports the intent of Policy 8.1 which is stated as:  
"To provide for the investigation, development, operation, maintenance and upgrade of appropriate new and existing renewable energy generation activities."
However, it is unclear what the Policy means by 'appropriate' renewable energy generation activities, particularly given the various national and regional documents that deem the activity to be appropriate, including the NPS-REG, the New Zealand Energy Efficiency and Conservation Strategy 2011-2016, the New Zealand Energy Strategy 2011-2021, and the Horizons One Plan. The word 'appropriate' should be removed from the Policy. | Retain Policies 8.2 and 8.3 in the same or similar form. |
| | | Mighty River Power considers that Policy 8.4 would be more appropriately included as a Policy to implement Objective 9. The effect of the locational, logistical and technical constraints referred to in Policy 8.4 is to limit the ability of the developer and Council to manipulate the location and design of renewable electricity generation activities to avoid, remedy or mitigate adverse effects, while realising the benefits of renewable electricity generation activities. The key way that these constraints can be recognised is during the resource consent process and in recognising limits on the ability to avoid, remedy or mitigate adverse effects. Given this it is appropriate that the Policy sits under Objective 9 that directly addresses the adverse effects of renewable electricity generation activities. Further to the points raised above, Mighty River Power believes a new Policy is required to give effect to the NPS-REG and Horizons One Plan to address the national, regional and local benefits of renewable electricity generation. The policy proposed relating to recognition of benefits, also would provide an appropriate framework for Assessment Criteria 9.8.6 (a). | Move Policy 8.4 so that it sits under and implements Objective 9. |
| | | Add a new Policy as follows:  
When assessing a resource consent application for renewable electricity generation activities Council shall recognise and provide for the national, regional and local benefits of renewable electricity generation activities in relation to climate change, security of electricity supply, and social, cultural and economic well-being. | Retain the Explanation for Objective 8 and associated Policies without change, other than part of the Explanation for Policy 8.4 which should sit in the Explanation for Objective 9 and policies. |
<p>| | | Mighty River Power generally supports Objective 9, however it considers that | Retain Objective 9, Policy 9.1 and Policy 9.2 as |</p>
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<td>Objective 9, associated Policies &amp; Explanation</td>
<td>part</td>
<td>the reference to 'renewable energy generation activities' should be changed to 'renewable electricity generation activities'. The fourth paragraph of the Explanation refers to offsetting measures or environmental compensation where residual environmental effects of renewable electricity generation cannot be avoided, remedied or mitigated. However this is not a matter that is specifically addressed in Objective 9 or Policies. Mighty River Power considers that this direction is important and should be a Policy in its own right. In addition, the Explanation should be amended to reflect the new rules should by Mighty River Power for the replacement and repowering of wind farms.</td>
<td>proposed or similar. Insert the following additional Policy: To take account of proposed offsetting measures or environmental compensation when considering applications for renewable electricity generation activities where there are residual environmental effects that cannot be avoided, remedied or mitigated. Amend the 2nd and 3rd paragraphs of the Explanation for Objective 9 and Policies as follows: The District Plan provides for the replacement or repowering of Wind Farms as a Restricted Discretionary Activity and all other Wind Farms as a Discretionary Activity within the Rural Zone. These Discretionary Activity consent category allows Council to either decline a resource consent application, or grant consent and impose conditions in order to avoid, remedy or mitigate adverse effects on the environment. The Restricted Discretionary Activity and Discretionary Activity rules includes specific assessment criteria to guide Council's consideration of applications for a Wind Farm to enable a and they will be subject to a full and rigorous assessment. The replacement or repowering of Wind Farms that do not meet the Performance Standards will be considered as Discretionary Activities, while all other Wind Farms that do not meet the</td>
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### Specific Provision | Support / Oppose | Mighty River Power’s Submission is: | Relief sought: |
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<td>R9.5.3 – Permitted Activity for Home occupations</td>
<td>Oppose</td>
<td>Mighty River Power opposes this permitted activity Rule as it is uncertain whether this Rule applies to Farm/Home Stays or Bed and Breakfast activities. If it does apply to such activities Mighty River Power considers that the Rule should include the ‘Wind Farm Separation Distance’ performance standard, as such activities will be potentially sensitive to Wind Farms the same as dwellings are.</td>
<td>Amend Rule 9.5.3 by including a new performance standard as follows: <strong>(i) Separation Distances</strong> Home Occupations involving accommodation activities must be located not less than 1.5 km from the location of any wind turbine for which resource consent has been granted, whether the wind turbine has been constructed or not.</td>
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<tr>
<td>R9.5.5 – Permitted Activity for Dwellings &amp; Accessory Buildings and Explanation</td>
<td>Oppose in part</td>
<td>Mighty River Power supports the inclusion of the ‘Wind Farm Separation Distance’ standard and considers it to be an appropriate means of implementing the proposed Objectives and Policies of Plan Change 15, as well as related ‘reverse sensitivity’ provisions in the Regional Policy Statement and the NPS-REG. However Mighty River Power considers that the performance standard should be re-drafted to make it clear that the separation distance should apply to all consented wind turbines, not just those that have been constructed. The second paragraph of the Explanation addresses the ‘Wind Farm Separation Distance’ and is supported subject to it being made clear that it also applies to consented wind turbines.</td>
<td>Amend performance standard (b) (i) (c) of Rule 9.5.5 as follows: <strong>(c) 1.5 km from the location of any wind turbine for which resource consent has been granted, whether the wind turbine has been constructed or not on a site for which a Wind Farm resource consent application has been granted.</strong> Amend the second paragraph of the Explanation for Rule 9.5.5 as follows: <em>The separation distance for residential buildings from an existing or consented wind turbine is intended to ensure...</em></td>
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<tr>
<td>R9.6.2 – Controlled Activity for Relocated dwellings</td>
<td>Support</td>
<td>Mighty River Power supports requirement to comply with the performance standards of Rule 9.5.5, and in particular the wind farm separation distance standard. Mighty River Power considers this standard to be an appropriate means of implementing the proposed Objectives and Policies of Plan Change 15, as well as related ‘reverse sensitivity’ provisions in the Regional Policy Statement and the NPS-REG.</td>
<td>Retain Rule 9.6.2 and Performance Standard 9.6.2 (i), or similar.</td>
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<td>Specific Provision</td>
<td>Support / Oppose</td>
<td>Mighty River Power’s Submission is:</td>
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<tr>
<td>R9.6.3 – Controlled Activity for Dependent dwelling unit</td>
<td>Support</td>
<td>Mighty River Power supports requirement to comply with the performance standards of Rule 9.5.5, and in particular the ‘Wind Farm Separation Distance’ standard. Mighty River Power considers this standard to be an appropriate means of implementing the proposed Objectives and Policies of Plan Change 15, as well as related ‘reverse sensitivity’ provisions in the Regional Policy Statement and the NPS-REG.</td>
<td>Retain Rule 9.6.3 and Performance Standard 9.6.3 (iv), or similar.</td>
</tr>
<tr>
<td>R9.7.1 – Restricted Discretionary Activity for Dwellings or Accessory not complying with permitted activity performance standards</td>
<td>Support</td>
<td>Mighty River Power understands that Council wishes that dwellings not complying with the wind farm separation distance be discretionary activities rather than Restricted Discretionary under Rule 9.7.1. For this reason Mighty River Power supports the clarity provided by the explicit exclusion of activities not complying with performance standard 9.5.5 (b) (i) (c) from Rule 9.7.1.</td>
<td>Retain Rule 9.7.1 and in particular the exclusion of activities not complying with performance standard 9.5.5 (b) (i) (c).</td>
</tr>
</tbody>
</table>
| R9.7.2 – Restricted Discretionary Activity for Home occupations not complying with permitted activity performance standards | Oppose | As with Rule 9.5.3, Mighty River Power is uncertain whether the Home Occupation Rules apply to Farm/Home Stays or Bed and Breakfast activities. If the Rules do apply to such activities then Mighty River Power considers that the permitted activity Rule should include the ‘Wind Farm Separation Distance’ performance standard, and that this restricted discretionary Rule should retain discretion for Council to consider reverse sensitivity effects on consented wind farms. | Amend Rule 9.7.2 as follows:  
Home Occupations not complying with Permitted Activity Performance Standards are a Restricted Discretionary Activity with regard to:  
- Effects on Adjoining Rural Environments  
- The Safe and Efficient Operation of the roading Network  
- Reverse sensitivity effects on consented wind farms  
And add the following assessment criteria:  
(e) The extent to which reverse sensitivity effects... |
### Mighty River Power's Submission on Policy 9.1

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<td>Section 9.7 New Restricted Discretionary Activity Rule for Replacement or Repowering of Wind Farms</td>
<td>Oppose</td>
<td>Through Policy 8.1 the proposed Plan Change seeks to provide for a number of activities associated with renewable electricity generation, including the maintenance and upgrade of those activities. In addition, Policy 9.1 seeks to facilitate the appropriate and well-designed upgrades of existing and consented renewable electricity generation activities. Within this context it is important to note that consented wind farms are part of the existing environment in addition to any existing wind farms.</td>
<td>Add a new Restricted Discretionary Activity Rule in Section 9.7, including Performance Standards, Assessment Criteria and Explanation as follows:</td>
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**R 9.7.X Replacement or Repowering of Wind Farms**

Replacement or Repowering of Wind Farms are a Restricted Discretionary Activity, with regard to:

- On-site location of structures
- Landscape and visual effects
- Construction noise effects
- The safe and efficient operation of the roading network
- Earthworks effects
- Effects on aviation, navigation and existing network utilities
- Ecological effects
- Any change in effects between the original existing or consented Wind Farm and the Replacement or Repowered Wind Farm

**Performance Standards**

(i) The Replacement of existing or consented wind turbines where the number and height of turbines is not increased and any replaced turbines remain within the area of the original consented wind turbine

Despite the policy context to provide for the upgrade of existing or consented wind farms there is no recognition of this within the subsequent rule framework. In particular, it is noted that Discretionary Activity Rule R9.8.6 applies to all Wind Farm activities whether it is an existing or proposed Wind Farm, the replacement of turbines or the repowering of turbines.

Mighty River Power considers the current rule framework does not fully implement the policy framework established under Policies 8.1 and 9.1 and is overly restrictive, and not in accordance with the NPS-REG. Nor does it give recognition to the existing environment created by existing or consented Wind Farms.

The replacement of existing or consented wind turbines applies to situations where the number and size of turbines is not increased. In addition it is not...
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<td>considered necessary to apply the 700 m setback from adjacent properties in this case provided replaced turbines remain within the area of the original consented wind turbine sites. This enables turbines to be replaced with a different turbine make or model where the size and scale of effects, including noise effects, remains the same or similar as the existing or consented turbines. The repowering of existing wind turbines applies to situations where turbines are replaced with larger and more efficient turbines, potentially resulting in an increase in the scale of effects. This enables the wind farm to be repowered resulting in improved efficiency or increased generation output. Due to the potential change in scale of effects, the repowered wind farm should be subject to the 700 m setback from adjacent properties to address the actual or potential noise effects of the repowered turbines. In order to address the above situations, Mighty River Power considers a new rule should be provided for the Replacement or Repowering of Wind Farms as a Restricted Discretionary Activity. While such a replacement or repowering activity may have potential adverse effects on the environment, such as landscape and visual effects, including cumulative visual effects, Mighty River Power considers that the Restricted Discretionary Activity status is appropriate as many of the wider issues that are often associated with the development of a new Wind Farm have already been addressed (e.g. effects on cultural values, traffic, roading, noise etc), and the scope of effects are well known and defined. The proposed Restricted Discretionary Activity status allows for appropriate assessment of actual or potential effects of new turbines and infrastructure without the need to open up debate on wider issues that have previously been assessed. This will ensure the Council gives full effect to the existing or original consented wind farm activity and does not frustrate the ability of the wind farm developer to make changes to their existing or consented wind farm where a range of effects have already been considered.</td>
<td>sites on the Wind Farm. (ii) The Repowering of existing wind turbines where A. turbines are not located within 700 m of the boundary of an adjacent property, unless the application is lodged with a consent form signed by the owner or occupier of the adjacent property, and B. the number of turbines is not increased. Add a new Determination Clause and Assessment Criteria for the new Restricted Discretionary Activity Rule R9.7.X as follows: <strong>Determination Clause</strong> In determining whether to grant consent and what conditions to impose, if any, Council will in addition to the City View objective in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following assessment criteria to the extent that there is a change in effects between the original existing or consented Wind Farm and the Replacement or Repowered Wind Farm. <strong>Assessment Criteria</strong> (a) The contribution of the Wind Farm to achieving renewable energy targets. (b) The locational requirements of the Wind Farm and any logistical or technical practicalities</td>
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<td>associated with Wind Farm development, upgrade, operation or maintenance.</td>
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<td>(c) The assessment, measurement and control of noise in accordance with New Zealand Wind Farm Noise Standard (NZS 6808:2010 Acoustics – Wind Farm Noise).</td>
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<td>(e) The management of landscape and visual impacts, including the location, design, appearance and concentration of structures on the values and characteristics of the Tararua Ranges Landscape Protection Area and views of the Tararua Skyline, the Tararua foothills, Te Mata Peak and Te Mata-Kaihiku Ridgeline, rural character and visibility from neighbouring residences and public places.</td>
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<td>(f) The extent to which the replacement or repowering of turbines will contribute to significant adverse cumulative visual effects on the characteristics and values on the Tararua Ranges Landscape Protection Area.</td>
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<td>(g) Ecological impacts, including impacts on water bodies, indigenous flora and fauna, avifauna and their habitats.</td>
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<td>(h) Impacts of earthworks and modifications of natural landforms, including impacts on water quality and proposed remedial and mitigation measures.</td>
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<td>(i) Impacts on archaeological or heritage sites.</td>
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<td>features and items, or any sites of special significance to tangata whenua.</td>
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<td>(i) Impacts on the amenity values of the surrounding environment, including a consideration of aviation navigation lighting, and turbine shadow glare or flicker.</td>
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<td>(k) Construction traffic impacts on the road network, including the nature and extent of vehicle movements, access, management and mitigation measures, safety and levels of service.</td>
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<td>(l) The extent to which geotechnical hazards or other physical environmental factors are addressed in the application, the measures employed to avoid, remedy or mitigate geotechnical matters and land stability impacts of the proposal, and the extent of compliance with best engineering and design practice and codes.</td>
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<td>NOTES TO PLAN USERS:</td>
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<td>1. The 700 m setback performance standard (ii) does not require the agreement of an adjacent property owner where the adjacent property is not within the boundaries of the Palmerston North City Council.</td>
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<td>Add a new Explanation for the new Restricted Discretionary Activity Rule R9.7.X as follows:</td>
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<td><strong>Explanation</strong></td>
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<td>Policy 8.1 of the District Plan recognises the need for the investigation, development, operation,</td>
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maintenance and upgrade of new and existing renewable electricity generation activities. In addition Policy 9.1 of the District Plan recognises the appropriate and well-designed upgrades of existing and consented renewable electricity generation activities. The “upgrade” activities in this context have the same meaning as the One Plan and means “bringing a structure, system, facility or installation up to date to improve its functional characteristics, provided the upgrading itself does not give rise to any significant adverse effects, and the character, intensity and scale of any adverse effects of the upgraded structure, system, facility or installation remain the same or similar.”

The Replacement or Repowering of wind turbines on an existing or consented Wind Farm is consistent with this policy direction to ensure the Wind Farm remains functional and efficient, including addressing improvements in available technology between the time of a consent being granted and construction given the long lead times for Wind Farm development.

The replacement of existing or consented wind turbines applies to situations where the number and height of turbines is not increased. This enables turbines to be replaced with a different turbine make or model where effects, including noise effects, are the same or similar in character, intensity and scale as the existing or consented turbines.

The repowering of existing wind turbines applies to situations where turbines are replaced with...
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<tr>
<td>Section 9.8 New Discretionary Activity Rule for Replacement or Repowering of Wind Farms</td>
<td>Oppose</td>
<td>For the same reasons as noted above on the new restricted discretionary activity rule for the replacement or repowering of wind farms, a new discretionary activity rule is required where any replaced or repowered wind turbines do not comply with the Performance Standards for the proposed Restricted Discretionary Activity Rule R9.7.X. This will ensure the Council gives full effect to the existing or original consented wind farm activity and does not frustrate the ability of the wind farm developer to make changes to their existing or consented wind farm where a range of effects have already been considered.</td>
<td>larger and more efficient turbines, potentially resulting in an increase in the scale of effects. This enables the wind farm to be repowered resulting in improved efficiency or increased generation output. Due to the potential change in scale of effects, the repowered wind farm is subject to the 700 m setback from adjacent properties to address the actual or potential noise effects of the repowered turbines. The Restricted Discretionary Activity status for this Rule enables the application to be examined on a case-by-case. At the same time, it provides discretion to not reconsider any effects that were adequately dealt with at the time of considering the original consent application and where there is minimal or no changes in the scale of effects concerned.</td>
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Mighty River Power considers that the assessment criteria for this Rule should include reverse sensitivity effects, including such effects on consented wind farms.

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<tr>
<td>R9.8.4 – Discretionary Activity for</td>
<td>Oppose</td>
<td>Mighty River Power considers that the assessment criteria for this Rule should include reverse sensitivity effects, including such effects on consented wind farms.</td>
<td>Add an additional assessment criterion to Rule 9.8.4 as follows:</td>
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<td>Specific Provision</td>
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<td>Community and Leisure Facilities, Tourist Facilities, Education Facilities and Early Childhood Facilities</td>
<td>Oppose</td>
<td>Mighty River Power considers that this criterion is appropriate given the potential sensitivity of the activities covered by the Rule to activities within the Rural Zone, and in particular to wind farms.</td>
<td>(i) The extent to which reverse sensitivity effects, including those on consented wind farms are avoided, remedied or mitigated.</td>
</tr>
<tr>
<td>R9.8.6 – Discretionary Activity for Wind Farms</td>
<td>Oppose</td>
<td>Mighty River Power supports the provision for new wind farms as a discretionary activity but a change is needed in Rule R9.8.6 to reference the new rules sought in Mighty River Power’s relating to the replacement or repowering of wind farms. However, Mighty River Power is concerned with the two performance standards attached to the discretionary rule that trigger the non-complying activity rule. In relation to the first performance standard that the Wind Farm site must not be inside the Tararua Ranges Landscape Protection Area (Map 9.1), it is accepted the Tararua Ranges is an outstanding landscape but it remains important the Council provides for renewable energy activities in situations that give effect to the National Policy Statement for Renewable Electricity Generation (NPS-REG). It is considered that a discretionary activity is the most appropriate consent status to enable the Council to give effect to the matters of national significance in the NPS-REG, and to give effect to the Regional Policy Statement. That is, discretionary activity status allows the Council to assess any proposal on its merits taking into account relevant factors such as the quality of the wind resource in the locality and the appropriateness of the development in the context of the ONFL, such as significant adverse cumulative effects on the characteristics and values of the ONFL. Further to the above point there is no discussion in the Explanation relating to the first performance standard, with the Explanation focused on the 700m buffer in the second performance standard. In addition Mighty River Power is opposed to the use of the phrases ‘Wind Farm site’ and ‘Wind Farm’ in the performance standards. Mighty River Power considers that both standards should apply to ‘Wind Turbines’ as this is the specific effect causing aspect of a wind farm. Mighty River Power does not.</td>
<td>Amend Rule 9.8.6 as follows: Wind Farms, other than those provided under R9.7.X and R9.8.X, are Discretionary Activities. Amend the Performance Standards in Rule 9.8.6 as follows: Performance Standards (i) The Wind Farm site must not be inside the Tararua Ranges Landscape Protection Area (Map 9.1); (ii) Wind turbines The Wind Farm must not be located within 700 m of the boundary of the Wind Farm site with an adjacent property, unless the application is lodged with a consent form signed by the owner or occupier of the adjacent property. Amend the final sentence of the third paragraph of the Explanation as follows: ...and hence an application for a Wind Farm, seeking to establish wind turbines within the 700 m setback area, will be assessed as a Non-complying Activity.</td>
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| **R9.8.6 – Discretionary Activity for Wind Farms** Assessment Criteria | Oppose in part | consider that it is appropriate that the proposed restrictions (which trigger non-complying activity status) should apply to either the ‘Wind Farm’ area or ‘Wind Farm Site’ as these terms include significant areas where there are no turbines or will not be physically altered by the development of the wind farm. In the case of 700m buffer required by the second performance standard, measurement from a wind turbine site directly relates to the site where the noise effect is generated, thereby providing greater certainty for the developer and community, as well as being easier for the Council to administer. Mighty River Power notes that the phrase ‘Wind Turbine’ is commonly (but not in all cases) used in the third and fourth paragraph of the explanation to the Rule. This indicates that Council’s intent is that the trigger for the non-complying status should be the location of the turbines and not other components of the Wind Farm. Mighty River Power also notes that use of the phrase ‘Wind Turbine’ would be consistent with the Porirua City District Plan rule on which the proposed provision is based, and which has been tested by the Environment Court. Mighty River Power supports the Notes to the Plan Users associated with Rule 9.8.6. | Amend or delete Assessment Criteria (g), (h), (j) for Rule R9.8.6 as follows:  
- Delete Assessment Criterion (g) relating to safeguards and contingencies.  
- Amend Assessment Criterion (h) as follows: The appropriate management of landscape and visual impacts, including the location, design, appearance and concentration of structures on the values and characteristics of the Tararua Ranges Landscape Protection Area and views of the Tararua Skyline, significant amenity landscapes in the Tararua foothills, Te Mata Peak and Te Mata-Kaihinu Ridgeline. |
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<td>footsills’ and ‘landmark features’ in the Policy. Assessment Criteria (h) and (j) also make reference to ‘significant amenity landscapes’ and ‘landmark features’. Mighty River Power is concerned that ‘significant amenity landscapes’ and ‘landmark features’ have not been identified in the District Plan, nor have the characteristics and values of these landscapes and features. It therefore remains unclear what Policy 3.5 and the Wind Farm Assessment Criteria is seeking to control in the way of adverse visual effects. These matters should be removed Assessment Criteria (h) and (j). In addition, Assessment Criterion (j) relating to visual effects should be deleted as it is adequately addressed by Criterion (h) relating to landscape and visual impacts. Assessment Criterion (i) relates to cumulative visual effects particularly in relation to the Tararua Skyline. This Criterion is inconsistent with Policy 7.3 which is about the significant adverse cumulative effects on the characteristics and values of the Tararua Ranges Landscape protection Area. The Assessment Criteria are to guide the assessment of consent applications to ensure the proposal is consistent with the policies in the Plan. Therefore the Assessment Criteria should not require an assessment of matters not covered by the policies or expand beyond what the policy is seeking to achieve. Assessment Criterion (i) should be amended consistent with Policy 7.3. Assessment Criterion (n) uses the phrase “consideration of any environmental disturbance”. This phrase should be removed as it is unclear what it means or how it differs from the other listed Assessment Criteria.</td>
<td>rural character and visibility from neighbouring residences and public places. Amend Assessment Criterion (i) as follows: <em>The significant cumulative visual effects of the proposal on the characteristics and values on the Tararua Ranges Landscape protection Area, and consented Wind Farms (including a consideration of the relationship between the various Wind Farms), with particular regard to the effects of additional turbines on views of the Tararua Skyline along its entire length and potential for visual saturation of the skyline landscape with Wind Farm turbines extending across the full extent of the Tararua Ranges.</em> Delete Assessment Criterion (j) relating to visual effects. Amend Assessment Criterion (n) as follows: <em>Impacts on the amenity values of the surrounding environment, including a consideration of any environmental disturbances, aviation navigation lighting, and turbine shadow glare or flicker.</em></td>
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<td>R9.8.7 – Discretionary Activity for New dwellings etc within 1.5 km of wind turbine</td>
<td>Oppose in part</td>
<td>Mighty River Power supports the Rule including assessment criteria (d) relating to reverse sensitivity effects. However as a consequential change resulting from its earlier submission point Mighty River Power considers that the title of the activity rule needs amendment so that it is clear that it applies to activities within 1.5 km of consented turbines, notwithstanding whether they have been constructed or not.</td>
<td>Amend the title of the activity Rule as follows: <em>R 9.8.7 New Dwellings and Accessory Buildings, Dependent Dwelling Units, Relocated Dwellings, Education and Early Childhood Facilities located within 1.5 km of a wind turbine for which resource consent has been granted, whether the wind turbine has been constructed or not, on a site for which a Wind Farm resource consent has</em></td>
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<td>R 9.9.3 Non-complying wind farm Rule - Explanation</td>
<td>Oppose</td>
<td>As consequential amendments to Mighty River Power's submission on Rule 9.8.6, amendments need to be made to the explanation to R9.9.3 to remove reference to the performance standard for Tararua Landscape Protection Area.</td>
<td>been granted, are Discretionary Activities</td>
</tr>
<tr>
<td>Map 9.1</td>
<td>Oppose</td>
<td>The Tararua Ranges Landscape Protection Area in Map 9.1 is derived from Policy 7.1. Objective 7 related to Policy 7.1 seeks to recognise parts of the Tararua Ranges Landscape Protection Area in Map 9.1 to meet the regionally outstanding...</td>
<td>Modify the Tararua Ranges Landscape Protection Area in Map 9.1 to meet the regionally outstanding...</td>
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<td>Ranges as regionally Outstanding Natural Feature and Landscapes (ONFL). In relation to the identification of this regional ONFL the PNCC technical report ‘Landscape Management Palmerston North City (July 2013)’ and the Horizons One Plan (Schedule G: Regionally Outstanding Natural Features and Landscapes - Table G1) describe the characteristics and values of this regional ONFL (amongst other matters) as:</td>
<td>threshold of the highest ridgelines and hilltops as well as excluding the consented windfarm environment.</td>
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<td>“Visual, natural and scenic characteristics of the skyline of the Ruahine and Tararua Ranges, as defined by the series of highest ridges and highest hilltops along the full extent of the Ruahine and Tararua Ranges, including the skyline’s aesthetic cohesion and continuity, its prominence throughout much of the Region and its backdrop vista in contrast to the Region’s plains”. (emphasis added)</td>
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<td>On this basis of this description Mighty River Power considers the regional ONFL values listed by the Region and intended to be spatially defined in district plans should be restricted to the highest ridges and hilltops. As a result the Tararua Ranges Landscape Protection Area should be modified to give effect to the Horizons One Plan and to appropriately reflect the intent of the Objective 7 to recognise regional ONFL by excluding the lower and mid flanks of the Tararua Ranges. In addition, Mighty River Power considers that the Tararua Ranges Landscape Protection Area should not include the consented windfarm environment, particularly turbine locations which contradict the identification of the area as a regional ONFL.</td>
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Section 23 – Network Utilities

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<td>Chapter 23 – Network Utilities</td>
<td>Oppose</td>
<td>Mighty River Power opposes chapter 23 to the extent that it does not adequately provide for utilities or utilities providers except where it is a network utility or a network utility operator. Importantly Mighty River Power is not a network utility operator under the RMA and is unable to operate under the designation procedures in the RMA with respect to its electricity distribution and transmission activities necessary to link renewable electricity generation activities to the National Grid or end users. Specific areas of concern include:</td>
<td>Amend the title of Chapter 23 to “Utilities” or “Network Utilities and Electricity Transmission”. Amend Sections 23.1, 23.2, 23.3 and 23.4 to address the establishment, operation, maintenance and upgrading of electricity transmissions activities that are not deemed to be a network utility.</td>
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<td>• The title for Chapter 23 which has changed from ‘Utilities’ to ‘Network Utilities’</td>
<td>Retain Permitted Activity Rules R23.10.1 (i) and R23.7.1 (xi), including performance standards in the same or similar form.</td>
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<td>• Section 23.1 – Introduction focuses only on network utilities and network utility operations. It deals with activities related to the transmission of electricity in accordance with the National Policy Statement on Electricity Transmission and the National Environmental Standard for Electricity Transmission Activities. However, this NPS and NES only deal with the transmissions activities for the National Grid. The introduction needs to be expanded to include a discussion on other electricity transmission activities, particularly those that are not deemed to be a network utility.</td>
<td>Retain Discretionary Activity Rule R23.7.1 (i) in the same or similar form.</td>
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<td>• Section 23.2 – Resource Management Issues, Section 23.3 – Objectives and Policies, and Section 23.4 – Methods deal only with network utilities and associated activities. The general intent of the Objectives and Policies are supported provided sections 23.2, 23.3 and 23.4 are expanded to address the establishment, operation, maintenance and upgrading of electricity transmissions activities that are not deemed to be a network utility.</td>
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Mighty River Power generally supports the rules in Chapter 23 which provide for electricity transmission activities. These rules are written in a way that they do not apply only to network utilities. The particular rules supported include:

• R23.7.1 (i) – Permitted activity for the establishment, operation, maintenance and upgrading of transformers and lines for conveying electricity at a voltage up to 110 KV, and its associated Performance Standards.

• R23.7.1 (xi) – Permitted activity for the establishment, operation, maintenance and upgrading of meteorological structures and activities, and its associated Performance Standards.

• R23.10.1 (i) – Discretionary activity for the construction, operation, alteration or addition to transformers and lines for conveying electricity at a voltage exceeding 110 KV.

These rules should be retained.
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<tr>
<td>District Plan Maps</td>
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<tr>
<td>District Planning Maps: Rural Residential Overlay</td>
<td>Support</td>
<td>Mighty River Power supports the reduction in the area of the Rural Residential Overlay as a means to avoid fragmentation of rural land and ad hoc development of rural residential activities in inappropriate localities. This will ensure that potential adverse reverse sensitivity effects on wind farms (amongst other effects) can be avoided, and would give effect to Policy D on the NPS-REG and to Policy 3-2 of the RPS.</td>
<td>Retain the reduced area for the Rural Residential Overlay on the District Planning Maps without amendment.</td>
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NATIONAL AND REGIONAL POLICY CONTEXT

1.0 NATIONAL POLICY CONTEXT

The provisions of the Resource Management Act 1991 provide the statutory framework for consideration of the Proposed Plan and this submission. Part 2 (Purpose and principles) sets the overall direction for decision making in achieving the purpose of the Act. Mighty River Power considers that provision of renewable electricity (new and existing) is a critical element in enabling people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety.

It is appropriate to note other central government energy policy directions which are relevant matters for the Council to take into account (and in some cases give effect to) when considering this Proposed Plan Change.

In recent years, there has been new national policy direction and guidance issued which is aimed at promoting new renewable electricity generation and to enable the continued operation and further development of existing renewable electricity generation activities. These policy instruments include the New Zealand Energy Strategy, the New Zealand Energy Efficiency and Conservation Strategy and the National Policy Statement for Renewable Electricity Generation (2011) which are addressed below.

1. NEW ZEALAND ENERGY STRATEGY 2011-2021

In August 2011 the Government released the New Zealand Energy Strategy 2011-2021 ("NZES"). This is a non-statutory document which sets out the Government’s direction with respect to energy matters. The goal of the NZES is stated as follows:

"The Government’s goal is for New Zealand to make the most of its abundant energy potential, for the benefit of all New Zealanders.

This will be achieved through the environmentally-responsible development and efficient use of the country’s diverse energy resources, so that:

- The economy grows, powered by secure, competitively-priced energy and increasing energy exports.
- The environment is recognised for its importance to our New Zealand way of life."

In relation to this goal, the NZES states that it is intended to “encourage efficient energy use, the development of resources where it is economic to do so, the minimisation of environmental impacts of energy supply and use, and the meeting of our international responsibilities on addressing greenhouse gas emissions.”

The NZES reaffirms the Government’s target to further develop renewable energy resources so that 90% of electricity generation (in an average hydrological year) is from renewable sources by 2025, provided this does not affect security of supply. The retention of this 90% target is a significant statement of the Government’s ongoing commitment to existing and new renewable energy projects.

1.2 NEW ZEALAND ENERGY EFFICIENCY AND CONSERVATION STRATEGY 2011-2016

The New Zealand Energy Efficiency and Conservation Strategy 2011-2016 ("NZEECS") was released in August 2011, and contributes to the delivery of the Government’s energy priorities set out in the New Zealand Energy Strategy (NZES) as discussed above.
Section 74(2)(b) of the RMA requires the Council when preparing a district plan, to have regard to any management plans and strategies prepared under other Acts. Accordingly, the NZECS as a strategy prepared in accordance with the Energy Efficiency and Conservation Act 2000 is a relevant consideration in relation to the Proposed Plan Change.

Of relevance to Mighty River Power’s submission, the NZECS provides objectives and targets, including those for the electricity system. The objective for the electricity system is “an efficient, renewable electricity system supporting New Zealand’s global competitiveness.” Its associated target is consistent with the NZES being:

“by 2025: 90 percent of electricity will be generated from renewable sources, provided supply security is maintained.”

The NZECS target for the electricity system is supported by a number of policies. Of relevance to Mighty River Power’s submission is the following policy:

“The Government will continue to set the framework and incentives for a competitive electricity market to deliver the 90 percent target, including by:

- Removing unnecessary barriers to investment in large-scale renewable electricity generation, such as further improving consenting processes under the Resource Management Act and supporting the implementation of the National Policy Statement on Renewable Electricity Generation to provide clear guidance to councils.”

The National Policy Statement for Renewable Electricity Generation (NPS REG) has been produced pursuant to the provisions of the RMA. This NPS REG was gazetted on 14 April 2011 and took effect from 14 May 2011. Sections 55(2) and 75(3)(a) of the RMA requires a district plan to give effect to the provisions of a National Policy Statement.

The purpose of the NPS REG is to set out the key benefits relevant to New Zealand from renewable electricity generation and establish objectives and policies for assisting regulators in giving effect to this matter of national significance. One of the reasons for developing the NPS REG is concern over the recognition of renewable energy generation (REG) in the Policy framework. This is reflected in the Regulatory Impact Statement Issued by the Ministry for the Environment on the NPS REG (page 5):

“A key finding of the Board of Inquiry was that inadequate Policy guidance in the regulatory planning framework, in relation to the benefits of REG, plays out in variable provisions in local plans and policies and these benefits are still not adequately recognised in RMA decision-making. By their nature, these benefits can compete with other environmental values. Whilst the benefits of REG are often felt at the national level, the adverse environmental effects tend to be felt at the local level”.

The following sets out the relevant provisions from the NPS REG as they apply to the issues that Palmerston North City Council must consider in relation to the Proposed Plan Change:

MATTERS OF NATIONAL SIGNIFICANCE

The matters of National Significance to which this National Policy Statement applies are:

(a) The need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and

(b) The benefits of renewable electricity generation.

OBJECTIVE
To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Governments national target for renewable electricity generation.

POLICIES

A. RECOGNISING THE BENEFITS OF RENEWABLE ELECTRICITY GENERATION ACTIVITIES

Decision makers shall recognise and provide for the national significance of renewable electricity generation activities, including, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:

(a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;

(b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;

(c) using renewable natural resources rather than finite resources;

(d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;

(e) avoiding reliance on imported fuels for the purposes of generating electricity

B. ACKNOWLEDGING THE PRACTICAL IMPLICATIONS OF ACHIEVING NEW ZEALAND’S TARGET FOR ELECTRICITY GENERATION FROM RENEWABLE RESOURCES

Decision-makers shall have particular regard to the following matters:

(a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and

(b) ...

(c) meeting or exceeding the New Zealand Government’s national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

C. ACKNOWLEDGING THE PRACTICAL CONSTRAINTS ASSOCIATED WITH THE DEVELOPMENT, OPERATION, MAINTENANCE AND UPGRADEING OF NEW AND EXISTING RENEWABLE ELECTRICITY GENERATION ACTIVITIES

Policy C1

Decision-makers shall have particular regard to the following matters:

(a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;

(b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;

(c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the
distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;

(d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and

(e) adaptive management measures.

PolicyC2

When considering any residual environmental effects of renewable generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures of compensation which benefit the local environmental and community affected.

D. MANAGING REVERSE SENSITIVITY EFFECTS ON RENEWABLE ELECTRICITY GENERATION ACTIVITIES

Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

E. INCORPORATING PROVISIONS FOR RENEWABLE ELECTRICITY GENERATION ACTIVITIES INTO REGIONAL POLICY STATEMENTS AND REGIONAL AND DISTRICT PLANS

PolicyE3

Regional Policy Statements and regional and district plans shall include objectives, policies, and methods (including Rules within plans) to provide for the development, operation, maintenance and upgrading of new and existing wind energy generation activities to the extent applicable to the region or district.

G. ENABLING IDENTIFICATION OF RENEWABLE ELECTRICITY GENERATION POSSIBILITIES

Regional Policy Statements and regional and district plans shall include objectives, policies, and methods, (including Rules within plan) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.

As set out in this submission, Mighty River Power seeks amendments to the Proposed Plan Change to better align with, and give effect to, the NPS REG.
REGIONAL POLICY CONTEXT

Part 1 of the Horizons Regional Council One Plan constitutes the Regional Policy Statement (RPS) for the Manawatu-Wanganui Region. This is the highest order planning instrument to implement the Resource Management Act at the regional level. It includes issues, objectives, and methods that are relevant to the management of natural and physical resources, including energy and infrastructure, within the Region.

The RMA stipulates that district plans must give effect to a RPS, while a RPS, regional plan, and district plan must also give effect to any National Policy Statement.

As set out in this submission, Mighty River Power seeks amendments to the Proposed Plan Change to better align it with, and give effect to, the RPS.

Mighty River Power considers that two chapters of the RPS (Chapter 3 - Infrastructure and Energy, and Chapter 6 Indigenous Biodiversity, Landscape and Historic heritage) contain provisions particularly relevant to its submission on the Proposed Plan Change. The following sets out the relevant provisions from the RPS as they apply to the issues that Palmerston North City Council must consider in relation to the Proposed Plan Change:

CHAPTER 3

ISSUES

ISSUE 3-1: INFRASTRUCTURE AND OTHER PHYSICAL RESOURCES OF REGIONAL OR NATIONAL IMPORTANCE

There is potential for concerns about local adverse effects to prevail over recognition of the regional and national benefits of establishing infrastructure and other physical resources of regional or national importance. There is also potential for other activities to constrain the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance.

ISSUE 3-2: ENERGY

Energy conservation and energy efficiency are important but on their own will not be sufficient to meet future energy demands. If consumption of non-renewable energy resources is to be reduced or avoided, there will need to be an increase in the use of renewable energy resources. However, there are functional, operational and technical factors that constrain the location, layout, design and generation potential of renewable energy facilities.

OBJECTIVES

OBJECTIVE 3-1: INFRASTRUCTURE AND OTHER PHYSICAL RESOURCES OF REGIONAL OR NATIONAL IMPORTANCE

Have regard to the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading.

OBJECTIVE 3-2: ENERGY
An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the Region.

POLICIES

POLICY3-1: BENEFITS OF INFRASTRUCTURE AND OTHER PHYSICAL RESOURCES OF REGIONAL OR NATIONAL IMPORTANCE

(a) The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:

(i) facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks

(ii) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity

(iii)...

(b)...

(c) The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (b), have regard to the benefits derived from those activities.

(d) The Regional Council and Territorial Authorities must achieve as much consistency across local authority boundaries as is reasonably possible with respect to Policy and plan provisions and decision-making for existing and future infrastructure.

POLICY3-2: ADVERSE EFFECTS OF OTHER ACTIVITIES ON INFRASTRUCTURE AND OTHER PHYSICAL RESOURCES OF REGIONAL OR NATIONAL IMPORTANCE

The Regional Council and Territorial Authorities must ensure that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:

(a) ensuring that current infrastructure, infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance or upgrading of those activities is avoided as far as reasonably practicable,

(b) ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents or other RMA authorisations,

(c) ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents or other RMA authorisations,
(d) notifying the owners or managers of infrastructure and other physical resources of regional or national importance of consent applications that may adversely affect the resources that they own or manage.

(e) ...

POLICY3-3: ADVERSE EFFECTS OF INFRASTRUCTURE AND OTHER PHYSICAL RESOURCES OF REGIONAL OR NATIONAL IMPORTANCE ON THE ENVIRONMENT

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

(a) recognise and provide for the operation, maintenance and upgrading of all such activities once they have been established,

(b) allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and

(c) avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:

(i) the need for the infrastructure or other physical resources of regional or national importance,

(ii) any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,

(iii) whether there are any reasonably practicable alternative locations or designs, and

(iv) whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.

POLICY3-6: RENEWABLE ENERGY

(a) The Regional Council and Territorial Authorities must have particular regard to:

(i) the benefits of the use and development of renewable energy resources including:

(A) contributing to reduction in greenhouse gases,

(B) reduced dependency on imported energy sources,

(C) reduced exposure to fossil fuel price volatility, and

(D) security of supply for current and future generations,

(ii) the Region’s potential for the use and development of renewable energy resources, and

(iii) the need for renewable energy activities to locate where the renewable energy resource is located, and

(iv) the benefits of enabling the increased generation capacity and efficiency of existing renewable electricity generation facilities, and
(v) the logistical or technical practicalities associated with developing, upgrading, operating or maintaining an established renewable electricity generation activity.

(b) The Regional Council and Territorial Authorities must generally not restrict the use of small domestic-scale renewable energy production for individual domestic use.

CHAPTER 6

ISSUES

ISSUE 6-2: OUTSTANDING NATURAL FEATURES, LANDSCAPES AND NATURAL CHARACTER

(a) The Region's outstanding natural features and landscapes can be adversely affected by land use activities and development. Adverse effects of development on outstanding natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.

(b) The natural character of the coastal environment, wetlands, rivers, lakes and their margins can be adversely affected by land use activities and development, particularly new river works, drainage and subdivision.

OBJECTIVE 6-2: OUTSTANDING NATURAL FEATURES AND LANDSCAPES, AND NATURAL CHARACTER

(a) The characteristics and values of:

(i) the Region's outstanding natural features and landscapes, including those identified in Schedule G, and

(ii) the natural character of the coastal environment, wetlands, rivers and lakes and their margins

are protected from inappropriate subdivision, use and development.

(b)...
(a) identifying outstanding natural features and landscapes, and consider whether the natural feature or landscape is conspicuous, eminent, remarkable or otherwise outstanding, and

(b) considering adding to, deleting from, or otherwise altering, redefining or modifying the list of outstanding natural features or landscapes listed in Table G.1 of Schedule G, or

(c) considering the inclusion of outstanding natural features or landscapes into any district plan, or

(d) establishing the relevant values to be considered when assessing effects of an activity on:

(i) outstanding natural features and landscapes listed in Table G.1 of Schedule G, or

(ii) any other outstanding natural feature or landscape.

<table>
<thead>
<tr>
<th>ASSESSMENT FACTOR</th>
<th>SCOPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Natural science factors</td>
<td>These factors relate to the geological, ecological, topographical and natural process components of the natural feature or landscape:</td>
</tr>
<tr>
<td></td>
<td>(i) Representative: the combination of natural components that form the feature or landscape strongly typifies the character of an area.</td>
</tr>
<tr>
<td></td>
<td>(ii) Research and education: all or parts of the feature or landscape are important for natural science research and education.</td>
</tr>
<tr>
<td></td>
<td>(iii) Rarity: the feature or landscape is unique or rare within the district or Region, and few comparable examples exist.</td>
</tr>
<tr>
<td></td>
<td>(iv) Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape</td>
</tr>
<tr>
<td>(b) Aesthetic values</td>
<td>The aesthetic values of a feature or landscape may be associated with:</td>
</tr>
<tr>
<td></td>
<td>(i) Coherence: the patterns of land cover and land use are largely in harmony with the underlying natural pattern of landform and there are no, or few, discordant elements of land cover or land use.</td>
</tr>
<tr>
<td></td>
<td>(ii) Vividness: the feature or landscape is visually striking, widely recognised within the local and wider community, and may be regarded as iconic.</td>
</tr>
<tr>
<td></td>
<td>(iii) Naturalness: the feature or landscape appears largely unmodified by human activity and the patterns of landform and land cover are an expression of natural processes and intact healthy ecosystems.</td>
</tr>
<tr>
<td></td>
<td>(iv) Memorability: the natural feature or landscape makes such an impact on the senses that it becomes unforgettable.</td>
</tr>
<tr>
<td>(c) Expressiveness (legibility)</td>
<td>The feature or landscape clearly shows the formative natural processes or historic influences that led to its</td>
</tr>
</tbody>
</table>
TABLE 6.1: NATURAL FEATURE AND LANDSCAPE ASSESSMENT FACTORS

<table>
<thead>
<tr>
<th>ASSESSMENT FACTOR</th>
<th>SCOPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) Transient values</td>
<td>The consistent and noticeable occurrence of transient natural events, such as daily or seasonal changes in weather, vegetation or wildlife movement, contributes to the character of the feature or landscape.</td>
</tr>
<tr>
<td>(e) Shared and recognised values</td>
<td>The feature or landscape is widely known and is highly valued for its contribution to local identity within its immediate and wider community.</td>
</tr>
<tr>
<td>(f) Cultural and spiritual values for tangata whenua</td>
<td>Māori values inherent in the feature or landscape add to the feature or landscape being recognised as a special place.</td>
</tr>
<tr>
<td>(g) Historic heritage values</td>
<td>Knowledge of historic events that occurred in and around the feature or landscape is widely held and substantially influences and adds to the value the community attaches to the natural feature or landscape. Heritage features, sites or structures that are present and add to the enjoyment and understanding of the feature or landscape.</td>
</tr>
</tbody>
</table>

SCHEDULE G: REGIONALLY OUTSTANDING NATURAL FEATURES AND LANDSCAPES

TABLE G.1:

<table>
<thead>
<tr>
<th>OUTSTANDING NATURAL FEATURES OR LANDSCAPES</th>
<th>CHARACTERISTICS / VALUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(k) The Tararua Forest Park (land administered by the Department of Conservation)</td>
<td>(i) Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains</td>
</tr>
<tr>
<td></td>
<td>(ii) Ecological values, including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat</td>
</tr>
<tr>
<td></td>
<td>(iii) Contribution to the national conservation estate</td>
</tr>
<tr>
<td></td>
<td>(iv) Recreational values, especially tramping</td>
</tr>
<tr>
<td></td>
<td>(v) Historical values associated with early recreation</td>
</tr>
<tr>
<td></td>
<td>(vi) Cultural values</td>
</tr>
</tbody>
</table>

<p>| (l) The series of highest ridges and highest hilltops along the full extent of the Ruahine and Tararua Ranges, including within the Forest Parks described in items (j) and (k) | (i) Visual, natural and scenic characteristics of the skyline of the Ruahine and Tararua Ranges, as defined by the series of highest ridges and highest hilltops along the full extent of the Ruahine and Tararua Ranges, including the skyline's aesthetic cohesion and continuity, its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains |
| | (ii) Importance to tangata whenua and cultural values |
| | (iii) Ecological values including values associated with remnant and regenerating indigenous vegetation |
| | (iv) Historical values |
| | (v) Recreational values |</p>
<table>
<thead>
<tr>
<th>OUTSTANDING NATURAL FEATURES OR LANDSCAPES</th>
<th>CHARACTERISTICS / VALUES</th>
</tr>
</thead>
</table>
| (m) Manawatu Gorge, from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers, including the adjacent scenic reserve | (i) Visual and scenic characteristics, particularly provided by its distinctive landscape  
(ii) Geological feature, provided by being the only river in New Zealand to drain both east and west of the main divide  
(iii) Ecological significance, provided by its regenerating indigenous vegetation and remnant native shrubland  
(iv) Scientific value, particularly for its geology |
TO: Palmerston North City Council  
Private Bag 11-034  
Palmerston North 4410  
ATTENTION: Team Leader – Governance and Support  
Number of additional sheets attached - 20

PLEASE:
- Read ALL instructions carefully
- Print clearly and complete ALL sections in this form (A number of people will read your submission, so please make sure it can be easily photocopied, read and understood).
- Use separate submission forms for different Plan Changes.
- Don’t forget to provide a PHYSICAL ADDRESS, POSTAL ADDRESS and CONTACT PHONE NUMBER.
- Use additional sheets of paper if necessary, indicate above if you are doing so and attach them securely to this form.

Preferred title (please delete Inapplicable titles): Other

Full Name of Submitter: Federated Farmers Manawatu – Rangitikei Province

Plan Change Number and Plan Change Name:
- 15A: Rural Zone and Rural Subdivision
- 15B: Wind Farms and Landscapes
- 15C: Boundary Change Area (the area formerly within the Manawatu District)
- 15D: Flood Hazards
- 15E: North East Industrial Zone and Extension Area
- 15F: Braeburn Industrial Area (Longburn)
- 15G: Utilities
- 15H: Airport Zone

Your Physical Address (for courier purposes): c/o Coralee Matena, Federated Farmers, 105 Queen Street, Palmerston North

Postal Address: Coralee Matena, Federated Farmers, PO Box 945, Palmerston North

Phone (home): (027) 265 1648
Fax: na
Email: cmatena@fedfarm.org.nz

Signature:
Signature of the person making submission or the person authorised to sign on behalf of the person making submission.  
(NOTE: A signature is not required if you are making a submission by electronic means.)
The Manawatu – Rangitikei province of Federated Farmers appreciates this opportunity to submit on the proposed Plan Changes 15 A-H of the Sectional District Plan Review. We acknowledge any submissions made by individual members of Federated Farmers.

We wish to be heard in support of the submission and if others make a similar submission, will consider presenting a joint case with them at a hearing.
GENERAL

Federated Farmers is generally supportive of the tone of the Palmerston North City Council (PNCC) Proposed Plan Change 15 A-H Section 32 Report (Section 32 report) and the Proposed District Plan sections, with regard to supporting the rural sector. We appreciate that there are a number of Proposed Plan Changes that have arisen from the recent Manawatu District Council/PNCC Boundary Change, and note the proposed provisions to give effect to this. We also note that the PNCC has proposed a number of changes to align with the regulatory requirements of the Horizons Regional Council.

Federated Farmers initially submitted on the Proposed Plan Changes in April 2014. This submission aligns with the direction of the April 2014 submission, and where necessary, provides more detail and review of the Proposed District Plan. We have appreciated talking directly to PNCC staff regarding the Proposed Plan Change and thank senior Council staff for their time in meeting with our staff and interested members to discuss specific plan provisions. Federated Farmers appreciates having the opportunity to participate early in consultation, and work directly with regulators to understand matters of interest to our members. There are a number of farms located within the city boundaries, and it is on behalf of these farmer members that we make this submission, as these plan changes have both social and economic impacts on these land owners.

Federated Farmers commends PNCC on the provision of the Interactive Map available to view the proposed provisions. The Interactive Map is a useful tool in helping our members understand how the various provisions impact on their individual land lots. Federated Farmers requests that the Interactive Map be adapted as provisions are finalised and made accessible as a future reference tool. Consistent with our April 2014 submission, Federated Farmers believes that there is a need for better information to be made available with regard to soil types. With the reliance on soil type criteria for zoning and subdivision, good quality and accurate mapping of the soils within the PNCC boundary should be made available to land owners. We therefore recommend that PNCC make provisions for access to soil maps and other soil information for ratepayers, possibly through the provision of the interactive map tool.

SUMMARY - Recommendations
For ease of reference, a summary of the recommendations contained in this document is provided below.

General

1. PNCC make provisions for access to soil maps and other soil information for ratepayers, possibly through the provision of the interactive map tool.

2. That the Economic Growth section of 1.1.3 is amended as follows:

   - The six five key sectors which are expected to contribute the most to employment growth in the City over the next 25 years are: healthcare and social assistance; retail trade, accommodation and food services; logistics
(transport, warehousing, and wholesale trade); public administration and safety; professional, scientific and technical services; and primary production (on farm and processing).

3. That the Land Use Strategies section of 1.3.2 is amended as follows:
   - The Council prepares and updates land use strategies that manage future growth within the City such as Residential, Industrial, Rural-Residential and Retail development. The Rural-Residential Land Use Strategy seeks, first and foremost, to protect the economic viability of Palmerston North’s rural economy, taking into account social, economic and environmental drivers. It provides direction as to how the projected demand for rural living will be managed over a ten-year planning period in an integrated manner.

4. That 5.5 xxvii is amended as follows:
   - a Rural Productivity Report, which is prepared by a person PNCC considers suitably qualified and experienced in agricultural science, and/or rural economics, which ...

A. Rural Zone and Rural Subdivision

5. We support retaining the exclusion of rural activities (d) from noise rules in the Plan and recommends that Rule 6.2.6.2 1. d) is retained as written.

6. We support the retained exemption for earthworks as they relate to the rural zone, and recommends that Rule 6.3.6.2 is retained as written.

7. We recommend PNCC take proactive measures where possible to avoid, mitigate and manage reverse sensitivity effects of new subdivision and residential development on existing land use activities, particularly those of a rural nature.

8. To reflect the flow on economic consequences of subdivision with regard to rates on existing land owners, the following bullet point is added to the 'effects of subdivision' section:
   - the economic consequence of subdivision to existing land owners as a result of higher land prices in rural areas and the subsequent increase in rates

9. We note that 'rural industry' is defined in the District Plan (Section 4-20) and we therefore recommend that rate payers who meet this definition (farmland rate payers), are not impacted by zoning changes and/or rate increases.

10. That the list of subdivision controls (top of page 86 of the Proposed District Plan) includes the following bullet points:
    - Differentiation of activity class to reflect the nature of class 1 and 2 soils
    - Management of development effects of rural residential subdivision to surrounding land owners
    - Management of reverse sensitivity effects caused by new land uses located in proximity to existing lawfully established activities or operations
11. Future residential or industrial rate payers should make ongoing financial contributions to drainage and flood schemes to ensure that this infrastructure is capable of meeting the needs of the development without adversely affecting surrounding land owners.

12. Reference to a 20 ha lot minimum is deleted as proposed for policies 3.1 and 3.2.

13. District Plan provisions provide the necessary flexibility for land owners to make subdivision decisions that are in the best interests of the land owners, and fit better with the intent of the District and wider Regional Plans (for example with regard to soil class and long term land productivity).

14. Reference to a 1 ha lot minimum is deleted for the proposed extra dwelling provision, and instead the provision allows for lot sizes up to 2 ha.

15. That the proposed rules align better with the reasons for subdivision as detailed.

16. That 'reverse sensitivity effects' is added as a Performance Standard for R.7.16.1.1 Controlled Activities.

17. For subdivision within the rural zone, the current minimum lot size of 4ha is maintained as a Controlled Activity.

18. For subdivision within the rural zone, to give effect to the direction of the Regional Council regarding protecting versatile soils, a minimum lot size of 8ha is provided for type 1 and 2 soils as a Controlled Activity.

19. That R 7.16.1.2 b) ii) (providing for the subdivision of 1 ha to 2 ha lots within the Rural Zone) is amended to delete the reference to 1 hectare minimum.

20. That any subdivision which does not comply with the Controlled Activity Performance Standards for Lot Area (Rule 7.16.1.2 (b) are provided for as Restricted Discretionary Activities in the District Plan rather than Non Complying Activity as currently proposed.

21. That Rule 6.2.6.2 1. d) is retained as written provided the rural zone minimum lot sizes are amended to 8 ha for class 1 and 2 versatile soils, and 4 ha for less versatile soils.

B. Wind Farms and Landscapes
22. Federated Farmers recognises the need for the District Plan to give effect to Regional Plan changes. No further commentary is therefore provided for this topic.

C. Boundary Change Area (the area formerly within the Manawatu District)
23. Federated Farms understand that the Proposed Changes will give effect to the recent boundary change. No further commentary is therefore provided for this topic.
D. Flood Hazards

24. Federated Farmers recognises the requirement for the District Plan to give effect to the Regional Plan. We therefore support the proposed changes to the Rural Zone rules to align to the Regional Plan.

25. Federated Farmers requests that for clarity, where there is mention to horticultural activities, this should be widened to include agricultural activities including for Rule 7.15.2.1.

E. North East Industrial Zone and Extension Area and F. Braeburn Industrial Area

26. Federated Farmers notes that members are concerned about industrial zone development flow on consequences to surrounding rural land owners and communities. Federated Farmers therefore recommends that the planning process takes account of potential effects to surrounding land owners.

27. For the policy with regard to the development of the Braeburn Industrial Area and its capacity to be self sufficient, the text is amended to read:

- with respect to water, wastewater and storm water, the Braeburn Industrial Areas will may is likely to be self serviced and not connected to the Council’s reticulated network

G. Utilities

28. Federated Farmers supports the provisions as proposed for subdivision within the National Grid Corridor, and network utility provisions regarding earthworks in the national grid (noting that business as usual farming activities are permitted and/or exempt).

29. Federated Farmers notes that network utilities can have adverse effects on landowners and not only the environment (as is implied), and therefore that the actual and potential effects of network utilities on land owners is recognised via the amendment to the following point:

- The actual and potential adverse effects on the environment and land owners resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure.

H. Airport Zone

30. Federated Farmers is supportive of the proposed provisions regarding the airport zone. We note that the provisions regarding this asset and supporting infrastructure are of economic benefit to the primary industries and the wider PNCC economy.

DETAILED SUBMISSION — Proposed District Plan

The detailed submission that follows is ordered on the same chronological order that provisions appear in the proposed District Plan. For ease of the reading of each of our submission points, we have summarised each provision as proposed in the Subject Matter and Provision in the Plan section, and where necessary, our suggested wording amendments are shown below in the Relief Sought section. Our suggested amendments are shown with strikeout-for deletions and underlining for additional wording.
Section 1: The General Introduction

1 Subject matter and provision in the Plan:

1.1.3 Demographics and Statistics – Economic Growth

Summary of reasons for this submission:

Federated Farmers notes the reference made to the five key sectors which are expected to contribute the most to employment growth in the City over the next 25 years, namely health care and social assistance; retail trade, accommodation and food services; logistics; public administration and safety; and professional, scientific and technical services. As this text has not been updated post the PNCC/Manawatu District Council boundary change, Federated Farmers believes that it does not accurately address the significant increase in the PNCC Rural and Industrial Zones, and ultimately, the associated increase in employment in the primary sectors typical to the acquired zones. Federated Farmers would therefore like the paragraph to be amended to capture the importance of primary production as a key sector to contribute to the City's employment growth over the next 25 years.

Relief Sought:

- That the Economic Growth section of 1.1.3 is amended as follows:

  - The six five key sectors which are expected to contribute the most to employment growth in the City over the next 25 years are: healthcare and social assistance; retail trade, accommodation and food services; logistics (transport, warehousing, and wholesale trade); public administration and safety; professional, scientific and technical services; and primary production (on farm and processing).

2 Subject matter and provision in the Plan:

1.3.2 Relationship with Other Plans, Strategies and Policies

Summary of reasons for this submission:

Federated Farmers believes that Section 1.3.2 should be expanded so that the individual Land Use Strategies are described in greater detail. The Section 32 Report – Proposed Plan Change 15 A-H provides a high level overview of the Rural-Residential Land Use Strategy that would be a useful expansion to 1.3.2. Federated Farmers therefore recommends that section 1.1.20 of the Section 32 Report is included in 1.3.2 of the District Plan, and likewise for the other Land Use Strategies as considered appropriate.

Relief Sought:

- That the Land Use Strategies section of 1.3.2 is amended as follows:

  - The Council prepares and updates land use strategies that manage future growth within the City such as Residential, Industrial, Rural-Residential and Retail development. The Rural-Residential Land Use Strategy seeks, first and foremost, to protect the economic viability of Palmerston North’s rural
economy, taking into account social, economic and environmental drivers. It provides direction as to how the projected demand for rural living will be managed over a ten-year planning period in an integrated manner.

Section 5: Information Requirements

3 Subject matter and provision in the Plan:

5.5 Subdivision Consents - xxvii

Summary of reasons for this submission:

Federated Farmers notes that 5.5 xxvii, for proposed undersized lots, requires the preparation of a Rural Productivity Report, by a person suitably qualified and experienced in agricultural science and / or rural economics. Federated Farmers does not think it is appropriate to specify that a suitably qualified and experienced person must have a qualification and experience in either or those two fields. Federated Farmers believes that there may be suitably qualified and experienced consultants who would not necessarily obtain these specific qualifications. PNCC can at the time of the provision of the Report, make an assessment as to the credibility of the Consultant and whether they are suitably qualified and experienced.

Relief Sought:
- That 5.5 xxvii is amended as follows:
  - ... a Rural Productivity Report, which is prepared by a person PNCC considers suitably qualified and experienced in agricultural science, and / or rural economics, which ...

Section 6: General

4 Subject matter and provision in the Plan:

R 6.2.6.2 Exclusion from Noise Control Rules

Summary of reasons for this submission:

Federated Farmers supports retaining the exclusion of rural activities (d) from noise rules in the Plan.

Relief Sought:
- That Rule 6.2.6.2 1. d) is retained as written.

5 Subject matter and provision in the Plan:

R 6.3.6.2 Exclusions from Earthworks Rule 6.3.6.1

Summary of reasons for this submission:

Federated Farms supports the retained exemption for earthworks, as provided in 6.3.6.2 as they relate to the rural zone. Federated Farmers also notes the addition of (viii) providing
exemptions from Rule 6.3.6.1 (e) for earthworks including (iii) earthworks associated with the maintenance of tracks, cultivation of land, harvesting of crops, and the clearing of drains as part of Horticultural and Agricultural activities on production land.

Federated Farmers also supports the commentary provided in the Explanation which makes reference to the nature of earthworks as a common aspect of land use and development, considered normal permitted activities resulting in less than minor effects.

Relief Sought:
- That Rule 6.3.6.2 (vii) is retained as written.

Section 7: Subdivision

Subject matter and provision in the Plan:

7.1 – Introduction - The Effects of Subdivision

Summary of reasons for this submission:
Federated Farmers notes the addition of bullet points to the effects of subdivision part of the Introduction to Section 7, particularly the bullet point:

- reverse sensitivity effects where new, sensitive land uses lead to constraints on land use activities.

It is critically important to acknowledge that existing and legitimate primary production land uses in the rural zone are protected from reverse sensitivity. Reverse sensitivity is characterised by unrealistic expectations of amenity and complaints to adverse effects that should be reasonably anticipated. Activities like morning milking, calf weaning, tractors harvesting crops, silage making or aerial top dressing all create noise, dust or odour at levels that are to be expected in a primary production area, and urban expectations may not meet the reality of living next to land used for primary production.

It can be very disheartening as a farmer to encounter reverse sensitivity, as it erodes their confidence to continue their normal operations due to worries over whether they are too noisy or too smelly for the neighbours. Farmers view the rural area as a working landscape, and accept affects such as noise as incidental to getting the job done.

Federated Farmers supports the addition of this effect of subdivision as reverse sensitivity effects are a very real consequence of subdivision for our members and wider rural land owners. We support the recognition in the plan to avoiding or mitigating reverse sensitivity effects and encourage the Council to take practical steps to where possible manage reverse sensitivity effects before they arise, for example via the consent process.

Federated Farmers would also like the District Plan to reflect in this section, the flow on economic consequence of subdivision with regard to rates on existing land owners. Subdivision in rural areas causes higher land prices and as a consequence, higher rate contributions for land owners. Federated Farmers notes that the effect of residential subdivision in the rural zone, particularly in higher density residential areas such as the Rural-Residential zone, has consequential effects on surrounding farmers because of the
sequential rates rise due to the pressure on rateable values. Federated Farmers requests that this matter be addressed during rating considerations. We note that ‘rural industry’ is defined in the District Plan (Section 4-20) and we therefore recommend that rate payers who meet this definition (farmland rate payers), are not impacted by zoning changes and/or rate increases.

Relief Sought:
- That Council take proactive measures where possible to avoid, mitigate and manage reverse sensitivity effects of new subdivision and residential development on existing land use activities, particularly those of a rural nature.
- To reflect the flow on economic consequences of subdivision with regard to rates on existing land owners, the following bullet point is added to the ‘effects of subdivision’ section:
  - the economic consequence of subdivision to existing land owners as a result of higher land prices in rural areas and the subsequent increase in rates
- We note that ‘rural industry’ is defined in the District Plan (Section 4-20) and we therefore recommend that rate payers who meet this definition (farmland rate payers), are not impacted by zoning changes and/or rate increases.

7 Subject matter and provision in the Plan:

7.2 Resource Management Issues - Explanation

Summary of reasons for this submission:
Federated Farmers notes the expansion of the explanation to recognise both RMA and Regional Council provisions which the Council are required to incorporate and consider. Federated Farmers supports sustainable land use and understands the importance of ensuring that subdivision does not cause any adverse effects on both natural and physical resources. We support the Regional Council’s commitment to retaining Class 1 and 2 versatile soils for use as production land and believe that the activity status in the District Plan should provide specifically for these soils and then less versatile soils as appropriate.

Federated Farmers also agrees with the addition of the statement regarding avoiding ad-hoc rural residential subdivision, and believes that this is achieved via the distinctions in the District Plan between intensified rural development (via the rural-residential zone) and the wider rural zone.

Federated Farmers also supports the text addition regarding compliance with PNCC Engineering Standards for the provision of services (water, storm water and waste water treatment systems) and infrastructure, and in addition, the Regional Council requirement for on-site domestic wastewater treatment in rural areas. Federated Farmers notes that any developments have an effect on surrounding areas, and therefore careful management is necessary to avoid any possible future flow on effects. Hard surfaces do not absorb water so run off from industrial and residential development inevitable flows into rural drainage and flood schemes. We believe that future residential or industrial rate payers should, where appropriate, make ongoing financial contributions to drainage and flood schemes to ensure
that this infrastructure is capable of meeting the needs of the development without adversely effecting surrounding land owners.

Federated Farmers also notes the reference to the management of reverse sensitivity effects associated with complaints from new land uses located in proximity to existing lawfully established activities or operations. As discussed earlier, Federated Farmers believes that Council could take proactive measures where possible, to avoid, mitigate and manage reverse sensitivity effects before they arise. We therefore recommend that the management of reverse sensitivity effects is added to the list of controls required for subdivision.

Relief Sought:
- That the list of subdivision controls (top of page 86 of the Proposed District Plan) includes the following bullet points:
  - Differentiation of activity class to reflect the nature of class 1 and 2 soils
  - Management of development effects of rural residential subdivision to surrounding land owners
  - Management of reverse sensitivity effects caused by new land uses located in proximity to existing lawfully established activities or operations
- Future residential or industrial rate payers should make ongoing financial contributions to drainage and flood schemes to ensure that this infrastructure is capable of meeting the needs of the development without adversely effecting surrounding land owners.

8 Subject matter and provision in the Plan:

7.2 Resource Management Issues – Explanation: 4. Recognition of natural hazards in the design and implementation of subdivisions

Summary of reasons for this submission:
Federated Farmers notes the addition of text to this section to recognise the unique character of the soils in the Flood Protection Zone. Federated Farmers notes that the text proposed refers to horticultural activities specifically. We propose that for clarity, and to reflect what is proposed in the District Plan, this should be widened to include agricultural activities.

Relief Sought:
- That the paragraph beginning – The Flood Protection Zone, should be amended as follows:

  ...smaller lot subdivision is provided for as a Restricted Discretionary Activity in the Flood Protection Zone for horticultural and agricultural activities, subject to ...

9 Subject matter and provision in the Plan:

7.3 Objectives and Policies. Objective 3

Summary of reasons for this submission:
Federated Farmers supports the objectives regarding subdivision of land and building in rural areas, in particular:

- Retaining the productive capability of rural land
- Protecting Class 1 and 2 versatile soils for use as productive land
- Providing for rural residential development on land with less versatile soil

Federated Farmers however opposes the proposed policy at 3.1 for the subdivision of rural land into allotments 20 hectares or more.

20ha is a considerable size. There are a number of significant issues relating to the minimum size proposed which demonstrate why the 20ha block size does not support the District Plan objectives for the subdivision of rural land, as outlined above, as well as the wider needs of rural communities and future rural subdivision residents. These include:

- **No distinction between class 1 and 2 soils in the rural zone** - requiring a minimum lot size of 20 ha does not provide land owners with the ability to subdivide smaller less productive land blocks. Federated Farmers supports the intent of the plan to protect productive land and in particular class 1 and 2 soils, and believes that the proposed 20 ha 'one size fits all' approach to the rural zone is not a practical tool to achieve these goals.

Federated Farmers notes that policy 3.2 sets out a number of matters to be managed for subdivision under the minimum lot size, which includes among other things, the protection of Class 1 and 2 versatile soils for use for primary production and to maintain the availability of the versatile land resource for use by future generations. A number of members have raised concerns directly relating to the 20 ha minimum lot requirement in that, it will not allow them to protect Class 1 and 2 soils from future subdivision. Members recognise that for economic viability, they may at some stage be required to subdivide a portion of their land block to enable ongoing development and business performance. These Members however also note, that if they were to choose to act in this manner and subdivide a lot, the lot that they would subdivide is likely to be significantly smaller than the 20ha as proposed. Requiring a large 20ha subdivision would ultimately require the land to be subdivided to include a significant portion of versatile and high productive land, therefore having a counter effect to the intent of the District Plan. Federated Farmers therefore recommends that the District Plan provide the necessary flexibility for land owners to make subdivision decisions that are in the best interests of the land owners, and fit better with the intent of the District and wider Regional Plans.

- **Impracticality of the assumption that the Rural-Residential zone will provide the necessary space for urban sprawl into the rural zone** – Federated Farmers supports the District Plan’s proposed clear rural zoning distinction of Rural-Residential and Rural zones. We understand that the intent of the intensified Rural-Residential zone is to provide for those urban residents choosing to build new larger lifestyle homes in the rural environment. We also understand that the intent of the Rural-Residential zone is to provide for this intensified residential development by providing smaller land blocks in specified areas and therefore mitigating effects on
the long term productivity of the land and managing reverse sensitivity effects. We appreciate the consideration of reverse sensitivity effects as detailed in other areas of the submission.

Federated Farmers does not believe however, that urban sprawl will continue only in the Rural-Residential area, as is the case currently, and regardless of the minimum lot size provided, urban residential owners will ultimately seek to purchase sub dividable land in the rural zone. We have serious concerns about the long term consequences of these purchases. A 20 ha lot size is a considerable land block. The current trend is for urban dwellers to relocate to the rural zone with the intent of living the iconic kiwi lifestyle and having a few livestock to support the needs of the family. Due to the extent of the minimum lot size proposed, it is likely that to maximise the use of land available in the rural zone, more livestock will be purchased, exceeding the needs of the immediate family. Increasingly, we are becoming more and more aware of animal welfare, land and pest management issues arising on poorly managed rural land blocks.

Federated Farmers is concerned that the proposed 20ha rural zone lot size, will increase the number of poor land and livestock management cases in the rural zone, and therefore have negative consequences to the land owner directly, but also the wider community and region as a result of long term effects to the land. Pest Management is of particular concern. Farmers have the practical and applied knowledge of the requirements of the Regional Council with regard to pest management, and as the efficiency of their land impacts directly on their economic viability, work to ensure that the land is managed as required. It is not appropriate to assume that new residential land owners will have this knowledge or skill set, and therefore, will not be able to adequately manage the realities of a 20ha land block.

- **Impact on the livelihood of farming** – Farming is often a generational enterprise. There is a significant history of residential co-location for farming families. Requiring farming blocks to be fragmented at a minimum of 20ha, does not maintain the common farming family activity of subdividing small unproductive land blocks to enable both retiring family members, or alternatively, provide for younger family units to support the family enterprise or business through co-location. The District Plan needs to ensure that it is enabling and allows farming families with the ability to make long term choices about their land block in the best interests of the family and the economic viability of the farm. Moving to a 20ha block size may have unintended consequences of disadvantaging rural family units by discouraging residential co-location.

- **Contradiction of District Plan provisions as proposed** – Federated Farmers notes that the proposed provisions allow for the subdivision of land within the rural zone to take account of existing dwellings. Federated Farmers supports the intent of this provision, as discussed elsewhere in the submission, however notes that the nature of this plan provision contradicts the rationale for setting a 20 ha lot minimum for future rural zone subdivision. As outlined above, farming enterprises often require co-location in order to maintain the viability of the business, and in addition, to provide for the historical farming family approach for elderly family members to
continue to reside on the farm. We commend PNCC for providing for this provision via the existing dwelling subdivision provision, however recommend that the same degree of pragmatism is taken for all future subdivision requirements. The intent of the existing dwelling provision aligns well with the needs of farming families, however the 20 ha minimum lot size, for the reasons noted earlier, conflicts with the needs of these rural families to the negative benefit of the wider Community.

Federated Farmers also requests that the minimum lot size of 1 ha as proposed for existing dwellings is deleted and that the provision allows for lot sizes up to 2 ha. 1 ha is a large lot size for one dwelling, and members consider that in some cases, if the intent of this provision is to enable those who had intended to subdivide lots in the future to accommodate the existing dwelling, the lot size that would have been required would have been smaller than 1 ha.

Relief Sought:
- Reference to a 20 ha lot minimum is deleted as proposed for policies 3.1 and 3.2
- District Plan provisions provide the necessary flexibility for land owners to make subdivision decisions that are in the best interests of the land owners, and fit better with the intent of the District and wider Regional Plans (for example with regard to soil class and long term land productivity).
- Reference to a 1 ha lot minimum is deleted for the proposed extra dwelling provision, and instead the provision allows for lot sizes up to 2 ha.

Subject matter and provision in the Plan:

7.3 Objectives and Policies. Objective 5

Summary of reasons for this submission:
Federated Farmers supports the proposed requirements for the North East Industrial Zone, and in particular, the requirement of a Comprehensive Development Plan for each stage of subdivision. Members have raised concerns about the developments that have been undertaken to date in the existing North East Industrial Zone and the flow on effects and consequences that these have had on surrounding land uses.

Relief Sought:
- That Objective 5 is retained as written.

Subject matter and provision in the Plan:

7.3 Objectives and Policies. Objective 8

Summary of reasons for this submission:
Federated Farmers supports the proposed requirements for the Braeburn Industrial Area and reiterates the points raised for the North East Industrial Zone. Surrounding land uses are concerned about the effects that development will have.
Note that the policy states that with respect to water, wastewater and storm water, the Braeburn Industrial Areas may is likely to be self serviced and not connected to the Council's reticulated network. Federated Farmers believe that this is an essential requirement and therefore request that certainty is provided for this requirement.

Relief Sought:
- The policy is amended to provide certainty to the self sufficient nature of the Braeburn Industrial Area, and therefore requests that the policy text is amended to read:

  with respect to water, wastewater and storm water, the Braeburn Industrial Areas will may-is-likely to be self serviced and not connected to the Council's reticulated network

12 Subject matter and provision in the Plan:

7.5 Principal Reasons

Summary of reasons for this submission:

Federated Farmers notes that this section is proposed to remain largely as currently written. Federated Farmers believes that there are reasons within this section that need highlighting in terms of the decisions that Council is making with regard to proposed provisions in the Plan for rural subdivision. The reasons of particular interest are:

- 3 - reference to ‘non-complying’ activities to only be granted if they could meet the statutory test of Section 104D. That is, if the effects of the application were no more than minor or the application was not contrary to the objectives and policies of the Plan.

- 4 - recognition of the inconvenience of the “no provision” approach and in particular the statement that recognises that “subdivision is an important instrument in resource management and although it can have adverse effects, if managed correctly, its overall effects are beneficial”

- 9 - Controlled activity used wherever it can be reasonably concluded that adverse effects can be avoided or mitigated through standards and conditions.

- 10 - Discretionary activity used where the avoidance or mitigation of adverse effects is less certain, or a departure from standards is sought.

Relief Sought:
- That the proposed rules better align with the reasons as proposed.

13 Subject matter and provision in the Plan:

7.15 Flood Protection Zone

Summary of reasons for this submission:

Federated Farmers supports 7.15.2.1 as proposed for subdivision within the Flood Protection Zone to accommodate for horticulture, cropping and grazing activities. Federated
Farmers would however like the explanation to be amended to provide clarity that the scope of this subdivision is for agricultural as well as horticultural activities.

**Relief Sought:**
- That the explanation to rule 7.15.2.1 is amended as follows:
  - This rule is included within the District Plan to provide for horticulture and agriculture activities...
  - The 2 hectare minimum lot area recognises and gives due regard to the current pattern and intensity of horticultural and agricultural land use activities and meets the specific needs of the horticulture and agriculture sector, for smaller horticultural and agricultural blocks, while facilitating use of the City’s most versatile soil resources.

14 **Subject matter and provision in the Plan:**

R 7.6.1.1 Controlled Activities

**Summary of reasons for this submission:**

In line with the objectives and policies outlined in the District Plan and particularly references to the need to ensure that reverse sensitivity effects are mitigated or avoided, and further to align with the matters in respect for R 7.16.2.1, Federated Farmers requests that ‘reverse sensitivity effects’ is added to the list of Performance Standards for Controlled Activities.

**Relief Sought:**
- That ‘reverse sensitivity effects’ is added as a Performance Standard for R.7.16.1.1 Controlled Activities.

15 **Subject matter and provision in the Plan:**

R 7.16.1.2 b) i) Performance Standards for Controlled Activities – Lot Area

**Summary of reasons for this submission:**

For the reasons outlined above, for the Rural Zone Proposed Controlled activities, Federated Farmers opposes the increase of the minimum lot area from 4 hectares to 20 hectares.

Federated Farmers believes that minimum lot area increase to 20 hectares is excessive. The justification for this increase is to ensure the long term viability of the rural zone by maintaining larger blocks more likely to be held in agricultural activities in the long term. Federated Farmers opposes this justification and does not believe that it reflects the reality of subdivision for rural land owners, in particular farmers. For the large majority of our members, the farmers that they operate have been in their families for generations. The ability to maintain this has largely been as a result of allowing families to co-locate near the farm block by allowing for the subdivision of small unproductive land lots to allow residential development. These block sizes however, are generally not to a 20 hectare scale. As landowners, it is important that this right to make decisions that are more practical and appropriate, and less likely to impact on the sustainability of the business and the livelihood of the family and wider community.
Imposing a 20 hectare minimum lot size is also likely to have the reverse benefit effect of requiring rural landowners to subdivide larger sections therefore including in this subdivision, areas of more versatile soil. Federated Farmers believes that a 'one size fits all' 20 hectare minimum is a crude means of protecting productive land and providing for different approaches to different soil types. Federated Farmers notes that the District Plan makes several references to aligning with the Regional Council One Plan, and therefore ensuring that versatile soils (1 and 2) and protected. Federated Farmers also notes that for the provision of smaller lots in the rural-residential zone, the justification for this zone or overlay is based on the premise that this land is unproductive less versatile soil. A 1 ha lot size for this zone is considered appropriate because of the nature of the land, yet within the wider rural zone, this lot size is not. Federated Farmers believes that for consistency and to align with the direction of the Regional Council, a distinction in minimum lot sizes should also apply to the rural zone dependant on the versatility and soil type.

Federated Farmers notes that the explanation section for rule R 7.16.1.2 notes the importance of rural subdivision to farming enterprise, specifically the significant benefits that it can generate by enabling the establishment of new economic activity and enterprise and farm consolidation. Federated Farmers therefore requests that the District Plan continue to ensure that the provisions regarding rural subdivision are enabling and do not negatively effect the future economic abilities or livelihoods of rural land owners and surrounding communities.

Relief Sought:
- That the current minimum lot size of 4ha is maintained as a Controlled Activity for subdivision within the rural zone.
- That to give effect to the direction of the Regional Council regarding protecting versatile soils, a minimum lot size of 8ha is provided for type 1 and 2 soils as a Controlled Activity within the Rural Zone.

Subject matter and provision in the Plan:

R 7.16.1.2 b) ii) Performance Standards for Controlled Activities – Lot Area for a surplus dwelling

Summary of reasons for this submission:

Federated Farmers supports the provision of a lot area as a Controlled Activity to provide for the subdivision of land to accommodate a current surplus dwelling. As outlined earlier, rural farming land is often held within the same family for a number of generations. To enable the family to continue to co-locate on the farm, small unproductive land blocks are often set aside to enable this activity. By providing for this, the Council is ensuring that these rural land owners can continue to operate as a family business, therefore maintaining the historical nature of rural communities. As stated earlier in the submission, Federated Farmers however believes that a minimum lot size of 1 ha is too large.

Relief Sought:
- That R 7.16.1.2 b) ii) (providing for the subdivision of 1 ha to 2 ha lots within the Rural Zone) is amended to delete the reference to 1 hectare minimum.
Subject matter and provision in the Plan:

R 7.16.4.1 Non-Complying Activities

Summary of reasons for this submission:
Federated Farmers notes that part 3 of this rule provides that any subdivision which does not comply with the Controlled Activity Performance Standards for Lot Area (Rule 7.6.12.1.2 (b) (i) and (ii)) is a Non-Complying Activity. Federated Farmers notes that this relates directly to the proposed rural zone lot sizes of 20ha minimum and 1 to 2 ha lot to enable subdivision for an existing dwelling.

Federated Farmers believes that the activity status 'Non-Complying' for subdivision consents outside of the Controlled Activity permissions does not align with the intent of the District Plan as outlined in Objective 3 of 7.3 Objectives and Policies. This objective provides that regarding subdivision of land and building in rural areas, the objectives of the District Plan is to: retain the productive capability of rural land, protect Class 1 and 2 versatile soils for use as productive land and provide for rural residential development on land with less versatile soil.

Federated Farmers also notes that section 7.5 of the District Plan sets out the reasons the Council will take into account with regard to rural subdivision. Reason 3 provides specific reference to 'non-complying' activities, where these activities will be granted if they meet the statutory test of Section 104D. Federated Farmers believes that for the District Plan to be as enabling as outlined in Objective 3, the relevant decision criteria is 104C, Determination of applications for restricted discretionary activities, as set out in the Resource Management Act (RMA) 1991. The RMA states here, that the relevant test “when considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

- (a) a discretion is restricted in national environmental standards or other regulations;
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.

The activity status of Restricted Discretionary for those activities which sit outside R 7.16.1.2 (b) would enable Council to make decisions to Consent the subdivision provide that they are aligned with the intent of the objectives and policies of the District Plan as they apply to Rural Zone, including providing for the protection of productive land and Class 1 and 2 versatile soils. Federated Farmers believes that this test is better aligned with the objectives of the plan, and consistent with the activity status proposed for other activities in the District Plan (refer the explanation regarding the Discretionary Activity Consent process for R 9.8.2).

Federated Farmers also notes that in the explanation section of R 7.16.4.1, reference is made to “undersized rural blocks will generally be approved where there is no loss of the productive capability of land and versatile soils are protected, where significant effects on the viability of an existing productive use of the land and adjacent land uses are avoided, and subdivision does not compromise the objectives and policies of the Rural Zone”. As referenced above, the Restricted Discretionary test of the RMA provides the Council with the
ability to ensure that consent application are aligned with the objectives of the District Plan, as specifically referenced in this explanation section. Federated Farmers therefore believes that to ensure consistency with national legislation, the RMA decision test that best aligns to these activities is that of a Restricted Discretionary.

Federated Farmers opposes the default non-complying status of activities that are not assigned a status elsewhere. This default status is inconsistent with the RMA, and also overly onerous compared to other district plans. Non-complying status is very onerous, as it assumes that the adverse effects of the activity could be significant, and that the activity is generally not compatible with the zoning. There are extra tests in Section 104D that non-complying activities have to satisfy.

Relief Sought:
- That any subdivision which does not comply with the Controlled Activity Performance Standards for Lot Area (Rule 7.16.1.2 (b) are provided for as Restricted Discretionary Activities in the District Plan rather than Non Complying Activity as currently proposed.

18 Subject matter and provision in the Plan:

R 7.17.1.2 Any Subdivision within the National Grid Subdivision Corridor

Summary of reasons for this submission:
Federated Farmers notes the provision of subdivision within the National Grid Subdivision Corridor as a Restricted Discretionary Activity, provided that it meets the Performance Standard requiring the principal building to be located entirely outside of the National Grid Yard. Federated Farmers supports this proposed provision within the District Plan.

Relief Sought:
- That R 7.17.1.2 is retained as written

Section 9: Rural

19 Subject matter and provision in the Plan:

R 9.5 Dwellings and Accessory Building (excluding those prohibited by R 9.10.1)

Summary of reasons for this submission:
Federated Farmers notes the Performance Standards for this rule reference at e) the proposed lot size of 20 ha, specifically proposing one dwelling on lot sizes of 20ha or less, and on lot sizes over 20ha, a maximum of two lot sizes.

As noted earlier, Federated Farmers opposes the 20ha lot proposal and recommends that the rural zone lot sizes are maintained as 4 ha for less versatile soils and 8 ha for versatile soils (Class 1 and 2).

Federated Farmers however supports retaining e) as written as a guide to the number of dwelling permissible on subdivision lot, provided the rural zone minimum lot sizes are amended to 8 ha for class 1 and 2 versatile soils, and 4 ha for less versatile soils.
Federated Farmers supports the permitted status of a second dwelling on properties over 20ha. Rural housing provides for social well being in dispersed communities by providing homes for farm owners and farm workers and their families, retired farmers, disabled family members, rural school teachers, rural contractors and other rural service providers. The graduated approach where the number of dwellings permitted depends on the size of the property is supported, because it manages density of dwellings in the rural zone while also providing for more houses for larger properties.

Relief Sought:
- That Rule 6.2.6.2 1. d) is retained as written provided the rural zone minimum lot sizes are amended to 8 ha for class 1 and 2 versatile soils, and 4 ha for less versatile soils.

20 Subject matter and provision in the Plan:

R 9.11.1 Noise

Summary of reasons for this submission:
Federated Farmers supports the explanation to R 9.11.1 noting that the rules are intended to provide for normal agricultural activities while controlling noise from a range of other activities which also exist in the rural area, e.g. home occupations.

Noise is often a feature of reverse sensitivity effects which nationally our members encounter via residential subdivision in rural areas. Federated Farmers supports the references in the plan to mitigating reverse sensitivity effects, and appreciates the District Plans reference to excluding normal agricultural activities from rural noise rules.

Noise generated by normal farming activities includes noise from livestock; water pumps; from dairy sheds and shearing sheds; or seasonal activities like docking lambs' tails; and noise from machinery such as tractors and chainsaws; and top dressing aeroplanes. These are all activities that are part and parcel of primary production.

Relief Sought:
- That R 9.11.1 and the supporting explanation is retained as written.

Section 23: Utilities

21 Subject matter and provision in the Plan:

23.2 Resource Management Issues

Summary of reasons for this submission:
Federated Farmers notes that the actual and potential adverse effects of network utilities on the environment from the establishment, operation, maintenance and upgrade or network utilities and associate infrastructure. Federated Farmers recommends that the District Plan also make reference to the adverse effects that network utilities can have on land owners also.
Network utilities provisions have a big impact on farmers and rural landowners, as some utilities such as electricity transmission lines, telephone lines and cell phone towers are located on their private land. Federated Farmers considers that adverse effects of network utilities on farming need to be managed, and that landowners are acknowledged as enablers of electricity transmission by providing land as the platform for transmission infrastructure.

Relief Sought:
- That the actual and potential effects of network utilities on land owners is recognised via the amendment to the following point:
  - The actual and potential adverse effects on the environment and land owners resulting from the establishment, operation, maintenance and upgrade of network utilities and associated infrastructure.

22 Subject matter and provision in the Plan:

R 23.7.3 Activities within the National Grid Yard

Summary of reasons for this submission:

Federated Farmers notes that c) any agricultural or horticultural activity within the National Grid Yard that is not specified as a non-complying activity in R 23.11.2 is considered a permitted activity. Federated Farmers supports this provision.

Relief Sought:
- That R 23.7.3 c) is retained as written.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand’s farmers.

The Federation aims to add value to its members’ farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
- Our members may operate their business in a fair and flexible commercial environment;
- Our members’ families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member’s daily lives as farmers and members of local communities.

Federated Farmers thanks the Palmerston North City Council for considering our submission to the proposed Palmerston North City Council District Plan.