Gore District Council Decisions

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU23068
Applicant	Transpower New Zealand Ltd
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for the replacement of one existing transmission line support structure 'GOR-HWB-A00802' along the 'GOR-HWBA-A' High Voltage Transmission Line
Location	309 McDonald Road, RD 1
Legal Description	Lot 2 DP 11827
Activity Status	**Restricted Discretionary**
Decision Date	10 October 2023

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 10 October 2023 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

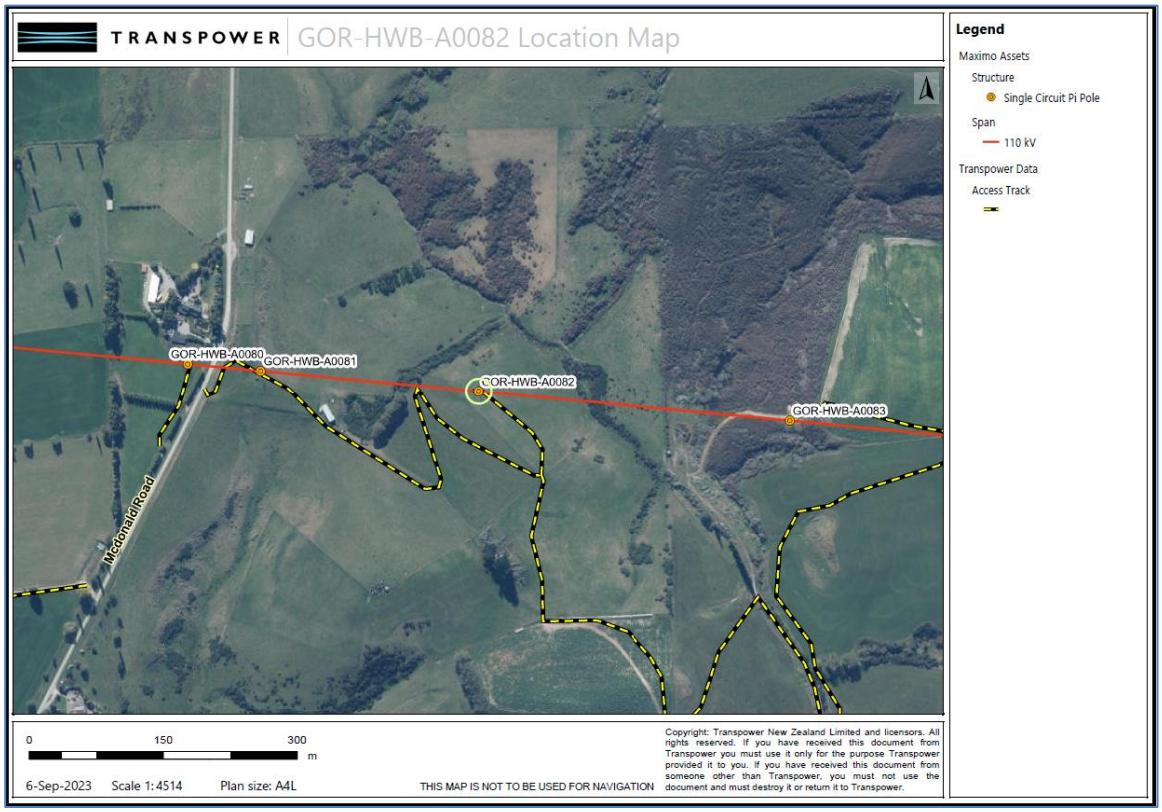


Figure 1. Proposed Transpower Location Plan

The applicant, Transpower New Zealand (Transpower), seeks land use resource consent to replace a deteriorating transmission line support structure 'GOR-HWB-A00802'. Transpower proposes to replace the existing wooden pipe-pole structure with a new steel pipe-pole structure. The proposed steel pipe-pole structure is 15.55m at its maximum height, with an increased percentage height of 21.80% (Refer to Table 1). The replacement will maintain the safety of the transmission line network.

Pole Structure Ref. No	Existing Pole (m)	Proposed Pole (m)	Proposed Height Increase (m)	Height Increase (%)
GOR-HWB-A0082	Left: 12.77	Left: 15.55	Left: 2.78	21.80%
	Right: 12.15	Right: 14.80	Right: 2.65	

Table 1. Details of new and proposed GOR-HWB-A0082

The proposed pole replacement will take place in December 2023 during a planned outage for the GOR-HWB-A transmission line. It is noted that if the pole replacement is delayed until the next planned outage, there is a risk of disruption to the transmission line network due to the deteriorating condition of the existing pole.

Minor earthworks are required to excavate the new foundations for the new transmission pole. The proposed maximum volume of earthworks for the structure is 16m^3, with an additional 50m^3 to bench in proximity to the structure to provide a platform for works to be undertaken. No earthworks are proposed for any existing access tracks nor are required to form new access tracks. Excavated material will be reused as backfill and will be compacted. Transpower confirms that sediment, erosion, and dust controls will be in place. The effects of this can be mitigated through the imposing of conditions placed on the consent. The site will be reinstated upon completion of works and all disturbed areas will be

sown with grass seed to stabilise. The proposed works are located within the north-east portion of Lot 2 DP 11827, no more than 5m from the existing structures current position, and over 160m from the closest building, which is a farm-utility shed. Lot 2 DP 11827 can be accessed from via existing access routes from McDonald Road along the west boundary of the site. The replacement work will not increase the voltage or current rating of the existing transmission line.

2. SITE DESCRIPTION

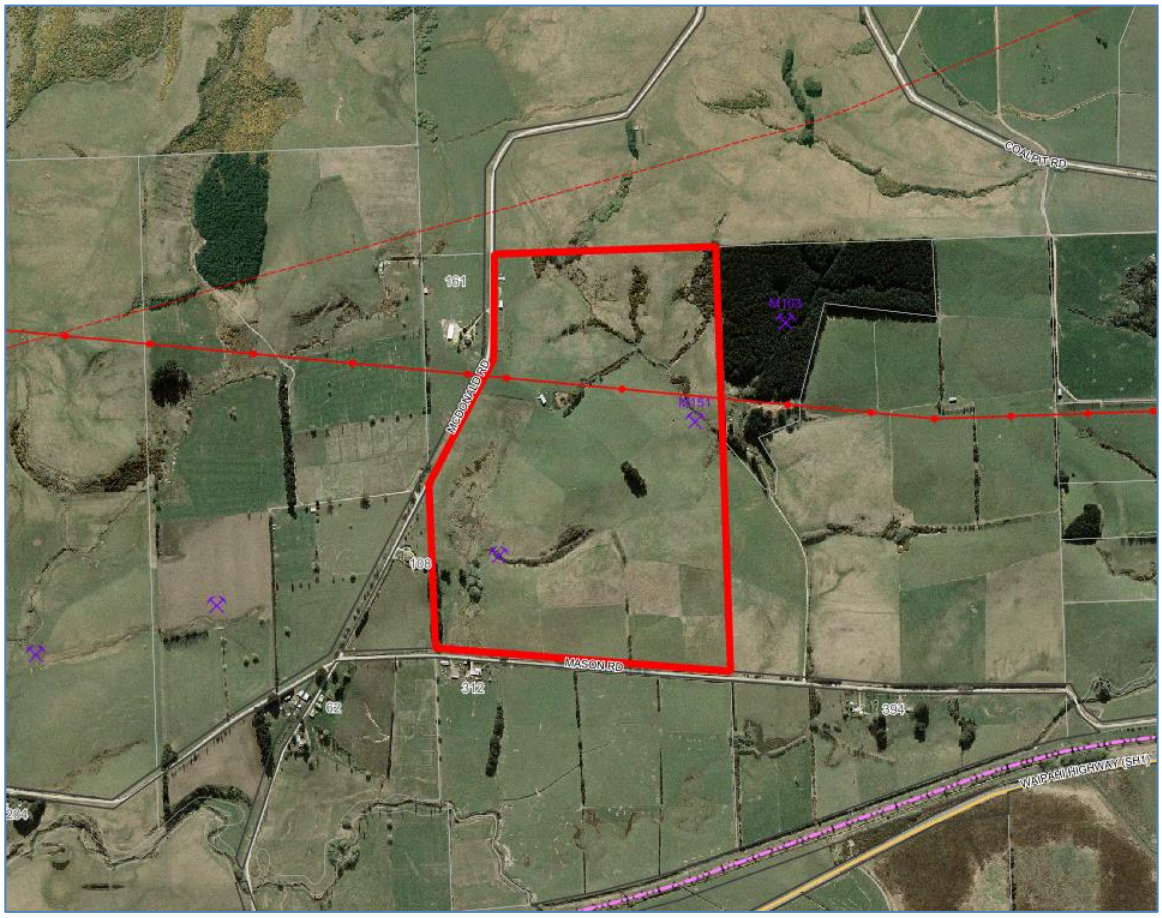


Figure 2. Aerial Image of Site (Source: GDC IntraMaps)

The subject site is legally described as Lot 2 DP 11827, held in Record of Title SLB/797, and has an area of 48.23 hectares (ha), situated on the east side of McDonald Road. This site is zoned Rural under the Operative District Plan.

Lot 2 DP 11827 is primarily used for rural activities with an existing farm service building located over 160m to the west of the structure. Vehicle access to the site is via existing farm access from McDonald Road. The lot also has frontage to Mason Road located along the southern boundary, which also contains a farm access. The topography of the site is mixed with flat and undulating hills. The Transpower Line GOR-HWB-A runs through the site, which contains two transmission line support structures being GOR-HWB-A0081 and GOR-HWB-A0082.

Gore District Councils (GDC) mapping system identifies Lot 2 DP 11827 as containing two Old Mine Points (M151 – Otikerama Mine) located approximately 170m south-east and 430m south-west of the structure. The two old mining points will remain unaffected by the proposal. The GDC mapping system which sources information from Environmental Southland does not identify the site as subject to any risk of flooding. It identifies the liquefaction risk as 'Medium' within the southern portion of the site

(Refer to Figure 3). The remainder of the site's liquefaction risk is identified as 'Negligible'. The site is not identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. The subject site has been identified as containing 46ha of Highly Productive Land – LUC Class 3 type soil. There are no known natural features and landscaped or historic heritage features on the site.

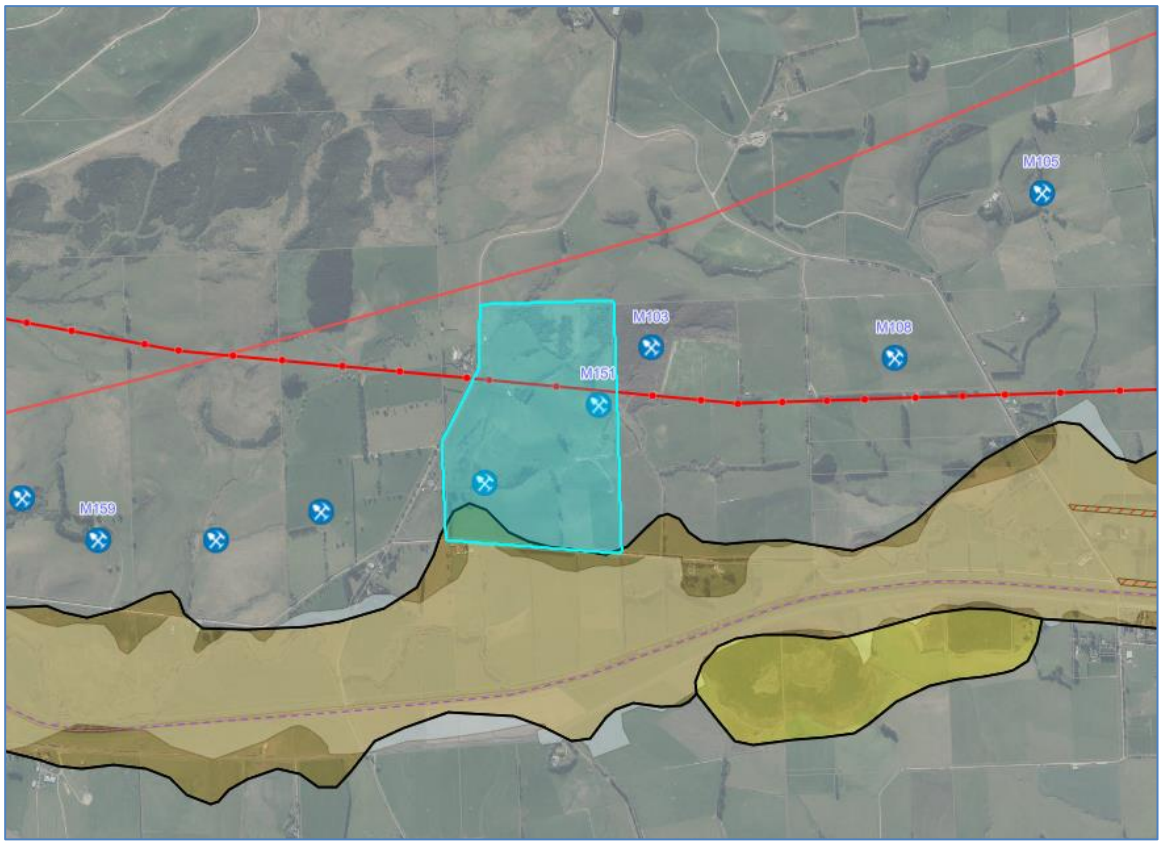


Figure 3. Aerial Image showing Hazard Overlay (Source: GDC ArcGIS)

3. Relevant Planning Provisions

3.1 Resource Management Act 1991

The application was submitted under Section 9(1) of the Resource Management Act 1991, which states:

9. Restrictions on use of land

(1) ***No person may use land in a manner that contravenes a national environmental standard unless the use—***

(a) ***is expressly allowed by a resource consent***

The site is zoned Rural in the Gore District Plan, where the following Utility Rules apply:

7. Utilities

7.9 Rules

(3) ***Electricity lines***

(a) The operation, maintenance, upgrading relocation, or removal of an existing transmission line, including any of the following activities that relate to those things:

(i) A construction activity

(ii) A use of land

(iii) An activity relating to an access track to an existing transmission line

Subject to the following:

(i) The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

(ii) All debris shall be removed from the site upon completion of the works.

(iii) The ground shall be reinstated as far as practicable upon completion of the works.

(iv) Any lines crossing a navigable water body shall be located more than 10 metres above the level of the water body.

The structure is located within the jurisdiction of the GDC; however the proposed activity is a regulated activity under the National Environmental Standards for Electricity Transmission Activities 2009 (NESTEA). The District Plan requirements outlined in Chapter 7 of the Operative District Plan and Chapter 5 in the Proposed District Plan, which includes rules relating to electricity transmission activities are subject to the NESTEA 2009.

3.2 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

The NESTEA applies to the existing high voltage electricity transmission network, specifically the line support structures (towers and poles), and conductors (wires), and associated activity. The proposed activity is a **restricted discretionary** activity under the NESTEA 2009. Below are the specific regulations from the NESTEA that this proposal was assessed against (Table 2).

Transmission line support structures: Alteration, relocation, and replacement ***14 Permitted activities*** *(2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all of the applicable conditions in subclauses (3), (4), (7), and (8) are complied with.*	
Regulation	**Assessment**
(3) If a transmission line support structure is increased in height (including by being replaced with another structure),— *(a) the structure may be made no more than 15% higher than its base height; and* *(b) the additional height must comply with any height restrictions for*	• The proposal does not comply with condition 3(a). The proposed GOR-HWB-A0082 pole structure exceeds the permitted 15% by 6.8%, resulting in a height increase of 21.8%. • Condition 3(b) is not applicable. The proposal is not for airport purposes nor are there any public view shaft controls applicable to the location of

airport purposes, or any public view shafts, specified in a rule.	the proposed pole replacement in the District Plan.
(4) A transmission line support structure must not be relocated, or replaced with another transmission line support structure, so that any part of the structure at ground level is— *(a) within 12 metres of an occupied building (measured horizontally); or* *(b) any closer to an occupied building, if the existing structure is within 12 metres of the building (measured horizontally).*	• The proposal complies with condition 4(a) and (b). The proposed pole replacement is located over 160m from the closest building (farm service utility building) and 300m from the closest occupied dwelling.
(7) A pole must not be replaced with a tower.	• The proposal complies with condition 7. The existing pole structure is being replaced with a steel pi-pole structure.
(8) A pole must not be relocated, or replaced with another pole, more than 5 metres from the pole's base position (measured horizontally).	• The proposal complies with condition 8. The replacement pole will not move more than 5m from the original pole base position.

Trimming, felling, and removing trees and vegetation ***30 Permitted activities*** *(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclause (2) to (6) are complied with.*	
Regulation	**Assessment**
(2) Any tree or vegetation must not be trimmed, felled, or removed if— *(a) a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or* *(b) it is in a natural area.* *(3) Any tree or vegetation located on any land must not be felled or removed if a regional plan controls the use of the land for the purpose of—* *(a) soil conservation; or* *(b) avoiding or mitigating flooding* *(4) Any tree or vegetation must not be trimmed, felled, or removed if it is on land administered by the Department of Conservation under the*	• The proposal does not include any vegetation trimming, felling or removal is required for the pole replacement work.

Conservation Act 1987 or an Act specified in Schedule 1 of the Act. *(5) The felling or removal of any tree or vegetation must not create or contribute to—* *(a) instability of a slope or another land surface; or* *(b) erosion of the bed or bank of a water body or the coastal marine area.* *(6) Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area.*	

Earthworks ***33 Permitted activities*** *(1) Earthworks relating to an existing transmission line are a permitted activity if all of the conditions un subclauses (2) to (9) are complied with.*	
Regulation	**Assessment**
(2) Earthworks in a natural area must not, in a calendar year, exceed— *(a) 50m^3 per transmission line support structure; or* *(b) 100m^3 per access track.*	• Condition 2 is not applicable, as the proposed earthworks do not occur in a natural area.
(3) Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area	• The proposal complies with condition 3. The proposal will be undertaken in accordance with an Erosion and Sediment Control Plan. This will be followed through with suitable conditions of consent.
(4) All areas of soil exposed by the earthworks must be stabilized against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.	• The proposal complies with condition 4. The proposed works are to be completed within one working day. The earth worked area will be re-grassed and hydroseeded as soon as practicable.
(5) The earthworks must not create or contribute to— *(a) instability or subsidence of a slope or another land surface; or*	• The proposal complies with condition 5. The minor scale earthworks are not expected to contribute to flooding, create instability and/or subsidence of a slope or land surface. The proposed works will be undertaken

(b) erosion of the bed or bank of a water body or the coastal marine area; or *(c) drainage problems or flooding of overland flow paths.*	with an Erosion and Sediment Control plan mitigating any potential silt, sediment and erosion effects. This coupled with the separation distance involved, as nearest water body is located 90m to the north-east of the structure.
(6) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.	• The proposal complies with condition 6. All earthworks, specifically the excavated material will be reused as backfill and will be compacted.
(7) Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.	• The proposal complies with condition 7. The nearest water body is located 90m to the north-east of the structure and area of earthworks.
(8) Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.	• Condition 8 is not applicable. There are no known historic heritage or archaeological features, or values identified on the site.
(9) Earthworks must not be carried out on land that a local authority has identified as containing, or possible containing, contaminants that pose a risk to the environment.	• The proposal complies with condition 9. The site is not identified in the Selected Land Use Register ('SLUS') as an actual or potentially contaminated site.

Noise and vibration from construction activity ***37 Permitted activities*** *(1) A construction activity relating to an existing transmission line is a permitted activity if both of the conditions in (2) to (3) are complied with.*	
Conditions	**Assessment**
(2) The noise from the construction activity must comply with New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise.	• The applicant has confirmed noise from the construction activities associated will comply with the New Zealand Standard.
(3) The vibrations from the construction activity must comply with the peak particle velocity limits in table 1 of German Standard DIN 4150-3:1999	• The applicant has confirmed vibration from the construction activity will comply with this standard.

Structural Vibration—Effects of Vibration on Structures.	

3.3 Activity Status

The proposed transmission line support structure (GOR-HWB-A0082) replacement does not comply with regulation 14, condition 3(a) of the NESETA and is therefore assessed as a Restricted Discretionary Activity under Rule 16 (2)(a), as follows:

> ***(2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if –***
>
> ***(a) 1 or more of the conditions in regulation 14(3), (4), and (7) are breached.***

3.4 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

Based on the applicants review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES-CS does not apply.

3.5 Activity Status Summary

Overall, the application is being considered and processed as a **restricted discretionary** activity under the Resource Management (National Environmental Standards for Electricity Transmissions Activities) Regulation 2009.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA .
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
  - a controlled activity; or
  - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

The following written approvals have been provided:

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the "permitted baseline". The relevance of a permitted baseline to this application is as follows:

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, the National Environmental Standards for Electricity Transmission Activities apply as the proposal consists of replacing a pole of an existing transmission line. As outlined in section 3, the proposed transmission structure will breach the height increase regulation but will be able to comply with all other conditions of regulations for the alteration, relocation, and replacement of transmission line support structures. Therefore, the permitted baseline is a relevant consideration for the purposes of this assessment.

Matters of discretion is restricted to as set out in Regulation 16(4) of the NESETA, which have been assessed below.

The location and height of the transmission line support structures in relation to—

(i) Visual and Landscape effects

The non-compliant 21.8% height increase is legally required to meet the current separation distances from conductor to ground. The clearance to ground for the existing structure is currently less than the industry standard. The existing pole structure and transmission line forms part of the existing character of the surrounding environment. As such, the proposal is anticipated within the current landscape.

There are two existing GOR-HWB-A electricity transmission support structures being 'GOR-HWB-A-0081' and 'GOR-HWB-A-0080', located in closer proximity to the proposed pole to be replaced. The new proposed transmission pole structure and its associated breach in height requirements will not draw the eye to it and will not result in a visually obtrusive structure or be discernibly different from the existing situation.

The proposed replacement is located in the rural environment and in a location where there are no outstanding landscape or natural area classifications. In terms of ecological effects, the nearest water body is 90m to the north-east of the transmission pole structure area. The associated construction works required for the proposal will be undertaken with appropriate erosion and sediment controls in place for the duration of the work. As such, the construction work will be suitably mitigated and will not affect water bodies, flow regimes, air quality, wetland or lakes and river margins at the site.

(ii) Effects on historic heritage

There are no known heritage or archaeological features, or values identified on the site. It can be considered the impact of the proposed transmission structure replacement will be nil with respect to these features and values.

The subject site is located outside any mapped significant natural features and landscapes, or any areas shown as having identified ecological or cultural values. Additionally, the applicant has submitted an independent archaeological assessment undertaken for the proposed structure, concluding that the site is low risk of containing archaeological sites. The applicant has also submitted an appropriate Accidental Discovery Protocol (ADP), which will be adhered too during the proposed works.

(iii) Effects on sensitive land uses

The location of the structure is approximately over 300m from the closest residential building. The building is located across the McDonald Road carriageway on 161 McDonald Road (Lot 1 DP 11827). The proposed works required for the replacement and will take one day during normal working hours and will comply with noise and effects of vibration. There is no change in voltage of the GOR-HWB-A electricity transmission line as a result of the replacement work. There are no other known sensitive land uses in close vicinity of the proposed pole structure location. Overall, the adverse effects on sensitive land uses would be less than minor.

(iv) Earthworks, clearance of trees and vegetation, and restoration of land

There are no contour shaping earthworks proposed for this development. The proposal does not include any vegetation trimming, felling or removal is required for the pole replacement work. Only minor earthworks will be required to excavate foundations for the new pole structure. The proposed earthworks, which consists of 16m^3 structure earthworks and 50m^3 of benching earthworks, will be confined to the immediate vicinity of the existing pole structure. The proposed earthworks would have no visual impact upon McDonald Road. The earthworks are well separated from site boundaries and will be managed to avoid the release of silt and sediment to downstream waters. Earthworks and construction effects are temporary and will be contained within the site boundaries and the visual effect will be reduced over time as the exposed area are re-established, stabilised and sown with grass seed around the earth worked area. The effects of this can be mitigated through the imposing of conditions placed on this consent. The location in which the proposed pole replacement will be undertaken is currently clear of vegetation and the proposal does not seek to clear native vegetation.

Overall, on the above basis, it is considered that any potential adverse earthworks effects will be less than minor.

(v) Effects and timing of construction works

The applicant has advised that noise and vibration effects are compliant with *NZS 6803:1999 Acoustics –Construction Noise and Table 1 of German Standard DIN 4150–3:1999 Structural Vibration–Effects of Vibration on Structures*, as required under section 37 of NESETA. Any potential adverse noise effects will be managed during the construction period and will cease once the foundation preparation and pole replacement works are completed. The proposed replacement and duration of construction works will take approximately one working day during normal working hours.

Overall, on the above basis, it is considered that potential adverse effects from construction works will be less than minor.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.

- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a "permitted baseline"). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.

b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

d) The consent authority **must** disregard effects on those parties who have provided written approval.

95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an "affected party". No persons have given written approval to the application.

In accordance with Section 23 of the Electricity Act 1992, Transpower has a legal right to enter onto land and perform any act or operation necessary for the purpose of inspecting, maintaining or operating any existing electrical works.

The Applicant has advised they will contact the landowner of the site where works are required at least 10 working days prior to works taking place, but where possible notice is given earlier. No work will commence until land access arrangements have been agreed with the owner of the land where the existing and proposed pole structures are located.

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Figure 4: The neighbouring properties identified by yellow circles. The blue circles indicates land ownership by the subject site's owner (Source: ArcGIS Maps)

161 McDonald Road (Lot 1 DP 11827)

- 161 McDonald Road is located north-west of the subject site and is a 4.14ha rural lifestyle site that contains a dwelling and accessory buildings, which is located across the McDonald Road carriageway, approximately 300m from the transmission pole structure.
- There are two existing GOR-HWB-A electricity transmission support structures being 'GOR-HWB-A-0081' and 'GOR-HWB-A-0080', located in closer proximity to this occupied dwelling. GOR-HWB-A-0081 and GOR-HWB-A-0080 are the predominant transmission support structures in terms of the visual field from this dwelling. The visual amenity effects will be less than minor due to the separation distance and presence of much vegetation screening that surrounds the existing dwelling. This will mean that new proposed transmission pole structure and its associated breach in height requirements will not draw the eye to it and will not result in a visually obtrusive structure or be materially different from the existing situation.

- Any adverse effects on the rural character of and amenity experienced by the occupants residing on 161 McDonald Road are considered to be less than minor.

62 McDonald Road (Part Section 15 Block II Waikaka SD)

- 62 McDonald Road is made up of three rural land parcels physically separated by Mason Road and McDonald Road, with a total area of 78.24ha. 62 McDonald Road contains a dwelling and accessory buildings, which is located on the two land parcels south-west of the subject site, approximately over 900m from the transmission support structure. The third land parcel that makes up 62 McDonald Road is located to the west of the subject site and is occupied by areas of mature vegetation and rural pasture.
- The separation distance is considered an adequate buffer distance to mitigate any visual and amenity effects. The proposed height increase will not be materially different than the existing situation. Any potential effects are considered to be less than minor as the proposal is not expected to have adverse impacts in relation to persons residing on or working on 62 McDonald Road.

108 McDonald Road (Lot 1 DP 324125)

- 108 McDonald Road is a 3.2ha rural lifestyle site, which is the adjoining property along the south-west boundary. The transmission support structure is located approximately over 560m north-east of the existing dwelling on 108 McDonald Road. The proposed transmission support structure replacement will not result in any changes to the existing lawfully established situation experienced by 108 McDonald Road. This is considered adequate buffer distance to mitigate adverse effects from the proposed non-compliant height increase. As such the proposed transmission support structure replacement is not expected to generate visual amenity and character effects towards the south and west side. The proposal is not expected to have adverse impacts on the occupants at 108 McDonald Road.

312 Mason Road (Part Section 27 Block VI Waikaka SD)

- 312 Mason Road is located to the south of the overall subject site. 312 Mason Road is a 26ha rural lot that contains a dwelling and accessory buildings, which is located across the Mason Road carriageway, approximately over 650m from the proposed transmission support structure. The separation distance is considered adequate buffer distance to mitigate adverse effects from the non-compliant height increase. The proposed transmission support structure replacement will not result in any changes to the existing lawfully established situation experienced by 312 Mason Road. Therefore, amenity (including visual) and character effects on the occupant residing at 312 Mason Road arising from the proposal will be negligible.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for Consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

- *(i) A national environmental standard;*
- *(ii) other regulations;*
- *(iii) a national policy statement;*
- *(iv) a New Zealand coastal policy statement;*
- *(v) a regional policy statement or proposed regional policy statement;*
- *(vi) a plan or proposed plan; and*

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy, or mitigate adverse effects.

6.3 Relevant Provisions

National Policy Statement on Electricity Transmission

The proposed activity is a regulated activity under the National Policy Statement on Electricity Transmission (NPSET). The NPSET sets out the overall policy framework for electricity transmission. An assessment of the proposed works against the provisions of the NPSET is provided below.

	National Policy Statement on Electricity Transmission	
Objective	**Policies**	**Assessment**
To recognise the national significance	***Policy 1***	• The replacement of the existing deteriorating

of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while: • *Managing the adverse environmental effects of the network; and* • *Managing the adverse effects of other activities on the network.*	*In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:* *i) maintained or improved security of supply of electricity; or* *ii) efficient transfer of energy through a reduction of transmission losses; or* *iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or* *iv) enhanced supply of electricity through the removal of points of congestion.* *The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.*	transmission pole will benefit the economic, social, health and safety needs of individuals and community, by enabling the continued transmission of electricity across the GOR-HWB-A transmission line. The newly established steel pi-pole structure will allow the transmission network to be maintained efficiently and safely. • The replacement work will not increase the voltage or current rating of the existing transmission line.
	Policy 2 *In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*	• The proposed replacement is part of the ongoing maintenance of the GOR-HWB-A transmission line, which enables the safe supply of electricity along the transmission network.
	Policy 3	• As an existing transmission structure in the Rural Zone, the proposed replacement is

	When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.	in keeping with the existing landscape. The proposed replacement of the transmission line support structure will be adequately mitigated by existing screening measures coupled with separation distances from neighbouring dwellings, buildings and/or sensitive land use activities. Moreover, the silt and sediment control measures proposed by the applicant, along with appropriate conditions, will adequately mitigate the potential of silt and sediment run-off from the proposed location.
	Policy 5 *When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.*	• The proposed replacement is considered reasonable as the existing transmission line support structure is in a deteriorating condition and could risk disrupting the GOR-HWB-A transmission line network. The height increase associated with the new pi pole structure is legally required to meet the current separation distances from conductor to ground. The clearance to ground for the existing structure is currently less than the industry standard.
	Policy 8 *In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.*	• The transmission line support structure is in the Rural Zone, where the subject site is located outside any mapped significant natural features and landscapes, or any areas shown as having high natural character and or high recreation value and amenity. The proposal has demonstrated that the

		replacement of the transmission line support structure and associated works can be undertaken where the adverse effects on sensitive land uses would be less than minor.

It is considered the proposed replacement and works associated with the transmission line support structure is consistent with the Objectives and Policies of the NPSET As discussed in section 4,

District Plan

The District Plan has a number of objectives and policies that require consideration in assessing a resource consent. These include specific zone related objectives and policies as well as policies relating to general issue areas for Gore. The following are most relevant to this application, regarding operative objectives and policies, which are contained within Part 7 of the District Plan for utilities including electricity transmission activities.

7. Utilities	
7.3 Objectives	**Assessment**
(1) To ensure that utilities are provided for so as to meet the economic, social, health and safety needs of individuals and the community. *(2) To ensure that the location and design of utilities avoids significant adverse effects on:* *(a) the natural character of wetlands, and lakes and rivers and their margins;* *(b) outstanding natural features and landscapes;* *(c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;* *(d) the maintenance and enhancement of public access to and along lakes and rivers;* *(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga;* *(f) historic heritage.* *(3) Subject to Objective (2), to avoid where practical, remedy or mitigate*	• The proposed transmission line support structure replacement will enable the continued and reliable supply of electricity to individuals and communities to meet their needs. • The proposed works are located 90m from the closest water body. Transpower New Zealand Ltd has confirmed that a management plan and Erosion and Sediment Control Plan will be prepared prior to commencing, which will be available to Gore District Council if it is requested. • The proposed works are not carried out at a location subject to outstanding natural features or landscape. • The proposed works are not carried out at a location subject to significant vegetation or fauna. • The proposed works are not carried out at a location that will affect the relationship of Māori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga.

the adverse effects of the provision of utilities.	• The proposed works are not carried out at a location subject to historic heritage rules. • The proposed activity will not have adverse effects on the environment that are more than minor. As discussed in section 4 of this report, any potential adverse effects are suitably mitigated, and any adverse effects from the non-compliant height increase are considered to be less than minor.
(7) To provide for the sustainable, secure and efficient use, operation, maintenance, upgrading and development of the electricity transmission network within the Gore District while seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable, and while recognising the technical and operational requirements and constraints of the network.	• The proposed replacement is required as the existing transmission line support structure is in a deteriorating condition and could risk disrupting the GOR-HWB-A transmission line network. The height increase associated with the new pi pole structure is deemed practical and legally required to meet the current separation distances from conductor to ground. The clearance to ground for the existing structure is currently less than the industry standard. As discussed in section 4, the effects of the non-compliant height increase are considered to be less than minor.
(8) To recognise the importance of the electricity transmission network to the social and economic well-being of the Gore District, the Southland Region and the nation.	• The proposal will benefit Gore District and Southland Region with the continued transmission of electricity across the GOR-HWB-A transmission line. The replacement of the existing deteriorating transmission pole structure will allow the transmission network to be maintained efficiently and safely minimizing the risk of disruption to the transmission line network. As such, ensuring a reliable supply of electricity.
7.4 Policies	**Assessment**
(1) To recognise the benefits, and necessity, to individuals and the community from the provision of utilities.	• The proposed transmission line support structure replacement will ensure the reliable supply of electricity to individuals and communities.
(10)Recognise and provide for the operation, maintenance, and	• The proposed replacement work is necessary maintenance and upgrading to

upgrading of the electricity transmission network.	support the ongoing operation of the GOR-HWB-A transmission line and electricity transmission network.
(11)To consider the constraints imposed by the technical and operational requirements of the electricity transmission network when considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities.	• The height increase associated with the new pi pole structure is legally required to meet the current separation distances from conductor to ground. The clearance to ground for the existing structure is currently less than the industry standard. As discussed in section 4, the effects of the non-compliant height increase are considered to be less than minor.
(12)To recognise the national, regional and local benefits of sustainable, secure and efficient electricity transmission, including: *(g) maintained or improved security of supply of electricity;* *(h) efficient transfer of energy through a reduction of transmission losses;* *(i) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change, and generation using techniques that minimise adverse environmental effects; and* *(j) enhanced supply of electricity through the removal of points of congestion.*	• The replacement of the existing deteriorating transmission pole will enable the continued and improving ongoing security of electricity across the GOR-HWB-A transmission line. This will allow for local, regional and national benefits, as communities will be able to meet their current and future needs thus providing for their economic and social wellbeing.

It is considered that the proposal provides for the maintenance and operation of utilities to enable the community to undertake everyday activities and functions to provide for their social and economic wellbeing, and health and safety. As discussed in section 4 the effects of the proposal are considered to be less than minor. For the reasons mentioned throughout section 6.3 of this report, it is considered that the proposal is not inconsistent with the Operative District Plan Objectives and Policies.

Southland Regional Policy Statement 2017

Chapter 5 of the RPS (Regional Policy Statement) relating to Rural Land/ Soils is particularly relevant to this proposal.

Objectives
Rural 1: Sustainable use of rural land resource
Rural 2: Life-supporting capacity of soils

Policies
Rural 1: Social, economic, and cultural wellbeing

Rural 2: Land use change and land development activities

Rural 4: Loss of high value soils from productive use

Rural 5: Effects of rural land development

The proposal will not adversely affect the sustainable use of rural land resource, and will result in improved social and economic wellbeing, whilst supporting the life supporting capacity of soils, as outlined above the proposal consists of minor earthworks (approximately 66m^3) on a site containing 46ha of Highly Productive Land – LUC Class 3 type soil. As such, the activity will support a much larger area of high value soils resulting in an appropriate activity that will enable the continued and reliable supply of electricity to individuals and communities to meet their needs, and an overall benefit to the high value soil resource of the district. Overall, the proposal provides for a necessary use of the rural environment and results in a positive rural land use activity regulated under the NESETA, and the proposal is in accordance with the relevant objectives and policies of the Southland Regional Policy Statement.

National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL came into force on 17 October 2022. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. As the proposal is for a restricted discretionary land use activity assessed under the National Environmental Standards for Electricity Transmission Activities and matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

6.4 Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine that application.

There are no other matters that are relevant to this application that need to be considered.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

Part 2 (sections 5, 6, 7 and 8) of the RMA sets out the purpose and principles of the legislation, which as stated in section 5, is “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”, section 7(c) “The maintenance and enhancement of amenity values” and section 7(f) “The maintenance and enhancement of the quality of the environment”.

In addition, Part 2 of the RMA requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the RMA.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** to replace a pole of an existing transmission line at 309 McDonald Road, RD 1 (Lot 2 DP 11827) subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The proposal shall be undertaken in general accordance with the information submitted with the application and held on Council file LU23068 and as shown on the following plans received on 13 September 2023 as submitted:

    - *TRANSPOWER, GOR-HWB-A0082 Location Map, Submitted to Council on 13 September 2023.*
    - *Accidental Discovery Protocol, Submitted to Council on 13 September 2023.*

2. The consent holder shall ensure that prior to the commencement of any works on the site an Earthworks Plan detailing the Silt and Sediment Control Measures for the transmission support structure replacement be prepared and submitted to the Manager Resource Consents and Monitoring for Certification.

3. All areas exposed by earthworks, trenching and/or activities associated with the transmission support structure replacement are to be re-grassed/hydro-seeded at the earliest possible opportunity following excavation after completion of the earthworks.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. The Monitoring Officers time will be charged to the consent holder. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by

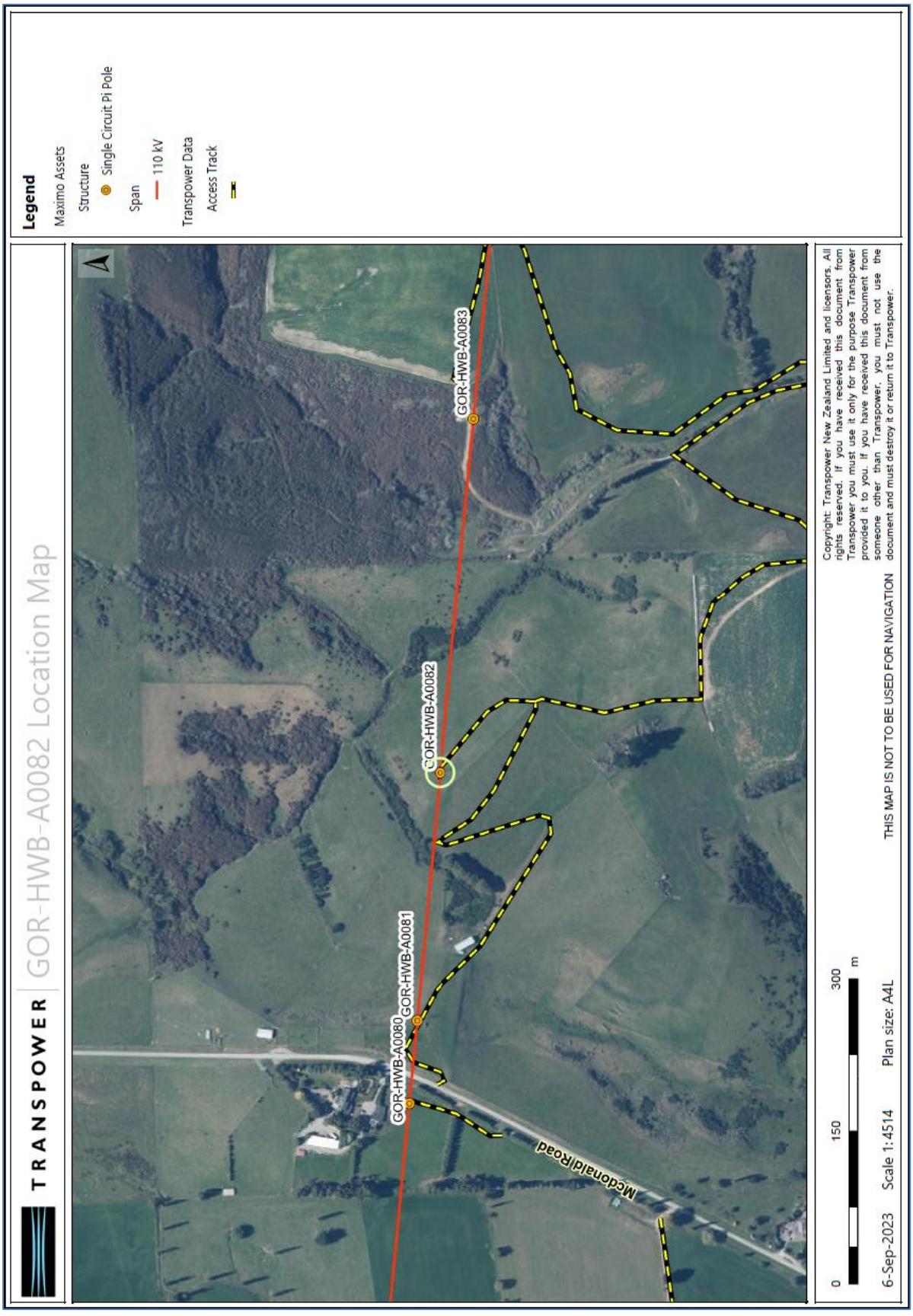
Jo Skuse
Consultant Planner

Decision made by

Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS



Accidental Discovery Protocol (ADP)

Prior to the commencement of any works, a copy of this ADP should be read by all Transpower contractors working on site.

Under the Heritage NZ Pouhere Taonga Act (2014) an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. In Northland, for example, over 11,000 archaeological sites have been recorded, and more are identified on a regular basis.

For Maori sites the largest and most obvious site types are pa, pits and terraces. However, evidence may be of a smaller nature, in the form of bones, shells, charcoal, burnt stone etc; a midden is an archaeological rubbish tip, in which many of these items can be found consolidated together. Evidence of disturbance of a midden can be a scattering of shell across a wide area; this can be confusing if it is near a beach. Pieces of obsidian or chert, together with stone tools, may also be recovered.

In later sites of European origin artefacts such as bottle glass, iron/metal, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures.

Burials/koiwi tangata may be found from any period.

Some examples:

Shell midden

Discoloured soils indicating burning

Animal bone

Historic pottery on a roadside scrape

A flight of pits in forest

Shell midden uncovered in road scraping

In the event of an "accidental discovery" of archaeological material the following steps must be taken:

1. All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
2. The contractor/works supervisor will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
3. The contractor/works supervisor will notify Transpower's project manager, who will contact the Area Archaeologist of Heritage NZ Pouhere Taonga (HNZPT), tangata whenua and any required statutory agencies[1] if this has not already occurred.
4. HNZPT will appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, under the terms of the *Heritage NZ Pouhere Taonga Act (2014)* the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes.
6. If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of HNZPT, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
7. Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

[1] For example, the New Zealand Police in the event that human remains are found.

ADVICE TO ALL TRANSPOWER CONTRACTORS/SITE WORKERS:-

IF IN DOUBT, STOP AND ASK TRANSPOWER;
TAKE A PHOTO AND SEND IT TO TRANSPOWER

Scott Pearson –	**Scott.Pearson@transpower.co.nz**	**021 557 856**

Contact details for the Archaeologists for the South Island:

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Christchurch Mail Centre 8140

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