IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions

Topic 39: Infrastructure

Hearings Panel Members

Maria Bartlett

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Date of Hearing
6 November 2024

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Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Infrastructure chapter. The Hearings Commissioners comprising the Panel for this hearing were Commissioners Cliff Bolger, Maria Bartlett and Glenys Dickson.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations and the underlying evaluation contained in the s42A Report prepared by Mishka Banhidi.

1.1.3 Attached is the updated provisions for the Infrastructure chapter, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision the following abbreviations have been used:

Full Text	Abbreviation
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Director General of Conservation	Director General
Further Submitter	FS
Gore District Council	GDC, Council
Gore District Plan	Plan
Hearing Stream	HS
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Mana Whenua	MW
National Planning Standards 2019	National Standards
NZ Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	S42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland Province of Federated Farmers of New Zealand	Federated Farmers
Southland Regional Policy Statement	RPS
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to the Infrastructure chapter.

1.4.2 Commissioner Hovell identified a potential conflict of interest in response to concerns expressed by Yrless (S149.029), as referenced in paragraph 1.5 of Minute 5 issued by the Panel on 16 April 2024 and section 2.7 of Decision 1 of the Panel. Commissioner Hovell did not participate in decision-making on the Infrastructure chapter, except to the extent required to ensure integration across other chapters of the Plan.

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.2.1 Infrastructure Hearing

2.1.1 The hearing in relation to the Infrastructure chapter was held on 6 November 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Infrastructure chapter were heard together with other matters in Hearing Stream 7, comprising Earthworks, Activities on the Surface of Water and Energy.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Mishka Banhidi. The Report considered all submissions lodged to the Infrastructure chapter.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Mishka Banhidi responding to matters raised in the evidence of submitters The Panel sought clarification from her regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing.

2.1.4 Submitters who appeared at the hearing, speaking to matters dealt with in this Decision were:

No.	Submitter	Attendees	Nature of Evidence
S32, S33, S35, S37, S154	Telco Companies	Tom Anderson	Video Link
S109	Department of Conservation	Elizabeth Williams	
S132	KiwiRail	Louise Taylor	
S101	Transpower	Ainsley McLeod Rebecca Eng	In Person Video Link
S95	PowerNet	Megan Justice Mark Zwies	Video Link Video Link
S130	Mercury Energy	Shirley Chamberlain Stuart Davey	In Person In Person

2.1.5 Submitters who submitted further information in relation to the Infrastructure chapter submissions dealt with in this Decision for the Panel to consider were as follows:

- Kianga Ora (S124)
- Fire and Emergency NZ (FS28)

2.1.6 All written material received by the Panel is available on the Council's web site.

2.2 Minute 27

2.2.1 Following the hearing of evidence on the Infrastructure chapter, the Panel issued Minute 27, dated 15 November 2024, that covered matters arising in HS7. Application of the National Planning Standards was queried in relation to Earthworks, Energy and Infrastructure; in particular, concerns of the Panel that the proposed structure of the Plan may not give effect to mandatory national standards. In relation to Infrastructure, the Panel sought an improved relationship with higher order instruments, including consideration of "functional need" and "operational need". The Panel invited a response from the s42A Reporting Officer to these matters by 14 January 2025 and provided the opportunity for submitters to respond with supplementary evidence by 28 January 2025, to align with the timetable for HS9.

2.2.2 The Panel received a response to Minute 27 from Mishka Banhidi and Tina Carlson-McColl on 14 January 2025. Overall, their joint position, after reviewing the National Standards and a range of district plans, was that chapters dealing with matters of national importance could have bespoke rules, rather than be governed by the general district-wide rules. This was an approach used in other district plans, and also generally consistent with the structural design of the PDP, although there were found to be anomalies amongst rules, including INFR-R9. The reporting officers emphasised that the choice made regarding application of the National Standards should be clear within the "How the Plan Works" section of the Plan and within chapter Overviews, and that a consistent use of cross-referencing in the Plan should be established.

2.2.3 A further analysis of higher order instruments as they pertain to infrastructure was undertaken, including reiteration of the roles of the NPSREG, NPSET, NESET and NESTF, and consideration of those national policy statements that reference "specified infrastructure", including the NPSHPL, NPSFM and NPSIB. Their analysis identified that the NPSIB relationship with "specified infrastructure" is addressed in the

Ecosystems and Indigenous Biodiversity chapter, while the General Rural Zone manages the relationship of “specified infrastructure” with “highly productive land”.

2.2.4 Objective INF.1, Policy INF.1, Policy INF.3, and Method INF.2 of the RPS were identified in the analysis as relevant when thinking about infrastructure generally, as compared to regionally significant, nationally significant or critical infrastructure. The analysis considered that “functional need” and “operational need” are used in the Plan in a manner consistent with higher order instruments. Matters considered in the joint response that are specific to particular objectives and policies in the Infrastructure chapter are discussed further on in this decision where relevant.

2.2.5 The Panel received a request on 29 January 2025 from Claire Perkins, representing Stoney Creek Station, to extend the deadline for lodging evidence in response to the s42A Reporting Officer’s reply to Minute 27 by three days to 31 January 2025. The Panel had a concern that other submitters may have also missed the opportunity to provide evidence, due to the time of year, the number of hearing communications, and changes in the hearing schedule. Only Ainsley McLeod for Transpower included the matter in her evidence for HS9. The Panel issued Minute 36, dated 29 January 2025, providing all submitters until 31 January 2025 to provide feedback.

2.2.6 The only evidence received by the Panel in HS9 from submitters in response to the s42A Reporting Officers’ reply to Minute 27 was from Transpower and Stoney Creek Station.

2.2.7 The Panel had further opportunity to consider evidence on the Infrastructure chapter at the Wrap-up hearing (HS12) on 2 April 2025

2.3 Other Relevant Hearings

2.3.1 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Beran for Hokonui Rūnanga

2.3.2 The Panel received evidence in HS3 on 22 July 2024, HS8 on 5 December 2024 and HS9A on 19 February 2025 from Courtney Bennett and Amy Beran, which included recommendations on provisions in the Infrastructure chapter that manage effects on Ngāi Tahu cultural values. For provisions where there were no matters in contention or further recommendations arising from evidence received in HS8 or HS9A, these are not discussed further in this decision. Otherwise, discussion the evidence is included in this decision in relation to particular provisions of the chapter.

3. Interpretation

3.1 The definitions of “National Grid”, “National Grid subdivision corridor” and “National Grid Yard” are addressed in the Energy chapter decision, Decision 38.

3.1 Critical Infrastructure

Submitter (S) Further Submitter (FS)	Decision Requested
S101.005 Transpower NZ Ltd	Retain the definition of critical infrastructure as notified. Definition appropriately includes "the electricity transmission network (the National Grid)" in a manner that reflects the national significance of the National Grid. Supports the PDP giving effect to the relevant

	provisions of the SRPS that relate to nationally significant, regionally significant and critical infrastructure.
S112.003 Waka Kotahi NZ Transport Agency	Amend as follows: Means those necessary facilities, services, and installations which are critical or of significance to either NZ, Southland or Gore. This may include but is not limited to: Strategic land transport network <u>including the State highway network</u> and arterial roads;
S132.005 KiwiRail Holdings Ltd	Amend 'critical infrastructure' definition: - Strategic land transport network, <u>including the rail network</u> and arterial roads; ~~- rail corridor~~
S147.001 NZ Defence Force	Add - <u>defence facilities</u>
S130.001 Mercury NZ Ltd	Add <u>Infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)</u>
S134.005 Andrea McMillan and Tony Harpur	Amend to exclude the East Gore Water Treatment Plant.
S95.001 PowerNet Ltd	Amend as follows: means those necessary facilities, services, and installations which are critical or of significance to either NZ, Southland, or Gore. This may include but is not limited to: - strategic land transport network and arterial roads; - rail corridor; - telecommunication facilities; national, regional and local renewable electricity generation activities of any scale; - the electricity transmission network (the National Grid) <u>and distribution networks;</u> - sewage collection, treatment and disposal networks; - community land drainage infrastructure; - community potable water systems; - established community-scale irrigation and stock water infrastructure;
FS26.005 Mercury Ltd	Allow S95.001 PowerNet Ltd

3.1.1 Mishka Banhidi in her s42A Report recommended amending the “critical infrastructure” definition to include the phrase “including the State Highway network”, as requested by NZTA, while also deleting reference to “arterial roads” and the word “land” in front of “transport network” to better align with recommendations on the Transport chapter.

3.1.2 Mishka Banhidi also recommended including “(as defined within the Telecommunications Act 2001)” after “telecommunications”. She otherwise rejected inclusion of reference to “rail network”, “defence facilities” and “electricity distribution networks” and retained inclusion of the East Gore Water Treatment Plant. She did not consider it appropriate to include “lifeline utility” as defined in the Civil Defence Emergency Management Act 2002 because it would complicate the definition. She amended her position in her statement dated 5 November 2024, accepting the addition of the phrase “rail network activities”, but was not satisfied that the proposed PowerNet definition of “electricity distribution network” related well to “critical infrastructure” without further clarification.

3.1.3 The Panel agrees with a number of requested amendments to the definition of “critical infrastructure”, in line with the recommendations of Mishka Banhidi, whilst also agreeing with PowerNet that electricity distribution networks should be included. The Panel also incorporates reference to “Region” and “District” as minor amendments to the definition.

3.1.4 The Panel acknowledges the submission in support of the definition. As changes are being made to the provision submission S101.005 Transpower NZ Ltd is accepted in part.

3.1.5 Mishka Banhidi at paragraphs 71 and 72 of her s42A Report recommended that “defence facilities” and reference to “Civil Defence Emergency Management Act 2002” not be included in the Critical Infrastructure definition. The Panel agrees for the reasons given by Mishka Banhidi and notes no additional information was submitted by NZ Defence Force and Mercury for the Panel to consider. Accordingly, submissions S147.001 NZ Defence Force and S130.001 Mercury NZ Ltd are rejected.

3.1.6 Mishka Banhidi at paragraph 73 of her s42A Report expressed the view that the East Gore Water Treatment Plant should not be excluded from the definition as the supply of potable water to the community is clearly critical infrastructure. The Panel agrees and accordingly submission S134.005 Andrea McMillan and Tony Harpur is rejected.

3.1.7 Submissions S112.003 Waka Kotahi NZ Transport Agency and S95.001 PowerNet Ltd are accepted and submission S132.005 KiwiRail Holdings Ltd is accepted in part by amending the definition of Critical Infrastructure as follows:

critical infrastructure means those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland Region, or Gore District. This may include but is not limited to:

- strategic land transport network, including the State Highway network ~~and arterial roads~~;
- rail network activities within the rail corridor;
- telecommunication facilities;
- national, regional and local renewable electricity generation activities of any scale;
- the electricity transmission network (the National Grid) and electricity distribution networks;
- sewage collection, treatment and disposal networks;
- community land drainage infrastructure;
- community potable water systems;
- established community-scale irrigation and stock water infrastructure;
- transport hubs and bulk fuel supply infrastructure including terminals and pipelines.

3.1.8 Further consideration is given to the inclusion of definitions for electricity distribution network and electricity distribution yard in sections 3.15 and 3.16 below.

Submitter (S) Further Submitter (FS)	Decision Requested
S154.001 Spark NZ Trading Ltd S32.001 One NZ Group Ltd S37.001 Connexa Ltd S33.001 FortySouth S35.001 Chorus NZ Ltd	Include telecommunications as a defined term as 'telecommunications as means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not'.

3.1.7 Mishka Banhidi in her s42A Report recommended including "(as defined within the Telecommunications Act 2001)" after "telecommunications" considering a reference to the Telecommunication Act rather than the full definition is sufficient. The Panel accepts the intent of the recommendation but prefers inclusion of the full definition as sought in order to inform the "critical infrastructure" definition.

3.1.8 Submissions S154.001 Spark NZ Trading Ltd, S32.001 One NZ Group Ltd, S37.001 Connexa Ltd, S33.001 FortySouth, and S35.001 Chorus NZ Ltd are accepted by including the following definition:

Telecommunication has the same meaning as per the Telecommunications Act 2001 – means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not

3.2 Functional Need

Submitter (S)	Decision Requested
S121.006 Alliance Group Ltd S35.002 Chorus NZ Ltd S126.023 Southland Federated Farmers of NZ	Retain as notified

S154.002 Spark NZ Trading Ltd S32.002 One NZ Group Ltd S33.002 FortySouth S37.002 Connexa Ltd S95.002 PowerNet Ltd S115.024 Kevin Robertson S143.035 Rural Ratepayers Group S148.036 Alistair and Bernadette Hunt S60.026 Ronald Crispin S68.144 John Baynes	

3.2.1 The Panel acknowledges the support for the definition of "function need". As no submissions opposed the provision and it remains unchanged, reflecting the definition in the Planning Standards, these submissions are accepted.

3.3 Green Infrastructure

Submitter (S)	Decision Requested
S110.004 Royal Forest and Bird Society of NZ Inc	Add blue infrastructure to definitions (change the current green infrastructure to blue and green infrastructure and add definition)

3.3.1 Mishka Banhidi at paragraph 93 of her s42A Report, did not consider the change sought by Forest and Bird to be necessary because in her view the current definition of "green infrastructure" is broad enough to include blue infrastructure and "green infrastructure" as defined in the National Planning Standards. The Panel agrees and notes no additional information was submitted by Forest and Bird for the Panel to consider. Accordingly, submission S110.004 Royal Forest and Bird Society of NZ Inc is rejected.

3.4 Infrastructure

Submitter (S)	Decision Requested
S35.003 Chorus NZ Ltd S130.003 Mercury NZ Ltd S154.003 Spark NZ Trading Ltd S32.003 One NZ Group Ltd S33.003 FortySouth S37.003 Connexa Ltd S95.003 PowerNet Ltd	Retain as notified

3.4.1 The Panel acknowledges the support for the definition of "infrastructure". As no submissions opposed the provision and it remains unchanged, reflecting the definition in the RMA, these submissions are accepted.

3.5 Maintenance or Repair

Submitter (S)	Decision Requested
S132.007 KiwiRail Holdings Ltd	Amend 'maintenance or repair' definition means: <u>(a) In relation to infrastructure, any work or activity necessary to continue the operation and / or functioning of existing infrastructure. (b)</u> In relation to historic heritage, to replace or mend in-situ, decayed or damaged .....

3.5.1 Mishka Banhidi at paragraph 97 of her s42A Report advised the Panel the definition of maintenance and repair" is only intended to apply to heritage buildings and when used in that context is shown in italics indicating there is a formal definition. She added that elsewhere throughout the Plan it is intended that common understanding of the word is applied and in her view, it is unnecessary to differentiate the definition for each district wide chapter. Louise Taylor on behalf of KiwiRail in her written statement of evidence was accepting of that explanation. The Panel agrees with Mishka Banhidi and accordingly submission S132.007 KiwiRail Holdings Ltd is rejected.

3.6 Network Utilities and Network Utility Operator

Submitter (S)	Decision Requested
S101.009 Transpower New Zealand Limited S35.004 Chorus New Zealand Limited S154.004 Spark New Zealand Trading Limited S32.004 One New Zealand Group Limited S33.004 FortySouth S37.004 Connexa Limited S95.004 PowerNet Limited	Retain the definition of 'network utilities' as notified.
S132.008 KiwiRail Holdings Ltd	Amend 'network utilities' to mean: Any activity relating to any or all of the following: ... Includes: (b) the development, upgrading, operation and maintenance of the network.
S35.005 Chorus New Zealand Limited S154.005 Spark New Zealand Trading Limited S32.005 One New Zealand Group Limited S33.005 FortySouth S37.005 Connexa Limited S95.005 PowerNet Limited	Retain the definition of 'network utilities operator' as notified
S146.012 Southland District Council	The Network Utilities and Network Utility Operator have conflict between their definitions. As part of National Planning Standards, it states in Section 14. Definitions, Point 1: "Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List." Several councils either implement the Network Utility Operator definition on their own or have modified their Network Utility definition to become a subcategory of the RMA definition to remove the conflict.

3.6.1 The Panel acknowledges the support for the definition of "network utilities". As the definition is being amended submissions S101.009 Transpower New Zealand Limited and others are accepted in part.

3.6.2 The Panel acknowledges the support for the definition of "network utilities operator". As the definition has been amended to reflect the RMA definition, submissions S35.005 Chorus New Zealand Limited and others and submission S146.012 Southland District Council are accepted in part.

3.6.3 The Panel agrees with SDC and Mishka Banhidi that the definition of "network utility" needs to be consistent with the definition of "network utility operator" given the frequent use of these terms in the Plan, and accepts the recommendation of the reporting officer to amend the definition, with the exception that reference to the Act and the Plan is considered unnecessary given that the Plan incorporates a definition of "network utility operator".

3.6.4 The Panel disagrees with SDC that the definition of "network utility operator" from the National Planning Standards must be used because section 166 of the RMA is the higher order instrument. The Panel also notes Louise Taylor on behalf of KiwiRail in her written statement of evidence advised the recommended amendment to the definition would satisfy the KiwiRail submission.

3.6.5 Submissions S146.012 Southland District Council and S132.008 KiwiRail Holdings Ltd are accepted in part by amending the notified definitions of "network utility" and "network utility operator" as follows:

network utility~~ies~~ means any activity undertaken by a *network utility operator* ~~relating to any or all of the following:~~

~~(a) distribution or transmission of natural or manufactured gas petroleum or geothermal energy by pipeline;~~

~~(b) telecommunications or radio communications;~~

~~(c) transformation, transmission, or distribution of electricity;~~

~~(d) transmission and distribution of *water*, (whether treated or untreated), for supply including irrigation;~~

~~(e) *stormwater* drainage or sewerage reticulation systems;~~

~~(f) rail corridor, tramways and *roads;*~~

~~(g) *airports* as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990;~~

~~(h) lighthouse, navigation aids and beacons;~~

~~(i) meteorological services;~~

~~(j) a project or work described as a *network utility* operation by regulations made under the Resource Management Act 1991.~~

and ~~l~~includes:

(a) all *structures* necessary for operation; and

(b) the operation and maintenance of the network.

network utility operator Has the same meaning as per the Resource Management Act **-** means a person who:

(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or

(b) operates or proposes to operate a network for the purpose of;

(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or

(ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or

(c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or

(d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or

(e) undertakes or proposes to undertake a drainage or sewerage system; or

(f) constructs, operates, or proposes to construct or operate, a road or railway line; or

(g) is –

(i) an airport authority as defined ~~by~~ in the Airport Authorities Act 1966, for the purpose~~s~~ of operating an airport as defined by that Act; or

(ii) an airport operator as defined in section 5 of the Civil Aviation Act 2023, for the purpose of operating an aerodrome in relation to which the airport operator is registered under that Act; or

~~(h) is a provider or an approach control service within the meaning of the Civil Aviation Act 1990; or~~

(ha) is a responsible SPV that is constructing or proposing to construct eligible infrastructure; or

(hb) operates –

(i) an inland port (not contiguous with the coastal marine area) associated with a coastal port operated under the Port Companies Act 1988; or

(ii) the landward operations of a seaward port operated under the Port Companies Act 1988; or

(iii) Northport Limited, or an inland port associated with Northport Limited; or

(i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act, -

and the words *network utility operation* have a corresponding meaning.

3.7 Operational Need

Submitter (S)	Decision Requested
S121.012 Alliance Group Limited S125.004 Ministry of Education S35.006 Chorus New Zealand Limited S124.007 Fire and Emergency NZ S154.006 Spark New Zealand Trading Limited S32.006 One New Zealand Group Limited S33.006 FortySouth S37.006 Connexa Limited S95.006 PowerNet Limited	Retain definition operational need as notified

3.7.1 The Panel acknowledges the support for the definition of "operational need". As no submissions opposed the provision and it remains unchanged, reflecting the Planning Standards definition, submissions S121.012 Alliance Group Limited and others are accepted.

3.8 Renewable Electricity Generation Activities

Submitter (S)	Decision Requested
S130.004 Mercury NZ Limited	Insert text from NPSREG 2011.

3.8.1 Mishka Banhidi at paragraph 114 of her s42A Report was unclear of the change sought by Mercury. Stuart Davie and Shirely Chamberlain in a joint statement presented at the hearing clarified that a definition for "renewable electricity generation" was sought as contained in the NPSREG, but excluding references to tidal, wave or ocean currents. Mishka Banhidi at paragraph 169 of her statement of evidence supported that request on the basis it would provide greater consistency and clarity for plan users. The Panel agrees.

3.8.2 Submission S130.004 Mercury NZ Limited is accepted in part by including the following definition in the Plan:

renewable electricity generation means generation of electricity from solar, wind, hydroelectricity and biomass.

3.9 Renewable Electricity Generation Activities - Large Scale

Submitter (S)	Decision Requested
S130.006 Mercury NZ Ltd	Support definition of renewable electricity generation activities – large scale. Means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components, structures and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.

3.9.1 The Panel agrees with the requested and recommended change to the definition of "renewable electricity generation activities – large scale" to include reference to "structures".

3.9.2 Submission S130.006 Mercury NZ Ltd is accepted by amending the definition of renewable electricity generation activities - large scale as follows:

renewable electricity generation activities - large scale means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components, structures and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.

3.10 Renewable Electricity Generation Activities - Small Scale

Submitter (S)	Decision Requested
S109.011 Department of Conservation	Renewable electricity generation activities - small and community scale
S130.005 Mercury NZ Ltd	Support. Gives effect to NPSREG 2011.

3.10.1 The Panel considers the phrase "community scale" is not required as an addition to the definition of "renewable electricity generation activities – small scale" and may be potentially confusing, given that the definition is referring to elements of size and scale rather than ownership. In that regard, the Panel agrees with Mishka Banhidi at paragraph 120 of her s42A Report. Accordingly, submission S109.011 Department of Conservation is rejected.

3.10.2 The Panel acknowledges the support for the definition. As no submissions provision remains unchanged submission S130.005 Mercury NZ Ltd accepted.

3.11 Specified Infrastructure

Submitter (S) Further Submitter (FS)	Decision Requested
S147.002 NZ Defence Force S130.008 Mercury NZ Ltd S95.009 PowerNet Ltd	Retain definition as notified.

3.11.1 The Panel acknowledges the support for the definition of "specified infrastructure". The Panel notes that the definition of "specified infrastructure" in the Plan only applies in the context of the NPSIB and managing indigenous biodiversity, however the NPSHPL also incorporates a definition of "specified infrastructure" that must be applied in the context of "highly productive land". The Panel therefore amends the definition of "specified infrastructure" as a consequential amendment to the submissions that seek implementation of higher order instruments in relation to the Infrastructure Chapter (e.g. Department of Conservation S109.030). Submissions S147.002 NZ Defence Force and others are therefore accepted in part.

3.11.2 Consequential to submission Department of Conservation S109.030 and others:

specified infrastructure ~~has the same meaning as the NPSIB –~~ means any of the following:

1. infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Act 2002):
2. regionally or nationally significant infrastructure identified as such in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan:
3. ~~infrastructure that is necessary to support housing development, that is included in a proposed or operative plan or identified for development in any relevant strategy document~~

~~(including a future development strategy or spatial strategy) adopted by a local authority, in an urban environment (as defined in the National Policy Statement on Urban Development 2020):~~

43. any public flood control, flood protection, or drainage works carried out:
    (a) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
    (b) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908:
4. when giving effect to the National Policy Statement for Indigenous Biodiversity also means: infrastructure that is necessary to support housing development, that is included in a proposed or operative plan or identified for development in any relevant strategy document (including a future development strategy or spatial strategy) adopted by a local authority, in an urban environment (as defined in the National Policy Statement on Urban Development 2020):
5. defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990.

3.12 Transmission Line

Submitter (S)	Decision Requested
S101.012 Transpower NZ Ltd	Amend the definition of "transmission line" as follows: ~~"Has the same meaning as per the National Environmental Standards for Electricity Transmission Activities (2009)~~ Means: (a) the facilities and structures used for, or associated with, the overhead or underground transmission of electricity ~~in~~ **on** the **N**~~n~~ational **G**~~g~~rid; and ..."

3.12.1 The Panel agrees with Mishka Banhidi for the reasons outlined at paragraph 118 of her s42A report that there is no need to amend the definition of “transmission line”, which Ainsley McLeod on behalf of Transpower also accepted in her evidence to the Panel. Accordingly, submission S101.012 Transpower NZ Ltd is rejected.

3.13 New Definitions: General

Submitter (S)	Decision Requested
S35.010 Chorus NZ Ltd S154.010 Spark NZ Trading Ltd S32.010 One NZ Group Ltd S33.010 FortySouth S37.010 Connexa Ltd	Cross reference to NESTF or provide definitions for Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit
S35.009 Chorus NZ Ltd S154.009 Spark NZ Trading Ltd S32.009 One NZ Group Ltd S33.009 FortySouth S37.009 Connexa Ltd	Provide a definition for support poles and support structures

3.13.1 The Panel agrees with the recommendation of Mishka Banhidi at paragraphs 81 and 82 of the s42A Report where she states:

> The use of Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit were written with the NESTF definitions in mind. The replication of these definitions within the PDP is considered unnecessary, however an updated note within the overview to clarify the intentions of these phrases could achieve the intension within these submissions.
>
> The reference to support structures within INF-R4 is intended to mean the same as support poles, given the above NESTF alignment, it is recommended that INF-R4 be amended to refer to support poles to align better with the terminology.

3.13.2 These outcomes were accepted by the telecommunications companies on the basis of proposed changes to the Overview and associated note. The Panel does not consider it necessary to include a definition for support poles or support structures, although the Panel supports amendment to INFR-R4 as recommended by the reporting officer. Therefore, submissions S35.009 Chorus NZ Ltd and others are accepted in part.

Reference to the NESTF is considered further in relation to the text of the Overview, however the Panel do not support use of an additional note, therefore 35.010 Chorus NZ Ltd and others are accepted in part.

3.14 New Definition – Electricity Distribution Network

Submitter (S)	Decision Requested
S95.010 PowerNet Ltd	Include a definition for: Electricity Distribution Network: Means the conveyance of electricity via electricity subtransmission and distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets, and ancillary buildings and structures, including communication equipment, by a network utility operator. This includes the assets shown on the planning maps.

3.14.1 The Panel agrees with PowerNet that a definition of "electricity distribution network" should be included in the Plan but does not consider that the maps should be included. The Panel prefers instead that the mapped distribution network remains accessible as information for users of the Plan. The Panel anticipates changes to the network in the life of the Plan, which would date the maps, and also consider the definition to be sufficient on its own, provided mapped information is accessible. The Panel accepts the amended maps, as attached to the s42A report, to be included as an information layer on the Council's GIS maps, and accepts in part the associated submission point of PowerNet. However, the dissenting view of Commissioner Bolger is that the mapped lines should be included as a part of the operative planning maps, rather than as an information layer.

3.14.2 Submission S95.010 PowerNet Ltd is accepted in part by including the following definition in the Plan:

electricity distribution network means the conveyance of electricity via electricity sub-transmission and distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets, and ancillary buildings and structures, including communication equipment, by a network utility operator.

3.15 New Definition – Electricity Distribution Yard

Submitter (S)	Decision Requested
S95.011 PowerNet Ltd	Include a definition for: Electricity Distribution Yard means a) the area located within 10m of the centreline of a 110kV, 66kV or 33 kV electricity distribution line on single poles / towers or within 10m of a foundation of an associated support structure. As depicted in Diagram 1 - Electricity Distribution Yard Diagram 1 - Electricity Distribution Yard (Diagram on pg 6 of original submission) Note: The Electricity Distribution Yard does not apply to underground cables or any distribution lines (or sections of line) that are designated.

3.15.1 Mishka Banhidi at paragraph 86 of her s42A Report recommended rejecting submission 95.011, stating:

> It is unclear from Powernets submission if they intend to provide mapping for Electricity Distribution lines and associated yards. In lieu of this no definition is recommended unless consequential plan provisions relate to an electricity distribution yard and the area it relates it is able to be spatially defined. In the interim this submission is rejected.

3.15.2 And at paragraph 529 she commented on the request to map the 33kV and 11 kV lines as follows:

> Powernet's submission to add Electricity Distribution lines to the planning maps is not supported. The maps currently display the national grid, which has specific rules within the PDP. Unless these distribution lines meet the national grid definition or additional provisions

are established for them in the plan, there is no justification for mapping them, and it is not recommended to include them.

3.15.3 The Panel was advised that Megan Justice on behalf of PowerNet had emailed the Council withdrawing that the part of submission 95.029 that sought PowerNet's 11kV lines be included in the Plan.

3.15.4 Megan Justice in her statement of evidence referred to the rule sought by PowerNet stating that if it is accepted then the inclusion of the definition of Electricity Distribution Yard was a necessary adjunct. She added that currently PowerNet does not manage any 110kV or 66kV lines, but it seeks to future proof the provisions. Megan Justice considered the rule sought is necessary to manage buildings or structures that have the potential to adversely affect the line and protect PowerNet's ability to maintain the line.

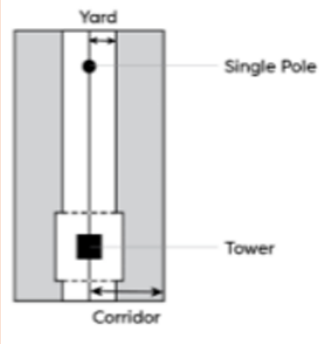
3.15.5 Mark Zweiss at paragraph 21 of his statement of evidence stated:

> It is critically important that the subtransmission lines are able to operate safely and efficiently. A failure of the subtransmission network can affect several zone substations, and therefore result in a power outage for a large number of customers. Therefore, recognising the importance of this infrastructure to the community by identifying this network in the PGDP planning maps, and including provisions that protect and provide for this infrastructure is appropriate, in my view.

3.15.5 The Panel accepts that as a consequence of introducing the definition of electricity distribution network, and incorporating provisions to protect that network, there is a corresponding need for the proffered definition of electricity distribution yard. The Panel also accepts that it is appropriate to future-proof the Plan by including the 66kV and 110kV lines.

3.15.6 Submission S95.011 PowerNet Ltd is accepted by incorporating the new definition as follows:

> **electricity distribution yard** means the area located within 10m of the centreline of a 110kV, 66kV or 33kV electricity distribution line on single poles / towers or within 10m of a foundation of an associated support structure as shown below.



> Note: The Electricity Distribution Yard does not apply to underground cables or any distribution lines (or sections of line) that are designated. The location of electricity distribution lines is shown as an information layer on Gore District Council online maps.

3.16 New Definitions – Blue Infrastructure, Grey Infrastructure and Nature Based Solutions

Submitter (S)	Decision Requested
S110.004 Royal Forest and Bird Society of NZ Inc	Add blue infrastructure to definitions (change the current green infrastructure to blue and green infrastructure and add definition)
S110.005 Royal Forest and Bird Society of NZ Inc	Add: Grey Infrastructure: Human-engineered traditional approaches to water management such as pipes and hard surfaces.

S110.006 Royal Forest and Bird Society of NZ Inc	Add: Nature Based Solutions: Solutions that are inspired and supported by nature, and provide environmental, social and economic benefits and help build resilience. Examples include restoration or constructing wetlands, forest restoration, riparian planting, allowing rivers to reclaim parts of their natural flood plains in strategic places, rain gardens, green roofs and so on.
FS17.104 Federated Farmers	Disallow S110.006 Royal Forest and Bird Society of NZ Inc

3.16.1 The Panel agrees with Mishka Banhidi that the defined term "green infrastructure" is sufficient to encompass "blue infrastructure", and that the definition of "grey infrastructure" is not required. Accordingly, submissions S110.005 and S110.006 are rejected.

3.16.2 The Panel notes additional submissions have been lodged by Forest and Bird with regard to the inclusion of reference to nature-based solutions in the objectives, policies and rules of the Infrastructure chapter. These are considered elsewhere in this decision, and as a consequence of subsequent decisions, the Panel agrees that a definition is helpful, although it prefers the definition contained in Te Mana Taiao – Aotearoa New Zealand Biodiversity Strategy 2020, which is a relevant document for the Panel to consider in accordance with section 75(2)(b)(i) of the RMA.

3.16.3 Submission S110.006 Forest & Bird is accepted in part, to incorporate the new definition as follows:

nature-based solutions means solutions that are inspired and supported by nature, cost-effective and simultaneously provide environmental, social and economic benefits and help build resilience.

3.17 New Definition - Mast

Submitter (S)	Decision Requested
S35.008 Chorus NZ Ltd S154.008 Spark NZ Trading Ltd S32.008 One NZ Group Ltd S33.008 FortySouth S37.008 Connexa Ltd	Add a definition for Mast

3.17.1 Mishka Banhidi at paragraph 78 of her s42A Report considered "mast" could be understood in accordance with its ordinary meaning and the Panel agrees. Tom Anderson at paragraph 7 of in his statement of evidence on behalf of the submitters advised the submission would not be pursued further. Accordingly, submissions S35.008 Chorus NZ Ltd and others are rejected.

4. Relationship to Other Chapters

4.1 General

Submitter (S) Further Submitter (FS)	Decision Requested
S35.012 Chorus NZ Ltd S37.012 Connexa Ltd S33.012 FortySouth S32.012 One NZ Group Ltd S154.012 Spark NZ Trading Ltd	Add a paragraph explaining how the infrastructure chapter interacts with other chapters of the DP noting that it is a standalone chapter and there are no rules in any other chapter which apply to the activities regulated under the INFR chapter.
FS23.002 PowerNet Ltd	Allow S35.012 Chorus NZ Ltd
FS30.011, FS30.015, FS30.058, FS30.027, FS30.080 Transpower NZ Ltd	Allow S35.012 Chorus NZ Ltd, S37.012 Connexa Ltd, S33.012 FortySouth, S32.012 One NZ Group Ltd, S154.012 Spark NZ Trading Ltd

4.1.1 Similar to the conclusion reached regarding earthworks provisions, as outlined in Decision 37 Earthworks, the Panel considers chapters of the Plan that manage matters of national importance (e.g. Ecosystems and Indigenous Biodiversity) may contain

provisions that manage infrastructure, and that this approach is consistent with giving effect to the National Standards. The Panel's decision is that generally the district-wide provisions, including the Infrastructure chapter provisions, will apply in all zones, and that giving effect to the NPSHPL in relation to "specified infrastructure" should therefore be managed by the Infrastructure chapter, which will then apply in the relevant rural zones. This is discussed further in this decision where relevant to particular provisions of the Infrastructure chapter.

4.1.2 The National Standards also allow for infrastructure provisions that are specific to special purpose zones, which is discussed where relevant in relation to decisions on those zones. Mandatory direction 5 also allows for particular matters associated with noise to be incorporated within provisions in the Infrastructure chapter, which the notified Plan did not incorporate, relying instead on the Noise chapter provisions.

4.1.3 The Panel notes that the naming conventions used in the Infrastructure chapter and the Energy chapter differ from the National Planning Standards mandatory direction 45, primarily because these are separate chapters in the Plan, whereas the National Standards unique identifiers apply to chapters that combine provisions for "EI - Energy and Infrastructure". Separation of the chapters is considered by the Panel to give effect to Section 7: District-wide Matters Standard, mandatory direction 5, because provisions may be located in "one or more chapters" under the "Energy, Infrastructure and Transport" heading. No change is required in relation to the unique identifier chosen, which is "INFR".

4.1.4 The Panel has reviewed the notified Plan in light of these decisions on application of the National Standards to infrastructure provisions and found that 27 chapters of the notified Plan reference infrastructure. Compliance with the National Standards is generally assessed by the Panel in this decision, with further discussion where relevant in other related decisions.

4.1.5 Generally, "infrastructure" is referenced in the Overview of the Urban Form and Development chapter, and in objectives UFD-O1 and UFD-O7, which is considered appropriate by the Panel as these strategic objectives will be read alongside the Infrastructure chapter. The Energy chapter references to "infrastructure" are specific to the subset of energy related infrastructure, appropriate to the purpose of that chapter, and the same is true for the Transport chapter in relation to transport related infrastructure. The chapters managing matters of national importance, including the Natural Hazards chapter, the Historic Heritage chapter, the Notable Trees chapter, the Ecosystems and Indigenous Biodiversity chapter, the Natural Features and Landscape chapter and the Māori Cultural Values chapter variously reference "infrastructure" within Overviews and specific provisions, consistent with the Panel approach to implementing the National Planning Standards.

4.1.6 With regard to relationship with other district-wide chapters of the Plan, the Subdivision chapter and the Infrastructure chapter have different purposes, as identified by the reporting officers. This decision reviews provisions of the Infrastructure chapter for potential overlap with provisions of the Subdivision chapter in relation to specific objectives, policies and rules. There are policies in the Activities on the Surface of Water chapter, ASW-P3, ASW-P5 and ASW-P6, that incorporate reference to "infrastructure" which should be read alongside policies in the Infrastructure chapter, and this is considered consistent with mandatory direction 27 of Section 7: District-wide Matters Standard of the National Standards. Notified Policy EW-P5 incorporates reference to "infrastructure", in the context of potential for earthworks to impact on infrastructure, and this is considered by the Panel to be consistent with mandatory direction 29 of Section 7: District-wide Matters Standard of the National Standards.

4.1.7 With regard to zones, other than special purpose zones, and development areas there are a number of objectives and policies in zones (e.g. LLRZ-O4, GRUZ-P9) and development areas (e.g. DEV-O1) in the notified Plan that reference “infrastructure”. These have been reviewed by the Panel to determine their appropriateness, given that the Infrastructure chapter is to apply over these zones and development areas.

4.1.8 The decision of the Panel is that where “infrastructure” is referenced as part of a matter of control or restricted discretion within a rule in another district-wide chapter or zone chapter of the Plan, this is appropriate and will enable consideration of the objectives and policies of the Infrastructure chapter in the context, alongside application of rules in the Infrastructure chapter (including permitted baseline).

4.1.9 With regard to the special purpose zones, both the Māori Purpose Zone and the Field Days Zone include policies that reference “infrastructure”, which is considered by the Panel to be consistent with mandatory direction 5 of Section 7: District-wide Matters Standard of the National Planning Standards, provided that the Infrastructure chapter cross-references to those provisions, in accordance with mandatory direction 6, which is discussed further in relation to the chapter Overview.

4.1.10 Accordingly, submissions S35.012 Chorus NZ Ltd and others are accepted in part. Amendments have been made to the How the Plan Works section of the Plan and the Overview of the Infrastructure chapter in response to these submissions, as shown in the amended text of the Overview below, and as discussed in Decision 3. The Panel’s decision is to not to rely on notes in the chapters but rather rely on the How the Plan Works section and the Overview text.

4.2 Provisions in Other Chapters

Submitter (S)	Decision Requested
S101.089, S101.084, S101.081, S101.078, S101.087 Transpower NZ Ltd	In GIZ – Notes, GRUZ – General, GRZ – General, LLRZ – General and RLZ - General: Add to Note 1 Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities."

4.2.1 The Panel notes that these submissions are considered in the relevant zone chapter decisions, but as the Infrastructure chapter provisions are central to determining these submissions, and to provide context, they are also noted here.

4.2.2 Mishka Banhidi at paragraph 184 of her s42A Report stated:

> Transpower’s submission is broadly supported in intent, however their specific relief requesting a note is added to various zone chapters is not supported. The ENRG and INFR Chapters were intended to be utilised as specific activity chapters, zone rules are not intended to apply to these activities in order to avoid double dipping of provisions and unnecessary resource consents. The District Wide Chapters however are intended to apply as these manage important areas and activities within the District. Based on this it is recommended the notes within both the ENRG and INFR Chapters be amended to make it clear to plan users’ which aspects of the plan apply, and which do not.

4.2.3 Ainsley McLeod in her statement of evidence indicated further consideration of this issue is required in considering the submissions to the individual chapters, and the Panel accepts this submission in part.

5. Infrastructure General, Overview and Objectives

5.1 Infrastructure General

Submitter (S)	Decision Requested
S144.001 Contact Energy Ltd	Retain provisions relating to renewable electricity generation activities in some form.
S124.011 Fire and Emergency NZ	Retain objective and policy framework as notified

5.1.1 The Panel acknowledges the submissions in support that are of a general nature. As the provisions in the Infrastructure chapter have been amended elsewhere in this decision, submissions S144.001 Contact Energy Ltd and S124.011 Fire and Emergency NZ are accepted in part.

Submitter (S)	Decision Requested
S136.017 Jenny Campbell	Include provisions in water use - grey water systems be encouraged in both town and country and especially new houses and industrial buildings being made mandatory.

5.1.2 The Panel notes the definition of greywater in the notified Plan is as follows:

> Has the same meaning as per the National Planning Standards – means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.

5.1.3 Mishka Banhidi at paragraph 178 of her s42A Report accepted the intent of this submission noting relevant provisions are contained in the Gore District Council Subdivision and Development Bylaw and for that reason no specific rules are required in this chapter. However, she considered it appropriate to include additional provisions in the Infrastructure chapter. The Panel agrees and has made additions to the Overview and Policy INFR-P3 in response to additional submissions, as discussed further in relation to those parts of the chapter. In that regard Submission S136.017 Jenny Campbell is accepted in part.

Submitter (S)	Decision Requested
S140.011 Robina Johnston	Consider the visual effects on the natural environment from infrastructure

5.1.4 The Panel agrees with Mishka Banhidi at paragraph 151 of her s42A Report where she refers to various provisions in the notified Infrastructure chapter, and in other chapters of the Plan. The Panel notes that visual amenity effects are included within relevant matters of restricted discretion in Infrastructure chapter rules, and as such submission S140.011 Robina Johnston is accepted by retaining the provisions referring to visual effects.

Submitter (S)	Decision Requested
S109.030 Department of Conservation	Amend the objectives and policies to reflect National Policy and Southland RPS provisions for nationally significant infrastructure, regionally significant infrastructure and 'other infrastructure'.
FS23.001 PowerNet Ltd	Allow S109.030 Department of Conservation

5.1.5 Mishka Banhidi at paragraph 150 of her s42A Report stated:

> DOC's submission seeking that the objectives and policies are amended to reflect National Policy Statements, and the Southland Regional Policy Statement is acknowledged, however it is unclear what aspects of the objectives and policy need to be amended to give effect to this relief. Based on this it is my recommendation that this relief by (sic) rejected in lieu of a specific request.

5.1.6 Elizabeth Williams in her evidence on behalf of the Department of Conservation accepted that recommendation.

5.1.7 However, the Panel accepts submission S109.030, which is aligned with s74 of the RMA. The Panel further discusses this submission in relation to particular provisions of the chapter and particular higher order instruments, where relevant.

5.1.8 The Panel notes that the term "nationally significant infrastructure" is only used in the Plan within the definition of "specified infrastructure" and linked to higher order instruments, so there is no need for an additional definition in the Plan. The term "regionally significant infrastructure" appears in notified NH-O4, EW-P5 and GRUZ-P13 but is not defined in the Plan. For consistency and as a minor change, the Panel is replacing references to "regionally significant infrastructure" with the term "critical infrastructure" as defined in this decision. The Panel also considers that change to be consistent with Transpower's submission point S101.005 which is therefore accepted in part.

5.2 Infrastructure Overview

Submitter (S)	Decision Requested
S95.012 PowerNet Ltd	Retain this section
S110.015 Royal Forest and Bird Society of NZ Inc	Add: The use of sustainable infrastructure, such as Nature Based Solutions and blue green infrastructure means infrastructure is often able to perform more effectively and efficiently than traditional grey infrastructure solutions. Nature Based Solutions provide opportunities to improve degraded natural environments, improve local amenity and enhance long-term environmental resilience. These options can also be used to purify water, as well as minimise floods and erosion, reduce the urban heat island effect, deliver enhanced air quality and enhance people's mental and physical wellbeing. The overall cost of sustainable infrastructure can also be a fraction of grey infrastructure solutions, due to lower ongoing maintenance costs. These approaches help us to minimise the impacts of climate change by improving our resilience and allowing infrastructure to adapt to change

5.2.1 The Panel acknowledges the support for the Overview. As changes have been made to it, submission S95.012 PowerNet Ltd is accepted in part.

5.2.2 Mishka Banhidi at paragraph 167 of her s42A Report recommended accepting the Forest and Bird submission, noting the Gore District Subdivision and Development Bylaw is the relevant implementation document, rather than rules within the PDP. However, she considered it appropriate to encourage adoption of green infrastructure in this chapter. The Panel agrees with the recommendation and having regard to the whole of Plan submission S132.002 of Jenny Campbell, considers it appropriate to also refer to greywater.

5.2.3 Submissions S110.015 Royal Forest and Bird Society of NZ Inc is accepted in part by adding to the Overview:

The use of more sustainable *infrastructure*, such as *green infrastructure and nature-based solutions,* and adoption of technologies to reduce greywater discharges, provides opportunities to improve degraded natural environments, improve local amenity and enhance long-term environmental resilience. These approaches also help to minimise the impacts of *climate change* by improving resilience and allowing *infrastructure* to adapt to change.

Submitter (S)	Decision Requested
S35.011 Chorus NZ Ltd S154.011 Spark NZ Trading Ltd S32.011 One NZ Group Ltd S33.011 FortySouth S37.011 Connexa Ltd	In the second paragraph, update the word communication to telecommunication and radio communication for consistency between what para. 2 states infrastructure is and the definition in the PDP
S126.059 Southland Federated Farmers of NZ S115.060 Kevin Robertson	Amend INFR-Overview: However, some sites technically ideal for the location of infrastructure may be unsuitable having regard to their environmental effects, including

Submitter (S)	Decision Requested
S143.071 Rural Ratepayers Group S148.072 Alistair and Bernadette Hunt S60.062 Ronald Crispin S68.180 John Baynes	impacts on landscape and biodiversity values, <u>being highly productive land</u> or the underlying relationships Ngāi Tahu hold with the natural environment.
FS23.003 PowerNet Ltd	Disallow S126.059 Southland Federated Farmers of NZ

5.2.4 Mishka Banhidi at paragraph 168 of her s42A Report recommends accepting the Chorus and others submissions to provide consistency with the definition of 'infrastructure'. The Panel agrees.

5.2.5 Submissions S35.011 Chorus NZ Ltd and others is accepted by amending the second paragraph of the Overview as follows:

For the purpose of this District Plan, ~~I~~*infrastructure* involves those services that provide networks and facilities for transport, electricity transmission, electricity distribution, <u>telecommunication and radio</u> communication, *water*, *wastewater*, drainage, solid waste, and *natural hazard* management.

5.2.6 Mishka Banhidi at paragraph 165 of her s42A Report recommended rejecting the submission by Federated Farmers and others on the basis the NPSHPL was able to stand alone and it was unnecessary to duplicate provisions in this chapter. The Panel however disagrees. As discussed in section 5.1 above, effect must be given to higher order documents such as the NPSHPL. Given the definition of "specified infrastructure" as defined in that instrument differs from the notified Plan definition, the Panel considers changes are required to the chapter, as requested in submission S109.030 Department of Conservation recognising that, together with a change similar to that sought by Federated Farmers and others, and in response to submissions S35.012 Chorus NZ Ltd and others. The Panel also includes additional text to clarify when the rules and standards of the chapter apply in relation to other chapters of the Plan, utilising Clause 16(2) of the First Schedule, and determine that no notes are needed in the chapter because all relevant material is contained in the Overview of the chapter or the introductory sections of the Plan.

5.2.7 Submissions S109.030 Department of Conservation and S126.059 Southland Federated Farmers of NZ are accepted in part by amending the 4th paragraph of the Overview and including a further paragraph as follows:

The purpose of this chapter is to ensure existing *infrastructure* and land reserved for future *infrastructure* can be developed and maintained for their intended purpose, whilst managing the adverse effects of *infrastructure*. However, some sites technically ideal for the location of *infrastructure* may be unsuitable having regard to their environmental effects, including impacts on landscape and *biodiversity* values, or the underlying relationships Ngāi Tahu hold with the natural environment. <u>*Critical infrastructure* may be suitable on *highly productive land*</u>. Designations may also provide for *infrastructure*.

<u>The provisions of this chapter give effect to relevant national policy statements and national environmental standards that apply to *specified infrastructure*, the *National Grid,* and *telecommunications*, in conjunction with other district-wide chapters, particularly chapters that manage matters of national importance. Rules in the Natural Hazards, Historic Heritage, Notable Trees, Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes chapters apply to infrastructure activities where relevant. The rules and standards in this chapter take precedence over rules and standards in zone chapters. This Chapter does not apply to the construction, management, upgrading or use of roads as these activities are managed by the Subdivision and Transport Chapters. Airport activities or airport related activities within the Airport Zone are managed by that chapter and the Transport chapter.</u>

5.2.8 Submissions S109.030 Department of Conservation and S126.059 Southland Federated Farmers of NZ are also had regard to in considering Policy INFR-P7.

Submitter (S)	Decision Requested
S101.015 Transpower NZ Ltd	Amend the 'Overview' as follows: "It is recognised that infrastructure, and particularly critical infrastructure, is essential to providing for the health, safety and well-being of the people and communities of Gore and beyond. The purpose... (no change)... infrastructure. This chapter must also give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) where the provisions relate to the National Grid. The NPSET identifies the need to operate, maintain, develop and upgrade the National Grid as a matter of national significance and directs decisionmakers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. ... While the use and operation of infrastructure can have adverse effects on adjoining activities and sites, activities adjoining infrastructure can also have adverse effects, including reverse sensitivity effects, on infrastructure."

5.2.9 Mishka Banhidi at paragraph 166 of her s42A Report recommended rejecting the submission. While supporting the intent of the submission she did not consider adding the requested text in the Overview provided any value. She did however suggest an addition be made to Note 3, but this was not followed through to a recommendation. Ainsley McLeod, on behalf of Transpower, in her statement of evidence requested that the text sought be added to Note 1.

5.2.10 The Panel accepts the intent of the Transpower submission as it recognises the benefits of infrastructure beyond the district, emphasises the National Grid and relevant higher order instruments. The main substance of the submission has assisted informing the additional text added to the Plan in paragraph 5.2.7 above and it is the view of the Panel that an addition is appropriate to the Overview, as a companion to Note 1. The Panel agrees the additions sought to the first (subject to alternative wording) and final paragraphs of the Overview are appropriate.

5.2.11 Submission S101.015 Transpower NZ Ltd is accepted in part by:

(a) adopting the decision in paragraph 5.2.7.

(b) amending the final sentence of the first paragraph of the Overview to read:

These challenges ~~also~~ apply to the Gore District, and beyond.

(c) amending the final paragraph of the Overview to read:

While the use and operation of *infrastructure* can have adverse effects on adjoining activities and *sites*, activities adjoining *infrastructure* can also have adverse effects, including *reverse sensitivity* effects, on *infrastructure*.

5.3 Objective INFR-O1

Submitter (S) Further Submitter (FS)	Decision Requested
S149.002 Yrless S130.032 Mercury NZ Ltd S95.013 PowerNet Ltd	Retain as notified.
FS21.024 Yrless Ltd	Allow S95.013 PowerNet Ltd
S37.013 Connexa Ltd S35.013 Chorus NZ Ltd S32.013 One NZ Group Ltd S33.013 FortySouth S154.013 Spark NZ Trading Ltd	Amend INFR-O1 as follows: ~~The operation, maintenance, upgrading and development of infrastructure is provided to meet the needs of the community and businesses~~. Critical infrastructure: 1. is efficient, effective and resilient; 2. provides and distributes essential and secure services as part of local, regional or national networks, including in emergencies; 3. coordinates with urban development and land uses throughout the district; and 4. enables people and communities to provide for their wellbeing.
FS23.004 PowerNet Ltd	Allow S35.013 Chorus NZ Ltd

FS14.003, FS14.004 NZ Transport Agency Waka Kotahi	Reject S32.013 One NZ Group Ltd, S33.013 FortySouth in so far that it seeks to replace notified objective, but support proposed amendment as a new separate objective
S101.016 Transpower NZ Ltd	Amend Objective INFR-O1 as follows:. "INFR-O1 The benefits derived from infrastructure are realised and the ~~The~~ operation, maintenance upgrading and development of infrastructure is provided for to meet the needs of the community and businesses" Recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities."
FS26.018 Mercury Ltd	Allow S101.016 Transpower NZ Ltd

5.3.1 Mishka Banhidi at paragraph 208 of her s42A Report recommended adopting the changes sought by the telecommunications companies, with the exception that the term “infrastructure” was preferred over “critical infrastructure” because the notified objective was relevant to infrastructure more broadly. Mishka Banhidi considered the Transpower amendments to be unnecessarily lengthy. She also recommended adding a further limb to the objective as a consequence of her recommendation to delete INFR-O2.

5.3.2 Ainsley McLeod responded to the s42A Report with a revised recommendation in support of the Transpower submission that introduces objective INFR-O1 with the phrase “the benefits derived from infrastructure are realised” but relies on the broad term “infrastructure” to encompass the nationally significant infrastructure of the National Grid rather than narrowing the scope of the objective to only infrastructure that is significant or critical.

5.3.3 Tom Anderson on behalf of the telecommunications companies accepted the recommendation in the s42A Report although he continued to recommend reference to functional and operational need in the objective.

5.3.4 In her right of reply evidence dated 14 January 2025, Mishka Banhidi reconsidered the recommendation of Ainsley McLeod for INFR-O1 and adopted the introductory phrase that was part of the Transpower submission. In response to Minute 27 she also identified that Objectives INFR-O1 and INFR-O4 assist to achieve section 5(2) of the Act.

5.3.5 The Panel considers that the combination of changes proposed by the telecommunication companies and Transpower improve the scope and utility of Objective INFR-O1. The Panel notes that in adopting these changes the specific phrase “operation, maintenance, upgrading and development” in notified INFR-O1 would be deleted, which means that the phrase would not be present in any of the objectives or policies, but would apply at the level of the rules. However, the Panel sees benefit in retaining the phrase at the objective level. Therefore, rather than delete INFR-O2, the decision of the Panel is to acknowledge those submitters that sought to retain INFR-O1 as notified and re-number that objective as INFR-O2, with some amendment to avoid overlap with a new INFR-O1.

5.3.6 The Panel notes there is overlap between revised INFR-O1 and SUB-O3, but considers the objectives are compatible and therefore no particular tension arises that needs resolution. The Panel is satisfied that the Subdivision chapter and Infrastructure chapter give effect to mandatory directions 24 and 5 of the District-wide Matters Standard of the National Standards. The Panel adopts the s32AA analysis at paragraph 213 of the s42A Report.

5.3.7 Submissions S149.002 Yrless and others, S37.013 Connexa Ltd and others, and S101.016 Transpower NZ Ltd are accepted in part by:

(a) amending Objective INFR-O1 as follows:

INFR-O1~~2~~ The operation, maintenance, upgrading and development of *infrastructure* is provided for to meet the needs of the community and businesses.

(b) inserting a new Objective INFR-O1 as follows:

INFR-O1 The benefits of infrastructure are realised by providing for infrastructure that:

1. is efficient, effective and resilient;
2. delivers essential and secure services as part of local, regional or national networks, including in emergencies;
3. co-ordinates with urban development and land uses throughout the district;
4. enables people and communities to provide for their health, safety and wellbeing; and
5. integrates with existing and potential future infrastructure in a safe and efficient way.

5.4 Objective INFR-O2

Submitter (S) Further Submitter (FS)	Decision Requested
S112.013 Waka Kotahi NZ Transport Agency	Amend INFR - O2 as follows: Infrastructure within new subdivisions and developments integrates with existing infrastructure in a safe, effective and efficient way and provides for opportunities to link with future infrastructure in accordance with the Gore District Subdivision and Land Development Bylaw 2019 or any subsequent replacement document.
S149.005 Yrless	Delete ".. ~~and provides for opportunities to link with future infrastructure in accordance with the Gore District Subdivision and Land Development Bylaw 2019 or any subsequent replacement document~~"
S35.014 Chorus NZ Ltd S32.014 One NZ Group Ltd S33.014 FortySouth S37.014 Connexa Ltd S154.014 Spark NZ Trading Ltd	Delete INFR-O2
FS21.025, FS21.026, FS21.027, FS21.028, FS21.029 Yrless Ltd	Allow S35.014 Chorus NZ Ltd, S32.014 One NZ Group Ltd, S33.014 FortySouth, S37.014 Connexa Ltd, S154.014 Spark NZ Trading Ltd

5.4.1 Mishka Banhidi at paragraph 217 of her s42A Report recommended deleting the objective and adopting the phrase requested by NZTA in the amended INFR-O1 to maintain consistency with the Land Transport Management Act.

5.4.2 Tom Anderson on behalf of the telecommunications companies accepted the recommendation in the s42A Report although he continued to recommend reference to functional and operational need in the objective.

5.4.3 The Panel agrees it is appropriate to delete notified INFR-O2. In response to the submission of NZTA the Panel has adopted some of the wording change sought in the revised Objective INFR-O1.

5.4.3 Submissions S35.014 Chorus NZ Ltd and others, and S149.005 Yrless are accepted by deleting Objective INFR-O2.

5.4.4 Submission S112.013 Waka Kotahi NZ Transport Agency is accepted in part by adopting the decision in paragraph 5.3.7 above.

5.5 Objective INFR-O3

Submitter (S) Further Submitter (FS)	Decision Requested
S149.003 Yrless S101.017 Transpower NZ Ltd S132.017 KiwiRail Holdings Ltd	Retain as notified.
FS21.030 Yrless Ltd	Allow S132.017 KiwiRail Holdings Ltd
FS23.005 PowerNet Ltd	Allow S101.017 Transpower NZ Ltd
S35.015 Chorus NZ Ltd S154.015 Spark NZ Trading Ltd S37.015 Connexa Ltd S32.015 One NZ Group Ltd S33.015 FortySouth	Amend INFR-O3 as follows: ~~Infrastructure or land reserved for future infrastructure is protected from adverse effects of subdivision, use and development that is incompatible or may compromise the construction, maintenance, upgrade and use of infrastructure.~~ The safe and efficient operation and security of critical infrastructure is not compromised by incompatible activities and reverse sensitivity effects.
FS28.011, FS28.012, FS28.013, FS28.014, FS28.015 Kainga Ora	Disallow S130.033 Mercury NZ Ltd, S35.015 Chorus NZ Ltd, S154.015 Spark NZ Trading Ltd, S37.015 Connexa Ltd, S32.015 One NZ Group Ltd
FS14.005, FS14.006 NZ Transport Agency Waka Kotahi	Disallow S32.015 One New Zealand Group Limited, S33.015 FortySouth as the suggested wording does not expressly include land reserved for future infrastructure.
S134.006 Andrea McMillan and Tony Harpur	Delete Objective
S130.033 Mercury NZ Ltd	The District Plan should incorporate regulations for sensitive activities under land use provisions to achieve this outcome.
FS28.011 Kainga Ora	Disallow S130.033 Mercury NZ Ltd

5.5.1 The Panel acknowledges the support for the objective. As changes have been made to the provision, submissions S149.003 Yrless and others are accepted in part.

5.5.2 Mishka Banhidi at paragraph 229 of her s42A Report accepted the intent of the telecommunications companies but recommended a simpler amendment to address reverse sensitivity effects and retain reference to land reserved for the future use of infrastructure. She recommended further amendment to INFR-O3 in light of her analysis dated 14 January 2024, in response to Minute 27. She identified that "protection" from reverse sensitivity effects was a matter directed by the RPS in relation to infrastructure identified as significant, rather than infrastructure more generally, and therefore recommended that the objective be narrowed to "critical infrastructure".

5.5.3 Tom Anderson on behalf of the telecommunications companies accepted the s42A Report recommendation although he continued to recommend reference to functional and operational need in the objective.

5.5.4 Ainsley McLeod recommended further amendment to INFR-O3 in light of her analysis dated 14 January 2024, in response to Minute 27.

5.5.5 The Panel considers the objective should remain, although with amendment. Andrea McMillan and Tony Harpur sought its deletion but did not set out any reasons or provide any further information for the Panel to consider. Accordingly, submission S134.006 Andrea McMillan and Tony Harpur is rejected.

5.5.6 In considering the wording of objective INFR-O3, the Panel prefers the requested wording of the telecommunications companies which appropriately narrows the objective to "critical infrastructure" and provides a clear expression of the intent of the objective. The Panel acknowledges the concerns of NZTA regarding land reserved for future infrastructure but does not consider it necessary to retain that element in the revised objective because requiring authorities can rely on designations.

5.5.7 Submissions S35.015 Chorus NZ Ltd and others and S130.033 Mercury NZ Ltd are accepted in part by revising Objective INFR-O3 as follows:

INFR-O3 The safe and efficient operation and security of *critical* ~~*l*~~*infrastructure* ~~*or* land reserved for future *infrastructure*, is protected from adverse effects of *subdivision*, use and development that is incompatible or may compromise the construction, maintenance, upgrade and use of *infrastructure*~~. is not compromised by incompatible activities and reverse sensitivity effects.

5.6 Objective INFR-O4

Submitter (S) Further Submitter (FS)	Decision Requested
S149.004 Yrless S130.034 Mercury NZ Ltd S101.018 Transpower NZ Ltd	Retain INFR-O4.
''FS28.016 Kainga Ora	Disallow S101.018 Transpower NZ Ltd
S109.031 Department of Conservation	Amend objective INFR-04 to have regard for the management of adverse effects and application of the effects management hierarchy.
S132.018 KiwiRail Holdings Ltd	Amend as follows: Adverse effects from the construction, maintenance, upgrade and use of ~~critical~~ infrastructure including critical infrastructure are managed.
S35.016 Chorus NZ Ltd S154.016 Spark NZ Trading Ltd S33.016 FortySouth S37.016 Connexa Ltd S32.016 One NZ Group Ltd	Amend INF-O4 as follows: ~~Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed~~. The functional and operational needs of critical infrastructure are taken into account when managing any adverse effects of its location, design and operation on the natural and physical environment
FS23.006 PowerNet Ltd	Allow S32.016 One NZ Group Ltd
S134.007 Andrea McMillan and Tony Harpur	Amend as follows: Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed to ensure that the effects on the receiving environment as commensurate with the effects anticipated in the receiving zone;
FS28.017 Kainga Ora	Allow S134.007 Andrea McMillan and Tony Harpur
S85.070 Environment Southland	Broaden the objective to incorporate section 6 matters of National importance
FS26.019 Mercury Ltd	Disallow S85.070 Environment Southland in part. Further consideration is required of this the infrastructure chapter being stand-alone vs consistency with policy in other chapters.

5.6.1 The Panel acknowledges the support for the objective. As a minor change has been made to the provision, submissions S149.004 Yrless and others are accepted in part.

5.6.2 Mishka Banhidi at paragraph 245 of her s42A Report considered that the effects management hierarchy is not applicable in all situations, and that matters of national importance are dealt with in other chapters. The Panel agrees. Accordingly, submission S109.031 Department of Conservation is rejected.

5.6.3 Mishka Banhidi considered "functional and operational need" to be better suited to policy, and she considered that the receiving environment would already factor in to any assessment of effects covered by the objective. Again, the Panel agrees. Accordingly, submissions S35.016 Chorus NZ Ltd and others are rejected.

5.6.4 Ainsley McLeod indicated support for the s42A Report recommendation for Objective INFR-O4.

5.6.5 The Panel agrees with KiwiRail and the recommendation of Mishka Banhidi that INFR-O4 should apply to infrastructure generally.

5.6.6 The Panel also agrees with the assessment of Mishka Banhidi at paragraph 249 of her s42A Report where in response to Andrea McMillan and Tony Harpur she highlights the objective provides for the adverse effects from infrastructure to be managed, which will prompt an assessment as to the effects on the receiving environment. Accordingly, submission S134.007 Andrea McMillan and Tony Harpur is rejected.

5.6.7 The Panel also agrees with the assessment of Mishka Banhidi at paragraph 250 of her s42A Report in response to Environment Southland that the objective is wide reaching with all effects, including those in s6, being subject to the provision. The Panel also notes s6 matters are subject to individual chapters in the Plan and the approach of the Panel is to include relevant consideration in those chapters. Accordingly, submission S85.070 Environment Southland is rejected.

5.6.8 Submission S132.018 KiwiRail Holdings Ltd is accepted in part by revising Objective INFR-O4 as follows:

INFR-O4 Adverse effects from the construction, maintenance, upgrade and use of ~~critical~~ infrastructure are managed.

Submitter (S) Further Submitter (FS)	Decision Requested
S110.016 Royal Forest and Bird Society of NZ Inc	Add: INFR-O4 Low-emission and climate-resilient urban environments are encouraged by considering blue and green infrastructure options and nature based solutions as first options before grey engineering.

5.6.10 Arising from the Forest and Bird submission, Mishka Banhidi supported the introduction of a new Objective INFR-O5 specific to "green infrastructure" rather than amendment to INFR-O4. In her response to Minute 27 she noted this was consistent with RPS direction to take into account natural hazards and climate change effects on infrastructure.

5.6.11 The Panel also agrees with the introduction of INFR-O5 in response to Forest Bird, but considers that the word "prioritisation" should be replaced with the phrase "increased use", and that the phrase "nature-based solutions" is appropriate, as it is a term used in the first national climate change adaptation plan[1] and therefore a matter for the Panel to have regard to under RMA s74(2)(e). The decision in paragraph 3.16.3 above also includes a definition of "nature-based solutions" that has been adopted from "Te Mana Taiao – Aotearoa New Zealand Biodiversity Strategy 2020".

5.6.12 Submission S110.016 Royal Forest and Bird Society of NZ Inc is accepted in part by adding an additional objective as follows:

INFR-O5 Low emission and climate resilient urban environments are encouraged through the increased use of green infrastructure and nature-based solutions

6. Infrastructure Policies and Notes

6.1 Introduction

6.1.1 The Panel has considered potential overlap between the policies of the Subdivision chapter and the Infrastructure chapter, particularly SUB-P2, SUB-P3, SUB-P5 and SUB-P7, and notes that the policies in the Subdivision chapter contain more detail specific to matters of relevance to subdivision activity than are contained in related policies in the Infrastructure chapter. The Panel is therefore satisfied that no particular tensions arise, that the chapters are complementary and appropriately give effect to the National Standards.

[1] *Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi – Adapt and thrive: Building a climate-resilient New Zealand – Aotearoa New Zealand's first national adaptation plan* (August 2022)

6.2 Policy INFR-P1

Submitter (S) Further Submitter (FS)	Decision Requested
S112.014 Waka Kotahi NZ Transport Agency S149.006 Yrless S154.017 Spark NZ Trading Ltd S35.017 Chorus NZ Ltd S32.017 One NZ Group Ltd S33.017 FortySouth S37.017 Conex Ltd S101.019 Transpower NZ Ltd	Retain as notified.
FS21.031 Yrless Ltd	Allow S35.017 Chorus NZ Ltd, FS21.032 Yrless Ltd, S33.017 FortySouth, S37.017 Conex Ltd, S101.019 Transpower NZ Ltd
S132.019 KiwiRail Holdings Ltd	Amend as follows: Enable the construction, maintenance, upgrade and use of infrastructure including critical infrastructure.

6.2.1 Mishka Banhidi at paragraph 259 of her s42A Report recommended that the policy be retained as notified because the proposed amendment by KiwiRail was not necessary, given that "critical infrastructure" is a subset of "infrastructure", and in her response to Minute 27 noted that the policy gives effect to INFR-O1. Louise Taylor on behalf of KiwiRail accepted the position in the s42A Report. The Panel agrees that no change is required on the basis of submissions received but notes that "enable" at the policy level would ordinarily signal a permissive rule regime, which in the case of the rule framework is only applicable to some infrastructure that meets particular standards and parameters. As no submitter has requested a rewording the Panel retains the policy as notified. On the basis of no change being made to the policy, submission S132.019 KiwiRail Holdings Ltd is rejected.

6.2.2 The Panel acknowledges the support for the policy. As no changes have been made to the provision, submissions S112.014 Waka Kotahi NZ Transport Agency and others are accepted.

6.3 Policy INFR-P2

Submitter (S) Further Submitter (FS)	Decision Requested
S154.045 Spark NZ Trading Ltd S32.045 One NZ Group Ltd S33.045 FortySouth S37.045 Connexa Ltd S35.045 Chorus NZ Ltd	Delete SUB-P9 as this matter is regulated under the Infrastructure chapter
FS21.082 Yrless Ltd	Allow S35.045 Chorus NZ Ltd

6.3.1 The Panel notes the following provisions in the notified Plan are relevant to this submission:

SUB-P9 Require the undergrounding of all services associated with the development of subdivided land, except:

1. Telecommunications in the General Rural and Rural Lifestyle zones where suitable alternative unreticulated options are available; and
2. Electricity in the General Rural zone, where it is not feasible or practical to underground these services

INFR-P2 Require the underground placement of network utilities where practical and appropriate for the functional needs and operational needs of the network utility.

6.3.2 The telecommunications companies considered that INFR-P2 overlaps with SUB-P9 and that therefore the Subdivision chapter policy is not needed. Mishka Banhidi argued that SUB-P9 and INFR-P2 give effect to different objectives and in her response to Minute 27 noted that INFR-P2 gives effect to INFR-O1. The Panel agrees with that

assessment, as did Tom Anderson in his evidence on behalf of the telecommunications companies. Accordingly, submissions S154.045 Spark NZ Trading Ltd and others are rejected.

Submitter (S)	Decision Requested
S35.018 Chorus NZ Ltd S154.018 Spark NZ Trading Ltd S32.018 One NZ Group Ltd S33.018 FortySouth S37.018 Connexa Ltd	Retain INFR-P2 as notified
S101.020 Transpower NZ Ltd	Amend Policy INFR-P2 as follows: "INFR-P2 Require the underground placement of network utilities where practical and appropriate <u>having regard to</u> ~~for~~ the functional needs and operational needs of the network utility."
S95.014 PowerNet Ltd	Amend as follows: In urban areas, **r**equire the underground placement of network utilities where practical and appropriate for <u>the functional needs and operational needs of the network utility.</u>

6.3.3 The Panel acknowledges the support for the policy. As a minor change is being made to the provision, submissions S35.018 Chorus NZ Ltd and others are accepted in part.

6.3.4 Mishka Banhidi at paragraph 266 of the s42A Report did not support the change sought by PowerNet that the policy only apply in urban areas because she considered this was covered by the phrase “where practical and appropriate”. Megan Justice for PowerNet at paragraphs 29 - 32 of her statement of evidence asserted the policy does not make it clear that above ground utility structures are provided for and are acceptable in rural parts of the District. She requested the policy be amended to read:

> <u>Outside Rural Zones, Industrial Zones, the Camp Columba Zone and the Field Days Zone</u> require the underground placement of network utilities where practical and appropriate for the functional needs and operational needs of the network utility

6.3.5 The Panel does not accept the reasons given by PowerNet to amend the policy and therefore agrees with the s42A Report. The Panel considers that the preferred outcome is underground network utilities but recognises there are reasons why flexibility is required. Accordingly, submission S95.014 PowerNet Ltd is rejected.

6.3.4 Mishka Banhidi at paragraph 266 of the s42A Report did not support Transpower seeking to replace “for” with “having regard to”, as she considered there to be no material difference from the notified provision.

6.3.5 The Panel notes Ainsley McLeod did not respond to the s42A Report in her evidence. The Panel considers the wording proposed by Transpower is to be preferred because the language and intent are clear. The Panel also considers that SUB-P9 provides guidance on what is “practical and appropriate” in particular circumstances associated with subdivision activities, and that therefore the policies SUB-P9 and INFR-P2 are complementary.

6.3.6 Submission S101.020 Transpower NZ Ltd is accepted by amending policy INFR-P2 as follows:

> INFR-P2 Require the underground placement of *network utilities* where practical and appropriate ~~for~~ <u>having regard to</u> the *functional needs* and *operational needs* of the *network utility.*

6.4 Policy INFR-P3

Submitter (S)	Decision Requested
S109.032 Department of Conservation	Retain as notified
S149.009 Yrless	Neutral

S110.017 Royal Forest and Bird Society of NZ Inc	Change: INFR-P4 Encourage blue and green infrastructure, nature based solutions and renewable energy generation.

6.4.1 The Panel acknowledges the support for the policy. As a change is being made to the provision, submissions S109.032 Department of Conservation and S149.009 Yrless are accepted in part.

6.4.2 While the Forest and Bird submission refers to policy INFR-P4, given the content it is apparent to the Panel the intended reference is Policy INFR-P3. Mishka Banhidi considered that INFR-P3 was sufficient to address "green infrastructure" stating at paragraph 281 of her s42A Report:

> Regarding Forest and Birds submission to amend INFR-P4 to encourage blue and green infrastructure, and renewable energy generation, I consider this is adequately provided for in INFR-P3. INFR-P3 gives effect to the proposed new Objective INFR-O5. Matters of discretion utilised across the plan in the zone specific chapters further incorporate low impact design solutions which will further support INFR-P3 and INFR-O5. I therefore reject the submission noting the outcome sought is achieved by other provisions in the chapter and the plan.

6.4.3 The Panel does not agree with that assessment. The Panel considers the addition of "nature-based solutions" sought to the policy is consistent with the new Objective INFR-O5 and a matter the Council should be encouraging. Also, having regard to submission S136.017 Robina Johnston, discussed in paragraph 5.1.3 above, the Panel considers reference in this policy should be made to grey water management. The Panel also considers that reference to "renewable electricity generation" in INFR-P3 creates an unnecessary overlap with ENRG-P2 and should be deleted. Promoting "renewable electricity generation" is not an infrastructure issue and given it is dealt with in the Energy chapter its removal is a minor matter under clause 16(2) of RMA Schedule One.

6.4.4 Submissions S110.017 Royal Forest and Bird Society of NZ Inc and S136.017 Jenny Campbell are accepted in part by amending Policy INFR-P3 as follows:

INFR-P3 Encourage *green infrastructure*, grey water management systems and ~~renewable energy generation~~ nature-based solutions.

6.5 Policies INFR-P4 and INFR-P5

Submitter (S)	Decision Requested
S35.019 Chorus NZ Ltd S154.019 Spark NZ Trading Ltd S32.019 One NZ Group Ltd S33.019 FortySouth S37.019 Connexa Ltd	Retain INFR-P4 as notified
S132.020 KiwiRail Holdings Ltd	Amend INFR-P4 as follows: Encourage co-location and sharing of infrastructure including critical infrastructure.
S149.010 Yrless	Amend Policy INFR-P4 to recognise that technical limitations may prevent co-location and/or sharing of infrastructure.
S132.021 KiwiRail Holdings Ltd S35.020 Chorus NZ Ltd S154.020 Spark NZ Trading Ltd S32.020 One NZ Group Ltd S33.020 FortySouth S37.020 Connexa Ltd	Delete INFR-P5 as it repeats INFR-P3
S149.011 Yrless	Amend policy INFR-P5 to recognise that technical limitations may prevent co-location and/or sharing of infrastructure.

6.5.1 These two policies as notified were as follows:

INFR-P4 Encourage co-location of *infrastructure*.

INFR-P5 Encourage co-location and sharing of infrastructure.

6.5.2 Given the near duplication of the policies, the Panel agrees with Mishka Banhidi that Policy INFR-P4 can be deleted.

6.5.3 The Panel acknowledges the support for Policy INF-P4. Although being deleted the intent is being retained in notified Policy INF-P5. Accordingly, submissions S35.019 Chorus NZ Ltd and others are accepted in part.

6.5.4 The Panel agrees with Mishka Banhidi at paragraph 278 of her s42A Report where she states that technical limitations as referred to be Yrless did not need to be recognised because the policies “encourage” rather than provide firmer direction and limitations can be considered. Accordingly, submissions S149.010 and S149.011 Yrless are rejected.

6.5.5 Tom Anderson on behalf of the telecommunications companies and Louise Taylor on behalf of KiwiRail supported the s42A Report recommendations.

6.5.6 Submissions S132.021 KiwiRail Holdings Ltd and others are accepted by deleting Policy INFR-P4.

6.6 Policy INFR-P6

Submitter (S) Further Submitter (FS)	Decision Requested
S149.007 Yrless S35.021 Chorus NZ Ltd S154.021 Spark NZ Trading Ltd S32.021 One NZ Group Ltd S33.021 FortySouth S37.021 Connexa Ltd	Retain INFR-P6 as notified
S134.008 Andrea McMillan and Tony Harpur	Policy INFR-P6 is deleted
FS30.008 Transpower NZ Ltd	Disallow S134.008 Andrea McMillan and Tony Harpur
S101.021 Transpower NZ Ltd	Amend as follows: "INFR-P6 Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the avoidance ~~management~~ of sensitive activities near the National Grid and the avoidance of ~~and the~~ effects (including reverse sensitivity effects) of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid."
FS28.018 Kainga Ora	Disallow S101.021 Transpower NZ Ltd
S130.035 Mercury NZ Ltd	Adverse effects (including reverse sensitivity effects) on critical infrastructure are avoided, remedied or mitigated ~~where activities are adjacent to critical infrastructure~~, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid.
FS28.020 Kainga Ora	Disallow S130.035 Mercury NZ Ltd
FS24.017 Contact Energy Ltd	Allow S130.035 Mercury NZ Ltd
S95.015 PowerNet Ltd	Amend as follows: Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid and the electricity distribution network.
FS28.021 Kainga Ora	Disallow S95.015 PowerNet Ltd
FS26.020 Mercury Ltd	Allow S95.015 PowerNet Ltd

6.6.1 The Panel acknowledges the support for the policy. As a change is being made to the provision, submissions S149.007 Yrless and others are accepted in part.

6.6.2 The Panel considers the policy should remain, although with a minor amendment, as shown at paragraph 6.6.7. Andrea McMillan and Tony Harpur sought its deletion but

did not set out any reasons or provide any further information for the Panel to consider. Accordingly, submission S134.008 Andrea McMillan and Tony Harpur is rejected.

6.6.3 At paragraphs 298 and 299 of the s42A Report, Mishka Banhidi recommended rejecting the submissions of Mercury and PowerNet. The Panel agrees. Mercury sought an addition that would widen the policy from its intended focus while PowerNet requested inclusion of reference to "electricity distribution networks" but that is covered by "critical infrastructure. Tom Anderson on behalf of the telecommunications companies and Megan Justice on behalf of PowerNet accepted those recommendations. Accordingly, submissions S130.035 Mercury NZ Ltd and S95.015 PowerNet Ltd are rejected.

6.6.4 Having regard to NPSET Policy 10 Mishka Banhidi at paragraph 296 of the s42A Report recommended rejecting the Transpower submission. Ainsley McLeod on behalf of Transpower at paragraph 50 of her statement of evidence stated the policy did not go far enough to give effect to Policies 10 and 11 of the NESET and that a separate clause was required for the National Grid. Mishka Banhidi at paragraph 41 of her evidence presented at the hearing agreed with the explanation and recommended accepting the request of Ainsley McLeod for an additional policy. For the reasons given by Ainsley McLeod, the Panel agrees. The Panel decision is to provide a separate policy specific to the National Grid.

6.6.5 Submission S101.021 Transpower NZ Ltd is accepted in part by including the following new policy:

INFR-P5 The operation, maintenance, upgrading and development of the National Grid is protected by:

1. identifying the National Grid Yard within which sensitive activities are avoided; and
2. managing subdivision, use and development in the vicinity of the National Grid to avoid adverse effects (including reverse sensitivity effects) on the National Grid and to ensure that the operation, maintenance, upgrade and development of the National Grid is not compromised.

Submitter (S) Further Submitter (FS)	Decision Requested
S112.015 Waka Kotahi NZ Transport Agency	Amend INFR - P6 with the following wording: Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid and the State highway network. Or replace it with: Manage adverse effects including reverse sensitivity effects from subdivision, use and development on critical infrastructure and network utilities to ensure that they do not compromise their operation, maintenance, upgrade and development.
FS28.019 Kainga Ora	Allow in part S112.015 Waka Kotahi NZ Transport Agency. Reverse sensitivity in itself is not always an adverse effect and considers the following amendments to the submission more suited: Manage adverse effects including unacceptable reverse sensitivity effects from subdivision, use and development on critical infrastructure and network utilities to ensure that they do not compromise their operation, maintenance, upgrade

6.6.6 Mishka Banhidi supported the NZTA request to include reference to the State Highway network and the Panel agrees. Consequential to the inclusion of an additional policy reference to the National Grid is no longer required in this policy.

6.6.7 Submission S112.015 Waka Kotahi NZ Transport Agency is accepted by amending Policy INFR-P6 as follows:

Adverse *effects* (including *reverse sensitivity effects*) are avoided, remedied or mitigated where activities are adjacent to *critical infrastructure*, including the management of *sensitive activities* and the *effects* of *subdivision*, use and development that may compromise the operation, maintenance, upgrade and development of the ~~*National Grid* and~~ State Highway network.

6.7 Policy INFR-P7

Submitter (S) Further Submitter (FS)	Decision Requested
S101.022 Transpower NZ Ltd S149.008 Yrless	Retain Policy INFR-P7 as notified
S109.033 Department of Conservation	Retain with the following amendments (or words to similar effect): Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, ~~remedied or mitigated.~~ and, where there are no practicable alternative locations, applying the effects management hierarchy where adverse effects cannot be avoided.
FS30.019 Transpower NZ Ltd FS26.021 Mercury Ltd FS24.019 Contact Energy Ltd	Disallow S109.033 Department of Conservation
S130.036 Mercury NZ Ltd	Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied ~~or~~ mitigated, or offset, or compensated for.
FS30.053 Transpower NZ Ltd	Disallow S130.036 Mercury NZ Ltd
FS24.020 Contact Energy Ltd	Allow S130.036 Mercury NZ Ltd

6.7.1 The Panel acknowledges the support for the policy. As changes are being made to the provision, submissions S101.022 Transpower NZ Ltd and S149.008 Yrless are accepted in part.

6.7.2 The Panel agrees with the assessment of Mishka Banhidi at paragraph 311 of her s42A Report where she recommends rejecting the DoC submission given the provisions of the NPSET and that the effects management hierarchy applies to matters under the NPSIB and is managed through the ECO chapter. It cannot be applied in the context of the matters outlined in this policy. Accordingly, submission S109.033 Department of Conservation is rejected.

6.7.3 Similarly, the Panel accepts the advice of Mishka Banhidi where in response to the request of Mercury to include reference to "offset or compensation" she expresses the view the NPSET does not require offsetting and while these measures could be offered to satisfy RMA s104, it is not appropriate to include the requirement within a policy. Accordingly, submission S130.036 Mercury NZ Ltd is rejected

Submitter (S) Further Submitter (FS)	Decision Requested
S85.071 Environment Southland	Broaden the policy to incorporate section 6 matters of national importance
S110.018 Royal Forest and Bird Society of NZ Inc	Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, indigenous biodiversity, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated.
FS26.022 Mercury Ltd	Allow S110.018 Royal Forest and Bird Society of NZ Inc in part. If reference to indigenous biodiversity is added, this should be in a separate policy which references the EMH and the principles for biodiversity offsetting and compensation should be consistent with the approach in the NPSIB, noting the REG exemption contained in clause 1.3 (3) for renewable electricity generation.

6.7.4 Mishka Banhidi included reference to "sensitive environments" in response to the ES submission point, and that of Forest and Bird.

6.7.5 The Panel adopts use of the term "sensitive environments", as recommended, while recognising that it only covers some matters of national importance, and therefore additions are made to include natural character of waterbodies and their margins, public access to waterbodies, historic heritage and natural hazard risk. While there are other chapters of the Plan dealing with these matters, a linkage is provided between this policy and policies in those other chapters. The Panel has amended the rule structure to separate out matters of assessment to improve ease of use of the policy. To that extent submissions S85.071 Environment Southland and S110.018 Royal Forest and Bird Society of NZ Inc are accepted in part.

Submitter (S) Further Submitter (FS)	Decision Requested
S32.022 One NZ Group Ltd S33.022 FortySouth S37.022 Connexa Ltd S154.022 Spark NZ Trading Ltd S35.022 Chorus NZ Ltd	Amend INFR-P7 as follows: Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated, recognising the functional need and operational need of critical infrastructure
FS24.018 Contact Energy Ltd	Allow S35.022 Chorus NZ Ltd
FS23.007 PowerNet Ltd	Allow S154.022 Spark NZ Trading Ltd
S149.012 Yrless	Amend Policy so that Council has a role in ensuring that cultural sites are appropriately defined or identified and/or there is a recognised mechanism to work collaboratively with iwi.
S139.045 Hokonui Rūnanga Inc	Amend to read: Manage the development of infrastructure~~, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated~~ to avoid, remedy, or mitigate any adverse effects on: - adjoining activities, sites or ecosystem health, and- any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga.
FS26.023 Mercury Ltd	Allow S139.045 Hokonui Rūnanga Inc

6.7.6 The Panel agrees with Mishka Banhidi at paragraph 308 of her s42A Report where she recommends including reference to the functional need and operational need of critical infrastructure to give effect to INFR-O4. In her response to Minute 27 dated 14 January 2025, she concluded that higher order instruments supported reference to "infrastructure" generally, rather than just "critical infrastructure" in relation to functional and operational need. The Panel notes that "functional need" and "operational need" considerations are specific to infrastructure that has been identified as significant in Policy INF.2 of the RPS and as a consequence does not consider it appropriate to apply these terms to infrastructure more generally. This approach is consistent with national direction instruments that limit use of these terms to particular infrastructure types in various settings.

6.7.7 Tom Anderson on behalf of the telecommunications companies noted support for the s42A recommendation and Ainsley McLeod on behalf of Transpower particularly supported the reference to functional need and operational need. Megan Justice on behalf of PowerNet also accepted the s42A recommendation in her Appendix B.

6.7.8 Mishka Banhidi relied on advice from Hokonui Rūnanga as to the best approach for managing effects on Ngāi Tahu cultural values. Evidence received from Courtney Bennett and Amy Beran in HS8 and HS9A included an analysis of notified INFR-P7 in relation to Ngāi Tahu cultural values, relying on the wording requested in the Hokonui Rūnanga submission without further modification. However, the Panel preference is to

refer to Ngāi Tahu cultural values "listed in MW-1.2", consistent with Decision 14 and Decision 43.

6.7.9 As discussed in section 5.1 of this decision, effect must be given to higher order documents such as the NPSHPL, and the Panel considers that a new policy is necessary to manage the effects of infrastructure on highly productive land in response to the submissions of the Department of Conservation (S109.030), and Federated Farmers (S126.059) and others. The Panel has referenced clause 3.9 of the NPSHPL as basis for the new policy.

6.7.10 Submissions S85.071 Environment Southland, S35.022 Chorus NZ Ltd and others, S109.030 Department of Conservation are accepted, and submission S139.045 Hokonui Rūnanga and S126.059 Federated Farmers are accepted in part by:

(a) amending Policy INFR-P7 as follows:

INFR-P7 Manage the development of *infrastructure* ~~so that adverse *effects* on adjoining activities, *sites*, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated~~ to avoid, remedy, or mitigate ~~, so that~~ any adverse effects on:

1. sensitive environments, the natural character of waterbodies and their margins, public access to waterbodies, historic heritage, natural hazard risk, adjoining activities~~,~~ and sites, and ecosystem health; and

2. Ngāi Tahu cultural values listed in MW1.2;

while considering any functional need and operational need of *critical infrastructure*.

(b) including the following new policy:

INFR-P8 Manage adverse effects of infrastructure on the ability to use highly productive land for land-based primary production by only allowing appropriate use and development, where there is a functional need or operational need for specified infrastructure to be on highly productive land.

6.8 Infrastructure Notes

Submitter (S) Further Submitter (FS)	Decision Requested
S35.023 Chorus NZ Ltd S37.023 Connexa Ltd S33.023 FortySouth S32.023 One NZ Group Ltd S154.023 Spark NZ Trading Ltd	Amend Note 1 as follows: The provisions in this chapter apply ~~in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~ on a district wide basis. As such the rules in the zone chapters do not apply. The provisions in the subdivision and General District Wide matters chapters in Part 2 of the District Plan are applicable.
FS30.012, FS30.016, FS30.028 FS30.059, FS30.081 Transpower NZ Ltd	Allow S35.023 Chorus NZ Ltd, S37.023 Connexa Ltd, S33.023 FortySouth, S32.023 One NZ Group Ltd, S154.023 Spark NZ Trading Ltd
S109.034 Department of Conservation	Retain with the following amendments (or words to similar effect): Note 1 - Include a more specific description of what other provisions apply to this chapter such as the ECO chapter provisions.
FS30.020 Transpower NZ Ltd	Allow S109.034 Department of Conservation

6.8.1 Mishka Banhidi at paragraph 168 of her s42A Report recommended amending Note 1 in response to submissions to state that the provisions of the chapter apply in addition to those in other district-wide chapters of the Plan, and that rules and standards in zone

chapters do not apply to activities managed by the Infrastructure chapter unless expressly identified.

6.8.2 Tom Anderson on behalf of the telecommunications companies, in his evidence dated 18 October 2025, considered further amendment was needed to Note 1 to clarify the standing of the chapter in relationship with other chapters, and particularly that infrastructure provisions should not be located in zone chapters (other than special purpose zones).

6.8.3 Ainsley McLeod on behalf of Transpower, in her evidence dated 18 October 2025, raised concerns with the recommended amendments to Note 1 contained in the s42A Report, on the basis that the district-wide matters sections of the Plan will apply to infrastructure, but not the rules and standards in zones, although the objectives and policies will be applicable. She provided an example of potential conflict between the Infrastructure chapter and RLZ-P7 in the Rural Lifestyle Zone. She recommended improved cross-referencing and options for ensuring a policy pathway for the National Grid, including the examples of the Mackenzie District Plan and the Timaru District Plan.

6.8.4 The Panel agrees with the telecommunications companies and Transpower that Note 1 does not provide clarity to plan users. The Panel also relies on amendment to the How the Plan Works section of the Plan to address their submission points, as discussed in Decision 3. As explained in relation to the Minute 27 response, there are infrastructure provisions in chapters addressing matters of national importance, and in other district-wide chapters, to an extent appropriate to the purpose of each chapter, which means that the Infrastructure chapter is not "stand-alone" in the true sense and must be read alongside these chapters. In each chapter decision, the matter of tension with the Infrastructure chapter is considered by the Panel where necessary in order to resolve potential conflicts, such as the example provided by Transpower in the Rural Lifestyle Zone, and in order to appropriately give effect to the NESETA and NESTF.

6.8.5 Taking these matters into account, the Panel has concluded that with additions to How the Plan Works and to the Overview as set out in paragraph 5.2.7 above, no notes are needed in this chapter.

6.8.6 Submission S109.034 Department of Conservation seeking retention of Note 1 and submissions S35.023 Chorus NZ Ltd and others seeking changes to Note 1 are rejected and Notes 1, 2 and 3 are deleted from the Plan.

Submitter (S)	Decision Requested
S101.023 Transpower NZ Ltd	Amend Note 3 as follows: Section 55 and Section 75(3) of the RMA directs that the district plan must give effect to any National Policy Statement (NPS) and Section 44A of the RMA, directs local authorities to ensure that there are no duplications or conflicts between the provisions of a National Environmental Standard (NES) and a proposed plan ~~National Environmental Standard (NES).~~ NES's must be observed and enforced by local authorities. Section 43B of the RMA directs that a NES prevails over District Plan rules unless a NES expressly ~~stated~~ states that it does not. The National Policy Statement on Electricity Transmission 2008 must be given effect to in respect of District Plan provisions that recognise and provide for the National Grid; manage the effects of the National Grid and manage the effects of other activities on the National Grid. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 include a suite of provisions that provide for the operation, maintenance and upgrading of existing transmission lines. These provisions prevail over any similar provisions in the District Plan..

6.8.7 Mishka Banhidi at paragraph 149 of her s42A Report expressed concern that making all of the additions sought by Transpower, would for consistency require all National Environmental Standards to be described in all chapters. She did however recommend partial relief that incorporated reference to RMA s55 and s44A together with minor amendments for clarity.

6.8.8 The Panel considers this note to be superfluous, given that the higher order instruments apply regardless, as referenced in the introductory section of the Plan, and those managing various types of infrastructure will be familiar with the relevant instruments governing their activities. Deletion of the Note has no regulatory effect and the Panel considers this can be done as a minor matter under clause 16(2) of the First Schedule.

6.8.9 Submission S101.023 Transpower NZ Ltd is rejected and Note 3 is deleted from the Plan as set out in paragraph 6.8.6.

7 Infrastructure Rules

7.1 Introduction

7.1.1 The matter of relationship between rules and standards is discussed in Decision 37 and is not further considered in this decision, except to the extent required to improve clarity between rules and standards in relation to particular provisions.

7.1.2 Decisions on submissions to this chapter and other chapters of the Proposed Plan give rise to consequential changes in other provisions. These primarily relate to changes in terminology or revision of the wording provisions to ensure consistency. These changes are not usually included in response to individual submissions but are shown and annotated on the updated Plan chapters attached to Decisions.

7.2 Rules General

Submitter (S)	Decision Requested
S149.013, S149.014, S149.015, S149.016, S149.017, S149.018, S149.019, S149.020 Yrless	Amend rules INFR-R1, INFR-R2, INFR-R3, INFR-R4, INFR-R5, INFR-R6, INFR-R7, INFR-R8 to provide the same status for above ground activities as below ground activities.

7.2.1 The Panel agrees with Mishka Banhidi at paragraph 195 of her s42A Report where she recommended rejecting the Yrless submissions on the basis that effects from above ground infrastructure and below ground level infrastructure vary, with obvious visual and amenity effects associated with above ground infrastructure. Accordingly, these submissions of Yrless are rejected.

Submitter (S)	Decision Requested
S130.037 Mercury NZ Ltd	INFR-R1 Seeks clarity on which rules are relevant to REG activities. It is interpreted to provide for EV charging infrastructure including within public land.
S130.038, S130.039, S130.040 Mercury NZ Ltd	INFR-R2, INFR-R3, INFR-R4 Seeks clarity on which rules are relevant to REG activities.

7.2.2 Mishka Banhidi at paragraph 190 of her s42A Report considered EV charging stations was relevant to Rule INFR-R4 and that is considered in paragraph 7.6.1 below.

7.2.3 As no changes are made to the Rules, submissions S130.037, S130.038, S130.039, S130.040 Mercury NZ Ltd are rejected. The Panel further discusses the relationship of INFR-R2, INFR-R3 and INFR-R4 with REG activities in the sections of this decision specific to each of those rules.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.072, S85.073, S85.074 Environment Southland	Establish a restricted discretionary status to rules INFR-R1, INFRA-R3 in order to trigger resource consents where underground infrastructure will be located in areas where there is likely to be an impact on section 6 matters, for example significant indigenous vegetation, significant landscapes etc
FS11.007, FS11.008, FS11.009 Heritage NZ Pouhere Taonga	Allow S85.072, S85.073, S85.074 Environment Southland
FS26.029, FS26.031 Mercury Ltd	Disallow in part S85.073, S85.074 Environment Southland. Taylor to upgrading and removal of above ground infrastructure. The wording should be consistent with the policy direction, in particular natural hazards which are addressed in NH Chapter
FS31.011 Department of Conservation	Allow in part S85.074 Environment Southland referring to such as biodiversity and landscapes
FS21.042 Yrless Ltd	Disallow S85.074 Environment Southland
S109.035 Department of Conservation	Amend rule INFR-R1 to be restricted discretionary where located within specified areas such as an SNA, areas of highly mobile fauna or riparian margin.
FS26.024 Mercury Ltd	Disallow S109.035 Department of Conservation
S109.036 Department of Conservation	Add to Matters of Discretion in rule INFR-R3: 9. Impacts on indigenous biodiversity values including at risk and threatened species and their habitat ...
FS26.027 Mercury Ltd	Disallow in part and tailor matters of discretion for upgrading and removal of above ground infrastructure. The wording should be consistent with the policy direction

7.2.6 Mishka Banhidi recommended rejecting the DoC submissions on the basis that other chapters of the Plan manage these matters. The Panel agrees and as a consequence, submissions S109.035 and S109.036 Department of Conservation are rejected.

7.2.7 The Panel agrees that the permitted activity rule INFR-R1 will be overtaken by rules in other chapters of the Plan, for instance if the works to establish underground infrastructure intersect with historic heritage or require clearance of indigenous vegetation. The Panel further considers the points of Environment Southland and the DoC in relation to matters of discretion in INFR-R3, within the section of this decision specific to that rule, and with reference to amended INFR-P7.

7.3 Rule INFR-R1

Submitter (S) Further Submitter (FS)	Decision Requested
S101.024 Transpower NZ Ltd S95.016 PowerNet Ltd S132.022 KiwiRail Holdings Ltd	Retain Rule INFR-R1 as notified.
S154.024 Spark NZ Trading Ltd S32.024 One NZ Group Ltd S33.024 FortySouth S37.024 Connexa Ltd S35.024 Chorus NZ Ltd	Retain INFR-R1 as notified with potential to rewrite to refer to 'underground infrastructure' rather than 'below ground'

7.3.1 The Panel acknowledges the support for the rule. As no changes are being made to the provision, submissions S101.024 Transpower NZ Ltd and others are accepted.

7.3.2 Mishka Banhidi at paragraph 322 of her s42A Report recommended rejecting the telecommunication companies' submissions on INFR-R1 on the basis that there was no material difference in the terms, and referring to 'below ground level' was intentional as 'ground level' is a defined term in the plan.

7.3.3 Mishka Banhidi had recommended adding to the chapeau of the rule (and Rule INFR-R2) "not otherwise addressed by another rule in this chapter". Tom Anderson on behalf of the telecommunications companies noted this was superfluous, but also innocuous. Other than that, he supported the s42A Report recommendation, as did Ainsley McLeod on behalf of Transpower and Megan Justice on behalf of PowerNet in her

Appendix B. The Panel agrees with Tom Anderson that the additional text recommended for INFR-R1 and INFR-R2 is superfluous. As a consequence, submissions S154.024 Spark NZ Trading Ltd and others are rejected.

7.3.4 The Panel also notes the response to Minute 27 dated 14 January 2025 from Tina Carlson-McColl and Mishka Banhidi identified that there is a relationship between INFR-R1 and earthworks rules, but no amendments were recommended based on the analysis. The Panel agrees.

7.4 Rule INFR-R2

Submitter (S)	Decision Requested
S101.025 Transpower NZ Ltd S132.023 KiwiRail Holdings Ltd S35.025 Chorus NZ Ltd S154.025 Spark NZ Trading Ltd S32.025 One NZ Group Ltd S33.025 FortySouth S37.025 Connexa Ltd S95.017 PowerNet Ltd	Retain Rule INFR-R2 as notified.

7.4.1 The Panel acknowledges the support for the rule. As no changes are being made to the provision as assessed in section 7.2 above, submissions S101.025 Transpower NZ Ltd and others are accepted. The Panel notes, in relation to S130.038 Mercury NZ Ltd, that the rule applies to all infrastructure, including renewable electricity generation activities.

7.5 Rule INFR-R3

Submitter (S) Further Submitter (FS)	Decision Requested
S101.026, S101.028 Transpower NZ Ltd S95.018 PowerNet Ltd	Retain Rule INFR-R3 as notified.
FS26.025 Mercury Ltd	Allow S101.026, S101.028, S95.018 Transpower NZ Ltd
S112.016 Waka Kotahi NZ Transport Agency	Amend Matters for Discretion as follow: 4. Impact on the safety and function of the road, including any footpath or cycleway.
S132.024 KiwiRail Holdings Ltd	5. Impacts on the function of the rail, including vehicle access tracks.
S154.026 Spark NZ Trading Ltd S32.026 One NZ Group Ltd S33.026 FortySouth S37.026 Connexa Ltd S35.026 Chorus NZ Ltd	Amend INFR-R3(1)(d) as follows: maximum change in location of structure - ~~5m~~ 10m

7.5.1 The Panel acknowledges the support for the rule. As changes are being made to the provision, submissions S101.028 Transpower NZ Ltd and S95.018 PowerNet Ltd are accepted in part.

7.5.2 Mishka Banhidi at paragraphs 340 and 342 of her s42A Report recommended accepting the submissions of NZTA and KiwiRail. The Panel agrees.

7.5.3 The reporting officer recommended rejecting the 10m extension sought by the telecommunication companies on the basis of a lack of supporting evidence for the change. The evidence of Tom Anderson on behalf of the telecommunication companies did not provide anything further in relation to this rule. Accordingly, submissions S154.026 Spark NZ Trading Ltd and others are rejected.

7.5.4 Megan Justice on behalf of PowerNet accepted the s42A Report recommendations in her Appendix B, as did Ainsley McLeod on behalf of Transpower in her evidence.

7.5.5 The Panel decision is to accept the recommended amendments of the reporting officer, with the exception that:

- functional need and operational need is limited to critical infrastructure, in line with higher order instruments and amended policies;
- a matter of discretion is introduced as requested by ES to provide an appropriate link to consideration of matters of national importance and that aligns with INFR-P7; and
- amendment is made to the Ngāi Tahu cultural values matter of discretion for consistency with Decision 14 and Decision 43.

7.5.6 With regard to S130.039 Mercury NZ Ltd, the Panel considers that INFR-R3 does not apply to renewable electricity generation activities, which are managed by rules and standards in the Energy chapter, which the Panel makes clear change to the title of the rule.

7.5.7 Submissions S112.016 Waka Kotahi NZ Transport Agency and S132.024 KiwiRail Holdings Ltd are accepted by amending Rule INFR-R3, together with consequential changes referred to above, as follows:

INFR-R3 Operation, maintenance, replacement, upgrade, repair or removal of existing above *ground level infrastructure*, excluding renewable electricity generation infrastructure, and *access* tracks.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. The functional need and operational need~~s~~ of *critical infrastructure*, and benefits derived from~~,~~ the *infrastructure*, including the potential impact on the levels of service or health and safety if the work is not undertaken.
2. The bulk, *height*, location and design of the *infrastructure*, including any associated *buildings* or *structures*.
3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.
4. Impacts on the safety and function of the *road*, including any footpath or cycleway.
5. Impacts on the function of the rail network, including vehicle access tracks;
~~5~~6. Site reinstatement and replanting.
~~6~~7. The duration, timing, and frequency of the activity.
~~7~~8. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in ~~the~~ MW~~2.3~~ 1.2.
9. Impacts on:
   (a) sensitive environments;
   (b) the natural character of waterbodies and their margins;
   (c) public access to waterbodies;
   (d) historic heritage;
   (e) natural hazard risk;
   (f) adjoining activities and sites; and
   (g) ecosystem health.

~~8~~10. The matters of discretion for the infringed standard.

7.6 Rule INFR-R4

Submitter (S) Further Submitter (FS)	Decision Requested
S32.027 One NZ Group Ltd S35.027 Chorus NZ Ltd S33.027 FortySouth S37.027 Connexa Ltd S154.027 Spark NZ Trading Ltd	Amend INFR-R4(1) as follows: Other than where existing or replacement support structures (including buildings) are used, lines are to be located underground. Replacement support structures must meet the permitted provisions in INFR-R3(1), and compliance with all INFR Standards is achieved.
FS23.008 PowerNet Ltd	Allow S32.027 One NZ Group Ltd
FS21.037, FS21.038, FS21.039. FS21.040, FS21.041 Yrless Ltd	Allow S35.027 Chorus NZ Ltd, S32.027 One NZ Group Ltd, S33.027 FortySouth, S37.027 Connexa Ltd, S154.027 Spark NZ Trading Ltd
S101.027, S101.029 Transpower NZ Ltd	Amend Rule INFR-R4(1) and (2) to replicate the Matter of Discretion from Rule INFR-R3 as follows: "The functional and operational needs of, and benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken."
FS26.030, FS26.035 Mercury Ltd	Allow S101.027, S101.029 Transpower NZ Ltd
S130.040 Mercury NZ Ltd	The submitter seeks the installation of EV charging infrastructure is permitted in all land use zones.
S85.074 Environment Southland	Broaden the rule to have a greater consideration of section 6 matters of national importance.

7.6.1 Mishka Banhidi at paragraph 353 of her s42A Report accepts the intention for the telecommunications companies' submission as it ensures all new support structures comply with relevant standards. However, she disagrees with the inclusion of 'or replacement' and 'including buildings' as it is covered by Rule INFR-R2 and in her view repetition here is not required. Tom Anderson on behalf of the telecommunication companies supported the recommendation, as did Megan Justice on behalf of PowerNet. The Panel therefore agrees to the recommendation.

7.6.2 Mishka Banhidi at paragraph 353 of her s42A Report recommended rejecting the Transpower submission. Ainsley McLeod on behalf of Transpower provided an amended relief in response to the s42A Report that identified a separate matter of discretion covering the benefits of infrastructure. Mishka Banhidi recommended adoption of the amended relief at paragraph 51 of her supplementary statement of evidence dated 5 November 2024.

7.6.3 Mishka Banhidi at paragraph 190 of her s42A Report recommended the inclusion of a permitted activity rule to provide for electric vehicles charging stations. Evidence received from Mercury did not comment on this recommendation. Tom Anderson on behalf of the telecommunication companies proposed an amendment to ensure that it was not only EV charging stations that were provided for. Mishka Banhidi having regard to the proposed amendment recommended a modification that accommodated EV charging stations without naming them specifically. The Panel has adopted the revised wording of Mishka Banhidi.

7.6.4 Overall, the Panel decision is to accept the recommended amendments of the reporting officer, with the additional matters of restricted discretion as requested by S85.074 Environment Southland (not assessed in the s42A Report) similar to that provided for INFR-R3, to apply across all zones, and a matter of discretion referencing impacts on highly productive land in the rural zones to align with Policy INFR-P8.

7.6.5 With regard to S130.039 Mercury NZ Ltd, the Panel considers that INFR-R3 does not apply to renewable electricity generation activities, which are managed by rules and standards in the Energy chapter, which the Panel makes clear by a change to the title of the rule.

7.6.6 Submissions S32.027 One NZ Group Ltd and others, S101.027, S101.029 Transpower NZ Ltd and S130.040 Mercury NZ Ltd are accepted in part by amending Rule INFR-R4 as follows:

INFR-R4 Establishment of above ground *infrastructure*, (including *Green Infrastructure*), excluding renewable electricity generation.

All Zones, ~~exempting~~ excluding the General Rural, Rural Lifestyle, Field Days and Camp Columba Zones

Activity status: Permitted

Where:

1. ~~Other than where existing support *structures* are used~~, Lines are ~~to be~~ located underground, and replacement support poles meet the permitted provisions in INFR-R3(1); and

2. The building:

   (a) meets all INFR standards; and

   (b) its building footprint does not exceed an area of 40m^2.

General Rural, Rural Lifestyle, Field Days and Camp Columba Zones

Activity status: Permitted

Where:

~~2~~**3**. Compliance with all INFR Standards is achieved.

Activity status where compliance is not achieved:

INFR-R4(1 and 2):

Restricted Discretionary

Matters of discretion:

1. The reason for the lines being above ground.
2. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.
3. The ~~functional and operational needs of, and~~ benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken.
4. Impacts on:
   (a) sensitive environments;
   (b) the natural character of waterbodies and their margins;
   (c) public access to waterbodies;
   (d) historic heritage;
   (e) natural hazard risk;
   (f) adjoining activities and sites; and
   (g) ecosystem health.
5. Impacts on Ngāi Tahu cultural values listed in MW-1.2
6. The matters of discretion for the infringed standard.

Activity status where compliance is not achieved:

INFR-R4(~~2~~3):

Restricted Discretionary

Matters of discretion:

1. The benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken.

2. Impacts on:

   (a) sensitive environments;

   (b) the natural character of waterbodies and their margins;

   (c) public access to waterbodies;

   (d) historic heritage;

   (e) natural hazard risk;

   (f) adjoining activities and sites; and

   (g) ecosystem health.

3. Impacts on Ngāi Tahu cultural values listed in MW-1.2

4. Impacts on ability to use highly productive land for land-based primary production.

~~1~~5. The matters of discretion of any infringed standard.

7.7 Rules INFR-R5, INFR-R6 and INF-R7

Submitter (S) Further Submitter (FS)	Decision Requested
S35.028 Chorus NZ Ltd S154.028 Spark NZ Trading Ltd S32.028 One NZ Group Ltd S33.028 FortySouth S37.028 Connexa Ltd	Retain INFR-R5 as notified
S101.030 Transpower NZ Ltd	Retain INFR-R6 as notified
S85.075, S85.076 and S85.077 Environment Southland	Broaden Rules INFR-R5, INFR-R6, INFR-R7 to have a greater consideration of section 6 matters of national importance.
FS11.0010, FS11.0011, FS11.0012 Heritage NZ Pouhere Taonga	Allow S85.075, S85.076 and S85.077 Environment Southland
S101.031 Transpower NZ Ltd	Amend Rule INFR-R7 as follows: "Activity status where compliance is not achieved: ~~Discretionary~~ Non-complying"

7.7.1 The Panel acknowledges the support for Rules INFR-R5 and INFR-R6. As no changes are being made to the provisions, submissions S35.028 Chorus NZ Ltd and others and S101.028 Transpower NZ Ltd are accepted.

7.7.2 Mishka Banhidi at paragraph 366 of her s42A Report recommended accepting Transpower's request to amend the status of the default rule to non-complying to provide consistency with Policies 10 and 11 of NPSET. The Panel Agrees.

7.7.3 The Panel considers that the ES submission points (not addressed by the reporting officer) are not relevant to these rules. Submissions S85.075, S85.076 and S85.077 Environment Southland are therefore rejected. The Panel decision is therefore that INFR-R5 and INFR-R6 remain as notified and INFR-R7 defaults to non-complying activity status when permitted activity conditions are not met.

7.7.4 Submission S101.031 Transpower NZ Ltd is accepted by amending Rule INFR-R7 as follows:

Activity status where compliance is not achieved:

~~Discretionary~~ Non-Complying

7.8 Rule INFR-R8

Submitter (S) Further Submitter (FS)	Decision Requested
S85.078 Environment Southland	Broaden the rule INFR-R8 to have a greater consideration of section 6 matters of national importance.
FS31.012 Department of Conservation	Allow S85.078 Environment Southland
FS11.013 Heritage NZ Pouhere Taonga	Allow S85.078 Environment Southland
S35.029 Chorus NZ Ltd S32.029 One NZ Group Ltd S33.029 FortySouth S37.029 Connexa Ltd S154.029 Spark NZ Trading Ltd	Amend INFR-R8 so that Controlled Activity status is afforded to the following activities and sizes: 1. for panel antenna a width of 0.8m is not exceeded; 2. for dish antenna, the antenna does not exceed a diameter of: a. 1.2m in a residential zone; or b. 3m in all other zones. 3 Any activity which does not meet the NESTF permitted regulations but otherwise complies with the INFR standards.
FS21.044, FS21.045, FS21.046, FS21.047, FS21.043 Yrless Ltd	Allow S35.029 Chorus NZ Ltd, S32.029 One NZ Group Ltd, S33.029 FortySouth, S37.029 Connexa Ltd, S154.029 Spark NZ Trading Ltd

7.8.1 Mishka Banhidi at paragraph 372 of her s42A Report recommended rejecting the Chorus and others submissions on the basis that they were inconsistent with the NESTF.

7.8.2 Tom Anderson on behalf of the telecommunication companies acknowledged that the changes sought exceeded parameters in the NESTF but noted that the difference in dimensions would likely not be discernible in terms of any increase in adverse environmental effects, whilst providing benefits for network users. Mishka Banhidi did not alter her position.

7.8.3 The Panel has considered the position of the telecommunication companies, including that adverse environmental effects are likely to be of a minor nature and there is value in improved network performance. However, the proposed controlled size of dish antenna of 3m outside of residential zones lacks analysis. The Panel prefers the advice of the reporting officer for the reasons given. Accordingly, submissions S35.029 Chorus NZ Ltd and others are rejected.

7.8.4 Evidence received from Courtney Bennett and Amy Beran in HS8 and HS9A included an analysis of notified INFR-R8 in relation to Ngāi Tahu cultural values, noting that the rule appropriately allows for consideration of relevant values. Amy Beran in her evidence of 12 February 2025 noted that Hokonui Rūnanga had reaffirmed the relevant values as those outlined in notified INFR-P7. The Panel has amended the policy to reference those values listed in MW-1.2 for consistency and use this wording for the amended matter of discretion.

7.8.5 The Panel accepts submission S85.078 Environment Southland similar to that provided for INFR-R3 and INFR-R4, to align with INFR-P7 as follows:

INFR-R~~8~~9 Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF and are not expressly provided for as a controlled activity in Part 3 of the NESTF

7. Impacts on:

(a) sensitive environments;

(b) the natural character of waterbodies and their margins;

(c) public access to waterbodies;

(d) historic heritage;

(e) natural hazard risk;

(f) adjoining activities and sites; and

(g) ecosystem health.

7.9 Rule INFR-R9

Submitter (S) Further Submitter (FS)	Decision Requested
S35.030 Chorus NZ Ltd S32.030 One NZ Group Ltd S33.030 FortySouth S37.030 Connexa Ltd S154.030 Spark NZ Trading Ltd	Amend INFR-R9 so that the activity status in the specified areas is restricted discretionary not discretionary and add effects on the matter listed in (a) to (d) as well as the functional needs and operational needs of, and benefits derived from critical infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken as matters of discretion**.** Further, an update is required to INFR-R9.1 to include the contaminated land, hazardous substances, natural hazards (excluding telecommunications) ecosystems and indigenous biodiversity and public access chapters.
FS21.048, FS21.049, FS21.050, FS21.051, FS21.052 Yrless Ltd	Allow S35.030 Chorus NZ Ltd, S32.030 One NZ Group Ltd, S33.030 FortySouth, S37.030 Connexa Ltd, S154.030 Spark NZ Trading Ltd
S101.032 Transpower NZ Ltd	Retain Rule INFR-R9 subject to relief sought below amending Rule INFR-R9 as follows: "Activity status: Discretionary Where: 1. The establishment of new infrastructure that has foundations within: (a) an Outstanding Natural Landscape or Feature (b) a Significant Natural Area (c) 20m of the Mataura River or is critical infrastructure in the Mataura River Floodway (d) a site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site (x) land outside of a river and inside of the river side of a Southland Regional Council stopbank"(x) land subject to a high or very high risk of liquefaction, where the infrastructure is critical infrastructure.
S149.021 Yrless	Amend rule status to controlled activity or restricted activity at most.
S85.079 Environment Southland	Reconcile the interplay between Rule INFR 9 and Rules INFR 1 and 2. Additionally, add in wider section 6 matters such as natural hazards.
S109.037 Department of Conservation	Retain with the following amendments (or words to similar effect): Activity status: ~~Discretionary~~ Non complying Where: 1. The establishment of new infrastructure within: (a) an Outstanding Natural Landscape or Feature (b) a Significant Natural Area or unmapped SNA that has been assessed as significant against the criteria in Appendix 4, areas of highly mobile fauna (c) 20m of the Mataura River, or within a riparian margin (d) a site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site
FS30.021 Transpower NZ Ltd FS14.009 NZ Transport Agency Waka Kotahi FS24.021 Contact Energy Ltd	Disallow S109.037 Department of Conservation

7.9.1 Mishka Banhidi did not support the proposed restricted discretionary rule incorporating matters of national importance on the basis that other chapters address these matters, and the telecommunications companies can rely on Regulation 57 of the NESTF and the Civil Defence Emergency Management Act 2002 in relation to natural hazards.

7.9.2 Tom Anderson on behalf of the telecommunication companies argued that restricted discretionary status would be appropriate for activities governed by the NESTF, particularly when considering functional need and operational need and benefits. Mishka Banhidi did not alter her position. The Panel considers that the rule should indicate potential for an NES to apply in response to submissions S35.030 Chorus NZ Ltd and others.

7.9.3 The Panel disagrees with restricted discretionary status because that is already provided for outside of the specified areas and it is important to provide them with

additional protection, and therefore submission S149.021 Yrless is rejected, retaining discretionary status. The Panel considers that INFR-R9 should reference "specified infrastructure" in order to give effect to the NPSIB and NPSHPL, and that "critical infrastructure" should be a discretionary activity in these sensitive areas. Critical infrastructure will include the network utilities and the National Grid. The Panel does not think it is necessary to specify that foundations are in the sensitive area because "within" is sufficiently clear. The Panel agrees with the Director General that new "infrastructure" that is not "critical infrastructure" or "specified infrastructure" should be a non-complying activity in these areas.

7.9.4 Evidence received from Courtney Bennett and Amy Beran in HS8 and HS9A included an analysis of notified INFR-R9 in relation to Ngāi Tahu cultural values, noting that the rule refers to "sites and areas of significance to Māori" which are not relevant in light of Hokonui Rūnanga submission S139.039 and associated evidence. The Panel agrees and has removed reference in the matters of discretion.

7.9.5 The Panel in response to submission S85.079 Environment Southland considers that the rule will be subservient to rules in other chapters where relevant to matters of national importance, but accepts the submission in part by amending the title to the rule.

7.9.6 The Panel also considers that reference to the "mapped Mataura River Floodway" is preferable in response to submission S101.032 Transpower NZ Ltd for ease of plan use.

7.9.6 Submissions S35.030 Chorus NZ Ltd and others, S101.032 Transpower NZ Ltd and S109.037 Department of Conservation are accepted in part by amending INFR-R9 as follows:

INFR-R~~9~~10 Establishment of new infrastructure within specified areas not otherwise provided for

All Zones

Activity status: Discretionary

Where:

1. the activity is specified infrastructure:
   (a) in a Significant Natural Area; or
   (b) on highly productive land;

~~1~~2. the activity is the establishment of ~~new~~ critical infrastructure within:
   (a) an Outstanding Natural Landscape or Feature;
   (b) ~~*a Significant Natural Area*~~ an area of significant indigenous vegetation or significant habitat of indigenous fauna~~;~~
   (c) 20m of the Mataura River or within the mapped Mataura River floodway;
   (d) a *site* containing an item on the Heritage Schedule, a Notable Tree, ~~a Site of Significance to Māor~~i or an Archaeological Site;
   (d) land on the river side of a Southland Regional Council Stopbank; or
   (e) land subject to a high or very high risk of liquefaction;

   unless otherwise provided for in a national environmental standard.

Activity status where compliance is not achieved: ~~N/A~~ Non-complying

7.10 Rule INFR-R10

Submitter (S) Further Submitter (FS)	Decision Requested
S101.033 Transpower NZ Ltd	Retain Rule INFR-R10 as notified.

7.10.1 The Panel acknowledges the support for the rule. As no changes are being made to the provision, submission S101.033 Transpower NZ Ltd is accepted.

7.11 Additional Rules Sought

Submitter (S)	Decision Requested
S95.023 PowerNet Ltd	Include the following new rule: INFR-RX Activities and development (other than earthworks and other than electricity distribution network activities) within the Electricity Distribution Yard All Zones Activity status: Permitted Where: (a) Any building or structure, excluding a fence, is located at least 10m from the centre line of a 66kV electricity distribution line or at least 10m of a foundation of an associated support structure; or(b) Any building or structure, excluding a fence, is located at least 5m from the centre line of a 33kV electricity distribution line or at least 5m of a foundation of an associated support structure; or (c) A fence not exceeding 2.5m in height above ground level; or (d) The building or structure is not used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities). Note: The NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of buildings, structures, and activities in relation to the National Grid and electricity Distribution lines. Buildings, structures, and activities in the vicinity of the National Grid or electricity distribution lines must comply with the NZECP 34:2001. Compliance with the rule requirements of the District Plan does not ensure compliance with NZECP 34:2001 or vice versa.

7.11.1 Mishka Banhidi at paragraph 180 of her s42A Report did not support the rule proposed by PowerNet on the basis of the information provided. Megan Justice provided evidence on behalf of PowerNet in support of the rule and explained that the intent of the rule was to manage potential adverse effects of activities on the distribution network She added that while the submission did not provide the status for not complying with the rule, in her view it should restricted discretionary.

7.11.2 The Panel agrees with PowerNet that introduction of the rule will assist to manage critical infrastructure in the district and agrees to include a new rule after INFR-R7. The Panel accepts the matters of discretion proposed, including in relation to amenity values, as appropriate to the purpose of the rule.

7.11.3 Submission S95.023 PowerNet Ltd is accepted by including the following new rule:

INFR-R8 **Activities and development (other than earthworks and other than electricity distribution network activities) within the Electricity Distribution Yard**

All Zones

Activity status: Permitted

Where:

1. Any building or structure, excluding a fence, is located at least 10m from the centre line of a 66kV electricity distribution line or at least 10m of a foundation of an associated support structure; or
2. Any building or structure, excluding a fence, is located at least 5m from the centre line of a 33kV electricity distribution line or at least 5m from a

foundation of an associated support structure; or

3. A fence, not exceeding 2.5m in height above ground level; or

4. Any building or structure is not used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. The effects of the activities or building or structure on the operation of the electricity distribution infrastructure; and

2. The ability for the electricity distribution infrastructure to be maintained on an ongoing basis; and

3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.

Submitter (S) Further Submitter (FS)	Decision Requested
S35.038 Chorus NZ Ltd S37.038 Connexa Ltd S33.038 FortySouth S32.038 One NZ Group Ltd S154.038 Spark NZ Trading Ltd	New rule permitting temporary network utilities. The only standard should be that the infrastructure must be removed within 12 months. The elevation can be to discretionary activity status
FS30.013, FS30.017, FS30.029, FS30.060, FS30.082 Transpower NZ Ltd	Allow S35.038 Chorus NZ Ltd, S37.038 Connexa Ltd, S33.038 FortySouth, S32.038 One NZ Group Ltd, S154.038
FS14.008, FS14.007 NZ Transport Agency Waka Kotahi	Disallow S33.038 FortySouth, S32.038 One NZ Group Ltd

7.11.4 Mishka Banhidi at paragraph 179 of her s42A Report in response to submission S95.024 from PowerNet referred to matters considered at the Temporary Activities hearing, where a new rule had been recommended applying to Temporary Network Utilities. In her view, nothing further was required if that was adopted by the Panel.

7.11.5 Tom Anderson on behalf of the telecommunication companies argued for relocation of the recommended rule, TEMP-R10, to the Infrastructure chapter and amendments to reflect the reliance on network utilities as critical infrastructure. Mishka Banhidi agreed an amendment was appropriate to refer to a 12 month time limit but preferred that the rule remain in the Temporary Activities chapter.

7.11.6 The Panel agrees with the proposed amendment to TEMP-R10 and considers it should remain in the Temporary Activities chapter to be consistent with mandatory direction 37 of the District-wide Matters Standard of the National Planning Standards.

7.11.7 Submissions S35.038 Chorus NZ Ltd and others are accepted in part by adding the following to Rule TEMP-R10 inserted in Decision 29 at paragraph 5.5.3:

TEMP-R10 Temporary Network Utilities

All Zones

Activity status: Permitted

Any temporary utilities that:

1. are required to provide an emergency service; ~~or~~

2. are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan, or

3. are located on a site for a duration which does not exceed 12 months.

Submitter (S) Further Submitter (FS)	Decision Requested
S110.019 Forest & Bird	Add: INFR-S10 - Minimum Setbacks from Significant Natural Areas All zones 1. Any infrastructure building or structure must be set back 10 metres from the closest boundary of any identified Significant Natural Area. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Whether there is a functional need for the building or structure to be located in the Significant Natural Area, and the extent to which alternative practicable options have been considered and their feasibility. 2. The effects on the indigenous biodiversity, habitats and eco-system within the Significant Natural Area. 3. Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3. 4. Landscape effects 5. Social effects

7.11.8 Mishka Banhidi did not support the proposed Forest & Bird provision based on a lack of clarity around the intent of the rule. The Panel agrees with the reporting officer that the rule proposed by Forest & Bird is not necessary, while noting that matters of discretion have been added to the rule framework to enable consideration of indigenous biodiversity where relevant.

8. Infrastructure Standards

8.1 Standards General

Submitter (S)	Decision Requested
S149.022, S149.023, S149.024, S149.025, S149.026, S149.027, S149.028 Yrless	Amend standard INFR-S1, INFR-S2, INFR-S3, INFR-S4, INFR-S5, INFR-S7, INFR-S8 to better reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.

8.1.1 Mishka Banhidi at paragraph 408 of her s42A Report recommended rejecting the Yrless submissions because of a lack of clarity around the relief requested. As no further information was provided by the submitter, the Panel agrees with the recommendation. Submissions S149.022, S149.023, S149.024, S149.025, S149.026, S149.027, S149.028 Yrless are rejected.

Submitter (S)	Decision Requested
S139.046, S139.047, S139.048, S139.049, S139-50 Hokonui Rūnanga Inc	Make consequential amendments to INFR-S2, INFR-S3, INFR-S4, INFR-S5, INFR-S6 to align with the amendments sought to INFR-P7.

8.1.2 Evidence received from Courtney Bennett and Amy Beran in HS8 and HS9A included an analysis of the infrastructure standards and a preference for assessment of Ngāi Tahu cultural values to align with notified INFR-P7. The Panel preference is to provide for a consistent reference to Ngāi Tahu cultural values listed in MW-1.2, which is incorporated as a matter of discretion in relevant standards.

8.2 Standard INFR-S1

Submitter (S)	Decision Requested
S101.034 Transpower NZ Ltd	Amend Standard INFR-S1 as follows: "1. Above-ground lines are to be at least 10m above the water level of a navigable waterbody when at its maximum navigable flow or attached to, and no lower than, existing structures over a navigable waterbody or otherwise comply with NZECP34:2001. "
S35.031 Chorus NZ Ltd S154.031 Spark NZ Trading Ltd S32.031 One NZ Group Ltd S33.031 FortySouth S37.031 Connexa Ltd	Retain INFR-S1, but detail navigable waterbodies on the planning maps, and ensure that there is a clause in the standard which provides clarification for how INFR-S1 is to interact with INFR-S5.
S95.019 PowerNet Ltd	Retain standard

8.2.1 Mishka Banhidi at paragraph 179 of her s42A Report supported the Transpower submission point. The Panel agrees that reference to the industry standard for transmission lines is appropriate and that other kinds of lines will otherwise be addressed by the description of required clearance above the waterbody.

8.2.2 Mishka Banhidi at paragraph 409 of her s42A Report recommended rejecting mapping navigable waterbodies because she considered that the ordinary meaning could be relied upon and a judgement call made on whether or not a water body is considered navigable. The relationship between INFR-S1 and INFR-S5 is considered in paragraph 8.5.2 below.

8.2.3 Tom Anderson on behalf the telecommunication companies emphasised that there should not be a "judgement call" required in order to apply a standard so either navigable waterbodies should be mapped, named or defined. In her statement of evidence Mishka Banhidi retained her position, noting the Navigation Safety Bylaw provides a definition that could be relied on.

8.2.4 The Panel is satisfied that the relevant navigable waterbody in the Gore district is the Mataura River and to a limited extent its tributaries, therefore has decided to name the river and its tributaries in INFR-S1.

8.2.5 In line with other decisions on this chapter, the Panel also limits the reference to functional need and operational need to critical infrastructure, in line with higher order instruments.

8.2.6 Submissions S35.031 Chorus NZ Ltd and others are accepted in part by amending Standard INFR-S1 as follows:

INFR-S1 Lines over waterbodies

All areas

1. Above-ground lines are to be:

   (a) at least 10m above the *water* level of the Mataura River or a navigable *waterbody* that is a tributary to the Mataura River when at its maximum navigable flow or attached to, and no lower than, existing structures over ~~a navigable~~ the waterbody; or

   (b) otherwise comply with NZECP34:2001.

Activity Status where compliance is not achieved with INFR-S1(a):

Restricted Discretionary

Matters of discretion:

1. The *effects* on navigation.
2. Alternative locations for the *structure*.
3. The *functional needs* and *operational needs* of critical infrastructure, and benefits derived from, the *structure*, including the potential impact on the levels of service if a *structure* of the proposed size is not approved.
4. The amenity values of the respective zone and the extent to which any adverse visual amenity effects can be avoided, remedied or mitigated.
5. Potential impacts on mahinga kai activities.

8.3 Standard INFR-S2

Submitter (S)	Decision Requested
S101.035 Transpower NZ Ltd S35.032 Chorus NZ Ltd S154.032 Spark NZ Trading Ltd	Retain Standard INFR-S2 as notified.

S32.032 One NZ Group Ltd S33.032 FortySouth S37.032 Connexa Ltd S95.020 PowerNet Ltd	

8.3.1 The Panel acknowledges the support for the standard. Submissions S101.035 Transpower NZ Ltd and others are accepted in part because of amendments that limit functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2, for consistency with higher order instruments and other decisions on the Plan.

INFR-S2

Activity Status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Alternative locations for the *structure*.
2. The *functional needs* and *operational needs* of critical infrastructure, and benefits derived from~~,~~ the *structure*, including the potential impact on the levels of service if a *structure* of the proposed size is not approved.
3. The amenity values of the respective zone and the extent to which any adverse visual amenity effects can be avoided, remedied or mitigated.
4. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in ~~the~~ MW-~~2.3~~1.2.

8.4 Standard INFR-S3

Submitter (S) Further Submitter (FS)	Decision Requested
S101.101 Transpower NZ Ltd	Retain Standard INFR-S3 as notified.
FS26.033 Mercury Ltd	Disallow in part S101.101 Transpower NZ Ltd as opposes standardization and reduction of pole height to 13m
S126.060 Southland Federated Farmers of NZ S115.061 Kevin Robertson S143.072 Rural Ratepayers Group S148.073 Alistair and Bernadette Hunt S60.063 Ronald Crispin S68.181 John Baynes	Amend INFR-S3 to be the same across zones, either 25m or 13m. Add additional matter of discretion: 5. consent with landowner.
FS26.032 Mercury Ltd	Allow S126.060 Southland Federated
S85.080 Environment Southland	There is no consideration for poles or masts in outstanding landscapes, 25m high it very tall for an outstanding landscape. Suggest blanket consent for any building or structure in an ONL.
FS21.059 Yrless Ltd	Allow in part. Amend to provide clarity and consistency for all height limits for infrastructure in zones and overlays, taking into account the technical constraints that may apply.

8.4.1 The Panel acknowledges the support for the standard. As changes are being made to the provision, submission S101.101 Transpower NZ Ltd is accepted in part.

8.4.3 The Panel agrees with Mishka Banhidi at paragraph 442 of her s42A Report recommended rejecting the Federated Farmers submission due to differing amenity expectations in different zones, and whether there is landowner agreement was not a matter the Council have regard to. The Panel do not support requirement for landowner agreement, and accordingly, submissions S126.060 Southland Federated Farmers of NZ and others are rejected.

8.4.3 The Panel also agrees with the Mishka Banhidi at paragraph 442 of her s42A Report recommended rejecting the Environment Southland submission as the matter is dealt in INFR-R9. Accordingly, submission S85.080 Environment Southland is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S130.041 Mercury NZ Ltd	The maximum height of any utility pole or mast, and associated electricity lines shall be: Rural Zone, Rural Lifestyle Zone, General Industrial Zone and Light Industrial Zone 1. ~~25~~30m All other zones 2. 13m There is no voltage limit for electricity lines.
FS30.054 Transpower NZ Ltd	Allow S130.041 Mercury NZ Ltd
S35.033 Chorus NZ Ltd S32.033 One NZ Group Ltd S33.033 FortySouth S37.033 Connexa Ltd S154.033 Spark NZ Trading Ltd	Amend wording: The maximum height (excluding any lightning rod or GPS antenna) of any utility pole or mast shall be. INFR-S3.1 - 25m for one telecommunications provider and 30m for two or more telecommunications providers in the General Industrial Zone and Light Industrial Zone, 35m for one telecommunications provider and 40m for two or more telecommunications providers in the Rural Zone and Rural Lifestyle Zone. INFR-S3.2 so that the permitted height in all other zones is the underlying building height in the zone, plus 5m (for one telecommunication provider) and plus a further 5m if the facility provides for the co-location of two or more telecommunication providers.
FS21.053, FS21.054, FS21.055, FS21.056, FS21.057 Yrless Ltd	Allow S35.033 Chorus NZ Ltd, S32.033 One NZ Group Ltd, S33.033 FortySouth, S37.033 Connexa Ltd, S154.033 Spark NZ Trading Ltd
S95.021 PowerNet Ltd	Amend clause (1) of the standard to apply a 16m height limit to all other zones.
FS21.058 Yrless Ltd	Neutral

8.4.4 Mishka Banhidi at paragraph 438 of her s42A Report noted that the terms “pole” and “mast” are used interchangeably because they refer to similar structures, tall and cylindrical. The Panel generally agrees and also supports the submissions S130.041 Mercury NZ Ltd and support in part S35.033 Chorus NZ Ltd and others in relation to referencing electricity lines and lightning rods and antennas in the rule.

8.4.5 Mishka Banhidi advised the Panel, that other than supporting the request of Mercury to refer to electricity lines, she required further information before she could make a recommendation on submissions related to height. In that regard:

(i) Tom Anderson on behalf of the telecommunication companies provided evidence, in conjunction with company representatives, in support of the requested relief for rural zones to accommodate a height of 35m, industrial zones 25m, and all other zones incorporating the building height plus 5m. Of particular note is the requirement to instal higher masts for 5G communications to ensure compliance with the NESTF.

(ii) Megan Justice on behalf of PowerNet argued that a 16m height in urban areas would be commensurate with existing infrastructure effects, and she indicated that the standard should align with INFR-R4, including with regard to a 25m height in the industrial zones.

8.4.6 The Panel agrees that 25m is appropriate as a limit in the industrial and rural zones and therefore does not adopt the 35m maximum proposed by the telecommunication companies for the rural zones. The Panel agrees with a 16m limit in the urban areas, which will provide for some additional height in response to the telecommunications companies.

8.4.7 The Panel also limits functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2, for consistency with higher order instruments and other decisions on the Plan.

8.4.8 Submissions S130.041 Mercury NZ Ltd, S35.033 Chorus NZ Ltd and S95.021 PowerNet Ltd are accepted in part by amending Standard INF-S3 as follows:

INFR-S3 Height of Poles and Masts

Rural Zone, Rural Lifestyle Zone, General Industrial Zone and Light Industrial Zone

The maximum *height* of any utility pole or mast, excluding any lightning rod or GPS antenna, and associated electricity lines shall be:

1. 25m

All Other Zones

2. ~~13m~~ 16m

Activity Status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Alternative locations for the *structure*.
2. The *functional needs* and *operational needs* of critical infrastructure, and benefits derived from~~,~~ the *structure*, including the potential impact on the levels of service if a *structure* of the proposed size is not approved.
3. The amenity values of the respective zone and the extent to which any adverse visual amenity effects can be avoided, remedied or mitigated.
4. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in ~~the~~ MW-~~2.3~~1.2.

8.5 Standard INFR-S4

Submitter (S) Further Submitter (FS)	Decision Requested
S35.034 Chorus NZ Ltd S154.034 Spark NZ Trading Ltd S32.034 One NZ Group Ltd S33.034 FortySouth S37.034 Connexa Ltd	Retain INFR-S4 as notified. Exceptions to INFR-S4 are supported
S112.017 Waka Kotahi NZ Transport Agency	Amend Matters of Discretion as follows: 1. Alternative locations for the building ~~structure~~. 2. The functional needs and operational needs of, and benefits derived from, the building ~~structure~~, including the potential impact on the levels of service if a building ~~structure~~ of the proposed size is not approved. ... 4. Impacts on the safety and functionality of the road, including any footpath or cycleway.
S95.022 PowerNet Ltd	Amend standard as follows: ... Except this rule does not apply to: (a) poles, antennas, and associated cabinets and equipment (cabinets and equipment up to 10m2 in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication and electricity distribution activities;
S101.036 Transpower NZ Ltd	Amend Standard INFR-S4 as follows: "Except this rule does not apply to: (a) poles, antennas, and associated cabinets (cabinets up to 10m2 in area and 3m in height, exclusive of any plinth or other foundation), for electricity transmission, electricity distribution, telecommunication and radio communication; (b) lines and support structures for telecommunications or electricity transmission and electricity distribution; (c) network utilities within legal road."
FS24.022 Contact Energy Ltd	Allow S101.036 Transpower NZ Ltd
S132.025 KiwiRail Holdings Ltd	Add Setbacks from boundaries

	2. All buildings or structures shall be setback a minimum of 5m from any rail corridor boundary. Add Matters of discretion: 5. The safe and efficient operation of the rail network 6. Compatibility with the surrounding environment 7. The reason for the reduced setback

8.5.1 The Panel acknowledges the support for the standard. As changes are being made to the provision, submissions S35.034 Chorus NZ Ltd and others are accepted in part.

8.5.2 Mishka Banhidi recommended accepting the submissions of NZTA, PowerNet and Transpower. The Panel agrees for the reasons she has given.

8.5.3 Mishka Banhidi at paragraph 461 of her s42A Report recommended partially accepting the submission point of KiwiRail without including reference to the 5m setback. Louise Taylor on behalf of KiwiRail continued to support additional matters of discretion, and conditionally accepted reference to "rail corridor setbacks" rather than a standard 5m setback.

8.5.4 The recommendation of Mishka Banhidi was predicated on the basis that recommendations to include a setback from the rail corridor be included in the Plan with the extent of the setback determined by the height of building. In Decision 2 the Panel has rejected the submissions of KiwiRail. As a consequence of that decision, the zone boundary setbacks will apply and there is no "rail corridor setback". The addition recommended to Standard INFR-S4(1) is not therefore appropriate. The Panel agrees however, an addition should be made to the Restricted Discretionary Matters of Discretion clause (4) referring to the rail network.

8.5.5 The Panel also limits functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2 (with reference to submission S149.048 Hokonui Rūnanga), for consistency with higher order instruments and other decisions on the Plan.

8.5.6 Submissions S112.017 Waka Kotahi NZ Transport Agency, S95.022 PowerNet Ltd and S101.036 Transpower NZ Ltd are accepted and submission S132.025 KiwiRail Holdings Ltd accepted in part by amending the following provisions of Standard INF-S4:

INFR-S4 *Setbacks* from boundaries

1. Where the utility is a *building*, it must be set back in accordance with the side, rear, and *road boundary, setbacks* for *buildings* in the zone in which it is located.

Except this ~~rule~~ standard does not apply to:

(a) poles, antennas, ~~and~~ associated cabinets and equipment (cabinets and equipment up to 10m^2 in area and 3m in *height*, exclusive of any plinth or other foundation), for telecommunication, ~~and~~ radio communication, and electricity transmission and distribution activities;

(b) lines and support structures for telecommunications, and electricity transmission and distribution;

(c) *network utilities* within legal *road.*

Matters of discretion:

1. Alternative locations for the ~~*structure*~~ *building.*

2. Reasons for a reduced setback, including ~~T~~the *functional needs* and *operational needs* of critical infrastructure, and benefits derived from, the ~~*structure*~~ *building*, including the potential impact on the levels of service if a ~~*structure*~~ *building* of the proposed size is not approved.

3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.

4. Impacts on the safety and functionality of the *road* and rail network, including any *footpath* or cycleway.

5. Impacts on Ngāi Tahu cultural values listed in MW-1.2.

8.6 Standard INFR-S5

Submitter (S)	Decision Requested
S109.038 Department of Conservation	Retain as notified
S146.107 Southland District Council	Retain INFR-R5 (stet) as notified. Setbacks from Rivers and Streams being tied to stream order is a useful idea, and the matters of discretion for INFR-S5 are fitting and should reduce impacts downstream.
S101.037 Transpower NZ Ltd	Amend Standard INFR-S5 as follows: "1. The foundation of a~~A~~ny infrastructure building or structure must not be located within the following ~~be~~ set back from the closest bank of any stream or river as follows: (...) Amend Standard INFR-S5 Matters of Discretion as follows: "x. The benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken."
S35.035 Chorus NZ Ltd S154.035 Spark NZ Trading Ltd S32.035 One NZ Group Ltd S33.035 FortySouth S37.035 Connexa Ltd	Ensure that there is a clause in the standard which provides clarification for how INFR-S5 is to interact with INFR-S1.
S133.003 David Pullar	Exclude fences for primary production purposes.
S126.061 Southland Federated Farmers of NZ S115.062 Kevin Robertson S143.073 Rural Ratepayers Group S148.074 Alistair and Bernadette Hunt S60.064 Ronald Crispin S68.182 John Baynes	Amend INFR-S5: 1. Any infrastructure building or structure (not including a farm fence which is not subject to setbacks) must be set back from the closest bank of any stream or river as follows: (a) 20m for high order rivers or streams (order 5 and above); (b) 10m for middle order rivers or streams (order 3 and 4); and (c) 5m for low order rivers or streams (order 1 and 2).
S85.081 Environment Southland	Infrastructure should be managed around existing flood control measures.

8.6.1 The Panel acknowledges the support for the standard. As changes are being made to the provision, submissions S109.038 Department of Conservation and S146.107 Southland District Council are accepted in part.

8.6.2 Mishka Banhidi at paragraph 478 of her s42A Report recommended accepting in part the Transpower submission referring to the foundation of a building but did not agree to the additional matter of discretion that focussed on benefits because this was already provided under s104. Ainsley McLeod on behalf of Transpower in her evidence argued that it was appropriate to include a matter of discretion specific to the benefits, as with other standards and rules in the Plan. This was subsequently supported by Mishka Banhidi at paragraph 51 in her statement of evidence of 5 November 2024.

8.6.3 Mishka Banhidi at paragraph 479 of her s42A Report recommended amending the provision applying to farm fences to align to recommendations made in HS3 in relation to fencing in the rural zones. The Panel agrees with the recommendation, which is consistent with the amendment made to Standard GRUZ-S7 in Decision 16 General Rural Zone at paragraph 6.8.7.

8.6.4 The Panel notes Standard INFR-S1 applies to lines over water bodies, while Standard INFR-S5 refers to setback from rivers and streams. Mishka Banhidi at paragraph 479

of her s42A Report, in response to the telecommunication companies seeking clarity between the two provisions, recommended amending the standard to specify that it relates to infrastructure attached to land within the river or stream setback. Tom Anderson on behalf of the telecommunication companies accepted the s42A Report recommendation. The Panel agrees with that recommendation as it provides clarity.

8.6.5 While Environment Southland did not provide any additional information, the Panel considers that the rules as amended adequately recognise the matter of activities affecting regional council stopbanks.

8.6.6 The Panel also limits functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2 (with reference to submission S149.049 Hokonui Rūnanga), for consistency with higher order instruments and other decisions on the Plan.

8.6.7 Submissions S101.037 Transpower NZ Ltd and S35.035 Chorus NZ Ltd are accepted and submissions S35.035 Chorus NZ Ltd and others, S133.003 David Pullar, S126.061 Southland Federated Farmers of NZ and others, and S85.081 Environment Southland are accepted in part by making the following amendments to Standard INFR-S5:

INFR-S5 ***Minimum Setbacks from Rivers and Streams***

1. The foundation of ~~A~~any *infrastructure building* or *structure* must be set back from the closest bank of any stream or *river* as follows:
   (a) 20m for high order rivers or streams (order 5 and above);
   (b) 10m for middle order rivers or streams (order 3 and 4); and
   (c) 5m for low order rivers or streams (order 1 and 2).

Except that fences of post and wire construction are permitted within the setback where these are:

(i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps;

(ii) not located within the stream or riverbed;

(iii) not constructed across the stream or river channel; or

(iv) not constructed across or otherwise on a stopbank.

Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Whether there is a functional need for the building or structure as part of critical infrastructure to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility.
2. The effects on water quality and the stability and health of the stream bed and banks, including erosion and sedimentation control measures.
3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous biodiversity and ~~/or habitats~~ proposed mitigation measures, including:
   (a) opportunities for enhancement and restoration;
   (b) methods proposed to monitor or inspect the works undertaken;
   (c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and

(d) management of potential adverse effects through a Biodiversity Management Plan.

4. The natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer to Natural Features and Landscapes Appendix 5 in regard to the Mataura River.

5. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in MW-~~2.3~~1.2.

6. The effects on public and customary access to the stream or river.

7. The potential for flooding and to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other sites.

8. The benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken.

8.7 Standard INFR-S6

Submitter (S) Further Submitter (FS)	Decision Requested
S35.036 Chorus NZ Ltd S154.036 Spark NZ Trading Ltd S32.036 One NZ Group Ltd S33.036 FortySouth S37.036 Connexa Ltd	Retain INFR-S6 as notified
S112.018 Waka Kotahi NZ Transport Agency	Amend the Matters of discretion: 5. Impact on safe, efficient and effective function or operation of roads including State highways including any obstruction of views of intersections, accessways or ongoing traffic and any shading over roads.
S85.082 Environment Southland	Listed criteria may be too permissive in sensitive areas.
S101.038 Transpower NZ Ltd	Amend Standard INFR-S6 as follows: "The maximum footprint of any utility building or structure shall comply with the relevant building coverage provisions for the zone they are located in or otherwise be: (...)
FS21.060 Yrless Ltd	Allow S101.038 Transpower NZ Ltd

8.7.1 The Panel acknowledges the support for the standard. As changes are being made to the provision, submissions S35.036 Chorus NZ Ltd and others are accepted in part.

8.7.2 The Panel agrees with the assessment of Mishka Banhidi that the outcome sought by ES's submission is considered to be achieved by INFR-R9 which requires consent for the establishment of new infrastructure within specified areas. Accordingly, submission S85.082 Environment Southland is rejected.

8.7.3 The Panel adopts the recommendations of Mishka Banhidi recommending acceptance of the submissions of NZTA and Transpower for the reasons she gives. The Panel also limits functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2 (with reference to submission S149.050 Hokonui Rūnanga) for consistency with higher order instruments and other decisions on the Plan.

8.7.4 Submissions S112.018 Waka Kotahi NZ Transport Agency and S101.038 Transpower NZ Ltd are accepted by making the following amendments to INFR-S6:

INFR-S6 Footprint of buildings and structures

1. The maximum footprint of any utility *building* or *structure* shall comply with the relevant building coverage provisions for the zone and overlay they are located in. ~~be:~~

~~(a) In the General Residential, Large Lot Residential, Medium Density Residential, Settlement, Town Centre, Local Centre, Neighbourhood Centre and Māori Purpose zones: 6m2~~

~~(b) In all other zones: 10m2~~

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Alternative locations for the building or structure.
2. The functional needs and operational needs of critical infrastructure, and benefits derived from, the building or structure, including the potential impact on the levels of service if a building or structure of the proposed size is not approved.
3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.
4. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in MW-~~2.3~~1.2.
5. Impact on safe, efficient and effective function or operation of roads, including State highways, and including any obstruction of views of intersections, accessways or ongoing traffic and any shading over roads.

8.8 Standard INFR-S7

Submitter (S) Further Submitter (FS)	Decision Requested
S35.037 Chorus NZ Ltd S32.037 One NZ Group Ltd S33.037 FortySouth S37.037 Connexa Ltd S154.037 Spark NZ Trading Ltd	Amend INFR-S7 as follows: 1. That for panel antennas the maximum width is 0.7m, ~~and~~ for all ~~other~~ dish antenna ~~types~~ the maximum ~~surface area~~ diameter is no greater than ~~1.5m2~~ 0.6m in the residential zones and 1.2m in all other zones and for whip and dipole antennas, the maximum length is ~~are~~ less than 4m ~~in length~~. 2. For small cells and ancillary equipment**,** the volume of the unit must not exceed 2.5m3.
FS21.061, FS21.062, FS21.063, FS21.064, FS21.065 Yrless Ltd	Allow S35.037 Chorus NZ Ltd, S32.037 One NZ Group Ltd, S33.037 FortySouth, S37.037 Connexa Ltd, S154.037 Spark NZ Trading Ltd

8.8.1 Mishka Banhidi at paragraph 505 of her s42A Report recommended accepting the submission of the telecommunication companies as this allows for more targeted standard whilst still effectively managing possible adverse effects. The Panel agrees.

8.8.2 The Panel also limits functional need and operational need to critical infrastructure and Ngāi Tahu cultural values to those listed in MW-1.2 (with reference to submission S149.040 Hokonui Rūnanga), for consistency with higher order instruments and other decisions on the Plan.

8.8.3 Submissions S35.037 Chorus NZ Ltd and others are accepted by making the following changes to Standard INFR-S8.

INFR-S7 Antennas, Small Cells and ancillary equipment

1. That for panel antennas the maximum width is 0.7m, ~~and~~ for all other dish antenna ~~types~~ the maximum ~~surface area~~ diameter is no greater than ~~1.5~~0.6m^2 and for whip and dipole antennas the maximum length is ~~are~~ less than 4m ~~in length~~.
2. For small cells and ancillary equipment, the volume of the unit must not exceed 2.5m^3.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Alternative locations for the structure.
2. The functional need~~s~~ and operational need~~s~~ of critical infrastructure, and benefits derived from~~,~~ the structure, including the potential impact on the levels of service if a *structure* of the proposed size is not approved.
3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.
4. Impacts on Ngāi Tahu cultural values~~, including those~~ listed in MW-~~2.3~~1.2.

8.9 Standard INFR-S8

Submitter (S)	Decision Requested
S149.026 Yrless	Retain as notified.

8.9.1 The Panel acknowledges the support for the standard. As no changes are being made to the provision, submission S149.026 Yrless is accepted.

8.10 Standard INFR-S9

Submitter (S)	Decision Requested
S101.039 Transpower NZ Ltd	Retain Standard INFR-S9 as notified.

8.10.1 The Panel acknowledges the support for the standard. As no changes are being made to the provision, submission S101.039 Transpower NZ Ltd is accepted.

8.11 Mapping National Grid

Submitter (S)	Decision Requested
S101.098 Transpower NZ Ltd	Revise the Planning Map as necessary to show all parts of the National Grid (including those parts of the National Grid that are designated)

8.11.1 Given rules apply to the National Grid, the Panel agrees with Mishka Banhidi that it should be shown as a layer on the planning maps as requested by Transpower, as shown on Appendix B to this Decision. Accordingly, submission S101.098 Transpower NZ Ltd is accepted.

9. Other Matters

9.1 Section 32AA

9.1.1 The Panel is satisfied that decision on the Infrastructure chapter meets statutory requirements, including the purpose and principles in Part 2 of the RMA and directions contained in National Planning Standards, and relevant higher order instruments. The Panel are also satisfied that assessment has been undertaken in accordance with s32AA where necessary. Further discussion of statutory matters occurs in this decision where relevant to a particular aspect of the decision.