Draft National Planning Standards

A submission to the Planning Standards Team
Ministry for the Environment

17th August 2018
Trustpower Limited ("Trustpower") welcomes the opportunity to provide a submission to the Ministry for the Environment ("MfE") on its Draft National Planning Standards ("the Standards").

For any questions relating to the material in this submission, please contact:

Nicola Foran
Lead Environmental Advisor - Regulatory
Trustpower Limited

Email: [redacted]
Phone: [redacted]
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1.0 Introduction and Overview

1.1 This submission is made by Trustpower Limited ("Trustpower") in relation to the draft first set of National Planning Standards ("Standards") and accompanying documentation.

1.2 By way of introduction, Trustpower is New Zealand’s fourth largest electricity retailer and fifth largest electricity generator. It is a publicly listed company and is predominantly New Zealand owned. The company grew from the Tauranga Electric Power Board, which was established in 1924. Trustpower now employs approximately 750 staff and services 240,000 residential, commercial and industrial customers across New Zealand.

1.3 Trustpower’s core business is the generation and retailing of electricity. The business also incorporates the development of new electricity generation and water conveyance infrastructure, as well as the provision of telecommunication and broadband services. The Energy Companies Act 1992 requires that the principal objective of every energy company is to operate as a successful business. Consistent with this objective, Trustpower has built a reputation as a successful and responsible generator and retailer of electricity. Trustpower also considers that achieving strong environmental performance is an integral part of being a successful business.

1.4 Trustpower’s electricity generation portfolio is derived predominately from renewable energy sources. In New Zealand, the company owns and operates 19 hydro-electric generation schemes and a diesel peaking facility, which are geographically spread throughout the country. The company’s electricity generation portfolio in New Zealand differs from other electricity generators in that its assets are typically of small to medium output, are relatively numerous, and are spread across a number of districts and regions in New Zealand - thereby exposing Trustpower to divergent resource management planning regimes and standards across multiple regional and local authorities.

1.5 In addition to the enhancement of its existing assets, Trustpower has an active programme of investigating and developing new electricity generation opportunities throughout New Zealand. Over the past 20 years this programme has focused on the consenting and development of new wind and hydro-electricity generation infrastructure under the regulatory framework of the Resource Management Act 1991 ("RMA"). Notable new development projects have included the Kaiwera Wind Farm in Southland, the Mahinerangi Wind Farm in Otago and the Wairau Hydro-electric Power Scheme in Marlborough.

1.6 The value of Trustpower’s electricity generation infrastructure resides from its resource consents, particularly the water permits which are required for all damming, diversion, abstraction, use and discharges of water associated with the operation of the company’s hydro-electric power schemes. To this extent, Trustpower holds approximately 580 resource consents and must comply with approximately 4,500 consent conditions across its 20 electricity generation schemes.

1.7 Ensuring that these resource consents are able to be renewed and are not unduly affected by regional plan rules / reviews is a key regulatory focus for Trustpower. The company also seeks to ensure that statutory planning documents recognise the resource use requirements of renewable electricity generation infrastructure, and give effect to the requirements of the National Policy Statement on Renewable Electricity Generation 2011 ("NPSREG") in a reasonably integrated manner.

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1 The resource consents for the Kaiwera Downs and Mahinerangi Wind Farms are now held by Tilt Renewables Limited, a subsidiary company of Trustpower.
Likewise, Trustpower spends considerable effort working with regional and local authorities to ensure that the Government’s renewable energy targets are appropriately recognised within statutory planning documents.

In light of the above, Trustpower has a particular interest in the Standards and the proposals to refine the structure of statutory planning documents and align the use of definitions used in these documents.

While Trustpower has telecommunication interests, we do not have in ground assets, but would like it noted that we support the submission presented by the NZ Telecommunications Forum (TCF).

2.0 Overview of Submission

Trustpower’s submission has been structured to address the key matters in relation to the Standards. Each section of this submission includes relief recommended by Trustpower to address the matters raised in the submission.

The key amendments discussed in the submission below are set out under the following headings:

- Structure of regional policy statements;
- Structure of regional plans;
- Structure of district plans;
- District wide matters;
- Area specific matters;
- Electronic Accessibility and Functionality;
- Mapping;
- Definition of bore;
- Definition of building;
- Definition of cleanfill;
- Definition of drain;
- Definition of drinking water;
- Definition of functional need;
- Definition of reverse sensitivity;
- Definition of small scale renewable electricity generation;
- Definition of site;
- Definition of structure;
- Noise and vibration metric standards; and
- Future planning standards.

Those definitions not listed above are supported by Trustpower in their current form in the Standards.
3.0 Specific Submissions on the Standards

Draft Regional Policy Statement Structure Standard (S-RPS)

3.1 Trustpower supports in part Direction 3 in S-RPS regarding the mandatory structure of regional policy statements as there is recognition of the need for policy statements to address the management of energy and infrastructure as a matter of regional significance.

3.2 While it is appropriate (and commonplace) to include a chapter in regional policy statements regarding the management of energy and infrastructure in the region, it is Trustpower’s experience that many regional policy statements also acknowledge matters relation to the provision of energy and infrastructure in other relevant chapters. These include chapters regarding the management of fresh water, geothermal resources and the coastal environment. By way of example, the Canterbury Regional Policy Statement includes a chapter on resource management issues regarding energy within the Canterbury Region (Chapter 16), but also includes policies within its fresh water chapter (Chapter 7) that:

- Recognise the benefits of water harvesting for improving the storage potential and generation output of hydro-electricity generation activities; and
- Recognise and provide for the continuation of existing hydro-electricity generation and irrigation schemes, and other activities which involve substantial investment in infrastructure (but require improvements in water use efficiency and reductions in adverse environmental effects of these activities where appropriate).

3.3 Trustpower considers that the Standards need to continue to provide for this type of approach to the drafting of regional policy statements so that there is clear integration / expectation as to how natural and physical resources will be managed. The Standards should not unintentionally compartmentalise the management of nationally significant natural and physical resources (including renewable electricity generation activities) in regional policy statements by way of one chapter simply specifying how key natural resources will be protected or managed, and another chapter including generic provisions regarding the use and development of energy and infrastructure. This type of joined-up-thinking mirrors the comments the Minister for the Environment has made with respect to environmental, economic, and primary sector policy initiatives.

3.4 Overall, Trustpower generally agrees with the theme-based approach to the structuring of regional policy statements but seeks to ensure that the Standards also provide sufficient flexibility so that matters relating to certain topics may appear in multiple chapters for the purposes of integrated management. This optionality may not be precluded by the Standards, but it is not clearly endorsed either.

3.5 Trustpower therefore requests that Table 3 under Direction 3 be amended as follows:

<table>
<thead>
<tr>
<th>Part 4 - Themes</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Infrastructure and energy</td>
<td>If infrastructure and energy matters are addressed in the regional policy statement they must be included in the</td>
</tr>
</tbody>
</table>

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2 Policy 7.3.10 of the Canterbury Regional Policy Statement.
3 Policy 7.3.11 of the Canterbury Regional Policy Statement.
Trustpower Submission

Draft Regional Plan Structure Standard (S-RP)

3.6 Trustpower supports in part Direction 4 in S-RP regarding the mandatory structure of regional plans. As noted in the submission above, there is a need for regional plans to recognise and address the management of energy and infrastructure matters as part of the sustainable management of natural and physical resources. However, for the reasons noted above, it is considered that the Standards should not preclude the integrated management of particular issues relevant to energy and infrastructure across multiple chapters in regional plans.

3.7 By way of example, Trustpower notes that Chapter 7 (Water Quantity and Allocation) of the Bay of Plenty Regional Natural Resources Plan includes provisions relating to the management of existing hydro-electric power schemes in the region.\(^4\) This approach is considered appropriate and highlights the need to provide for the integrated management of water resource and physical resources (in the form of existing hydro-electric schemes).

3.8 The Standards should not unintentionally compartmentalise the management of natural and physical resources in regional plans by way of one chapter simply specifying how key natural resources will be protected and another chapter including generic provisions regarding the use and development of energy and infrastructure (as matters of national significance recognised by national policy statements). In this regard, it is noted that the rules for energy and infrastructure are often compiled in regional plans to avoid such activities to be evaluated against individual rules for water takes, discharges of contaminants, the diversion of water and the establishment of structures in the beds of lakes and rivers.

3.9 Trustpower therefore requests that Table 4 under Direction 4 be amended as follows:

<table>
<thead>
<tr>
<th>Part 4 - Themes</th>
<th>If the local authority chooses to address matters on a theme basis, this part and any of its relevant accompanying chapters must be used.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure and energy</td>
<td>If the local authority chooses to address matters on a theme basis and infrastructure and energy matters are addressed in the regional plan they must be included in the Infrastructure and energy chapter, acknowledging that matters related to the management of infrastructure and energy may also need</td>
</tr>
</tbody>
</table>

\(^4\) For example, Objective 40 and Policies 66 and 69 of the Bay of Plenty Regional Natural Resources Plan.
3.10 Trustpower also supports the option of regional plans seeking to address resource management matters on a catchment basis. This approach reflects the direction recently provided by the National Policy Statement for Freshwater Management 2017.

**Draft District Plan Structure Standard (S-DP)**

3.11 Trustpower supports in part Direction 3 in S-DP in relation to the mandatory structure of district plans. It is Trustpower’s experience that some district planning documents fail to recognise the national significance of existing renewable electricity generation infrastructure in their jurisdiction, and are overly focussed in controlling the potential adverse effects of such activities – without considering the wider benefits provided by such infrastructure. That is, there can be an unyielding focus on developing policies that ensure all adverse effects are “no more than minor”.

3.12 While in some circumstances in may be appropriate for infrastructure and energy to be managed in district plans as activities that are to be provided for across the district (regardless of the underlying zone); in light of their recognised national significance, it also needs to be recognised that it may be appropriate for specific infrastructure and energy matters to be addressed via special purpose zones in some instances. In this regard, there may be examples where power station sites are zoned as specific purposes zones in a manner similar to airports, ports or hospitals. For example, the Proposed South Taranaki District Plan has specific provisions that apply to the operation, maintenance, enhancement, refurbishment and upgrading of infrastructure within the footprint of the Patea Hydro-electric Power Scheme.

3.13 Trustpower therefore requests that Table 5 under Direction 4 be amended as follows:

<table>
<thead>
<tr>
<th>Part 4 – District Wide Matters</th>
<th>Local authorities must implement the District Wide Matters Standard (S-DWM).</th>
</tr>
</thead>
<tbody>
<tr>
<td>…</td>
<td>Local authorities must consider whether other sections should also be included in this chapter and include them if they are required...</td>
</tr>
<tr>
<td>Infrastructure and energy</td>
<td><strong>Infrastructure and energy matters may also be addressed via specific purpose zones or other provisions (e.g. a chapter that provides a complete code for the management of particular activities) that are applicable to the circumstances relating to specific infrastructure and energy matters.</strong></td>
</tr>
</tbody>
</table>

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Draft District Wide Matters Standard (S-DWM)

3.14 Trustpower supports in part the direction provided in S-DWM as it relates to district wide matters that are to be included in district plans.

3.15 However, it is noted that Direction 7 refers to objectives, policies and methods, including rules (if any) that will ensure the life supporting capacity of landscapes, landforms and natural character systems are safeguarded. This does not reflect the requirements of the RMA, which focus on the protection of natural character and outstanding natural landscapes / features from inappropriate development (as well as the maintenance and enhancement of amenity values). The direction to safeguard such values is an inaccurate summary of the obligations on decision makers under sections 6 and 7 of the RMA.

3.16 Direction 21 states that the Infrastructure and energy chapter must “to the extent relevant” contain provisions that give effect to the NPSREG. This qualifying text is not necessary or appropriate. The NPSREG already requires regional policy statements, regional plans and district plans to provide for different forms of renewable energy to the extent applicable to the region or district. There is no region or district where the provisions are not relevant. As such, the qualifying text should be deleted from the Standards.

3.17 Direction 23 specifies that infrastructure and energy matters must be addressed in a specific chapter unless provided for via a special purpose zone. In addition to the comments made earlier in this submission, it is noted that some zone chapters often need to include objectives and policies that address the provision of infrastructure and energy. For example, the Combined Wairarapa District Plan\(^5\) and Tararua District Plan\(^6\) both recognise in their rural zone chapters that there are resources within rural areas that are attractive for renewable electricity generation. The recognition of these areas for infrastructure and energy should not be precluded because of the Standards.

3.18 Trustpower therefore requests that the direction provided in S-DWM be amended as follows:

7 If the following matters are to be addressed in combined plans or district plans, they must be located in the Landscape, landforms and natural character section:

a. ...

b. objectives, policies and methods, including rules (if any) that will protect outstanding areas from inappropriate subdivision, use and development, and maintain significant or valued landscapes or landforms ensure the life supporting capacity of these systems are safeguarded

c. ...

21 The Infrastructure and energy chapter must, to the extent relevant contain provisions that give effect to:


\(^{5}\) Section 4.1 of the Combined Wairarapa District Plan.

\(^{6}\) Section 2.3.1.2 of the Tararua District Plan.
If relevant to a local authority, the following matters must be addressed in the infrastructure and energy chapter, and relevant zone chapters where appropriate, unless provided in a special purpose zone, requirement or designation...

**Draft Area Specific Matters Standard (S-ASM)**

3.19 Trustpower support in part the guidance provided in Direction 7 of S-ASM with respect to when an additional special purpose zone may be created.

3.20 However, it is noted that Direction 7 does not specify whether clauses (a), (b) and (c) all need to be met in order for an additional special purpose zone, or whether each clause is an alternative to each other. In addition, it is considered that an additional justification for a special purpose zone may be due to an activity or land use crossing multiple regional or district boundaries. A special purpose zone may be appropriate in these circumstances in order to support a consistent set of provisions for the activity.

3.21 Trustpower therefore requests that the direction provided in S-ASM be amended as follows:

7 An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:

a. are significant to the district or region; or

b. could not be enabled by any other zone; or

c. could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control; or

d. involves cross-boundary issues with another district or region.

**Draft Electronic Accessibility and Functionality Standard (F-1)**

3.22 Trustpower supports in part the directions towards requirements for electronic functionality and accessibility in F-1. In particular, Trustpower supports the Data Standards, which require digital plan data to be uploaded to www.data.govt.nz. Organisations like Trustpower will gain huge efficiencies in being able to encompass existing Council GIS information with their own GIS information.

3.23 However, it is considered that the Standards should also require statutory planning documents to be viewed as a single PDF or chapter by chapter PDF’s (which is a feature common to some plans). This functionality is necessary when there is a need to print or copy large parts of statutory planning documents.

3.24 Trustpower therefore requests that the direction provided in F-1 be amended as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Instructions</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timeframes</td>
<td>...</td>
<td>All local authorities</td>
</tr>
<tr>
<td>Plan accessibility and functionality</td>
<td>...</td>
<td>9A. All policy statements and plans prepared under the Resource Management Act 1991 shall be available as a single PDF or as chapter by chapter PDF’s.</td>
</tr>
</tbody>
</table>
Draft Mapping Standard (F-2)

3.25 Trustpower supports in part the draft mapping standards in F-2.

3.26 However, with respect to the colour palette in Table 21 it is considered that similar grouped zones should share a common colour range. For instance, the rural zones should all be in the same colour range. While the residential, commercial and open space zones all follow the same colour range, it is noted that the colour range for rural zones is green through to cream / light pink. Trustpower consider that all rural zones should be identified based on the green colour range.

3.27 In regards to the symbology table in Table 22, the hazard symbols (coastal / flood / volcanic / fault) should be in shades of red or orange, as that is what is commonly associated with hazards. The Coastal environment colour should be a more aqua blue (RGB 0, 176, 240) and a new symbol for freshwater bodies should be included using a shade of blue (RGB 28, 103, 148). As a consequence, the designation colour would need to change, perhaps to a lighter brown colour (RGB 140, 85, 3) in keeping with the Heritage area.

3.28 Trustpower therefore requests that the direction provided in F-1 be amended as follows:

- Amend Table 21 so that the rural zones are based on a green colour palette.
- Amend Table 22 so that the hazard symbols are in the red or orange colour palate, the coastal environment is an aqua blue, the designation is a light brown, and include a new freshwater body in a mid blue.

Draft Status of Rules and Other Text and Number Form Standard (F-6)

3.29 Trustpower supports in part the draft Status of Rules and Other Text and Number Form Standard.

3.30 However, in regards to the references to Regional Policy Statements, this abbreviated text form for this should be “RPS” not “PS”. RPS is the commonly used acronym across the planning industry that references Regional Policy Statements. To change this to PS would be contrary to current practice and referencing.

3.31 Trustpower therefore requests that the direction provided in F-6 be amended as follows:

Numbering Form Category

5 In combined plans, where chapters or sections relate to regional policy statement matters, those chapters and section numbers must be prefixed with a RPS.

Table 28: Numbering Table

Sections: Combined Plans

- RPSAQ - for Air quality in regional policy statement
- RPSCE - for Coastal environment in regional policy statement
- RPSLNC – for Landscapes, landforms and natural character in regional policy statement
- RPSEIB - for Ecosystems and indigenous biodiversity in regional policy statement
- RPSEIR - for Environmental risk in regional policy statement PSHH – Historic heritage in regional policy statement
Draft Definitions Standard (CM-1)

Definition of ‘Bore’

3.32 Trustpower supports the definition of the term ‘bore’ in part, but considers the reference to ‘constructed’ in the definition to be somewhat artificial. The definition would be more effective if it referred to any hole drilled or constructed into the ground, given that most bores can only be established by a specialist borer.

3.33 Trustpower therefore requests that the definition of bore be amended as follows:

Bore

(a) Means any hole drilled or constructed into the ground that is used to:
   (i) investigate or monitor conditions below the ground surface; or
   (ii) abstract liquid substances from the ground; or
   (iii) discharge liquid substances into the ground; but

(b) It does not include test pits and soak holes.

Definition of ‘Building’

3.34 Trustpower supports in part the definition of ‘building’ in the Standards, as it is apparent that many local authorities have divergent definitions of what constitutes a building (which should be a relatively straightforward term to define). However, the proposed definition introduces a high degree of subjectivity by referring to “…or any structure that is similarly enclosed”.

3.35 As noted in the Ministry for the Environment’s Consultation Document, definitions should be clear and avoid using subjective language. The draft definition does not achieve this objective as it requires an interpretation as to whether some other structures are also buildings. For example, a dam does not have a roof but it could (and has been in) argued that it is a structure that is “similarly enclosed”. However, it is Trustpower’s view that a dam should be classified as a structure rather than as a building.

3.36 Trustpower therefore requests that the definition of building be amended as follows:

Building means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.

Definition of ‘Cleanfill’

3.37 Trustpower opposes the definition of ‘cleanfill’ in the Standards.

3.38 There is a need to distinguish between cleanfill (being natural materials such as clay, gravel, sand, soil and rock which may be deposited on a site as fill during earthworks) and cleanfill’s (which are sites where cleanfill material may be deposited). To this extent, it is noted that the definition of cleanfill in the Canterbury Land and Water Regional Plan relates to material that, when buried, will have no adverse effects on people or the
environment. In contrast, the Auckland Unitary Plan – Operative in Part defines cleanfill as a facility where cleanfill material is accepted for deposit. In effect, the same term is being used to define a substance in some planning documents and a location in others.

3.39 It is Trustpower’s experience that the deposit of natural earth material is often regulated via rules in regional and district planning documents in order to control potential adverse effects on aquifers, waterbodies and to minimise the potential for the contamination of land. However, the Standards would result in these activities relating to a form of landfilling rather than an activity related to earthworks.

3.40 To address this matter, Trustpower requests that a definition of ‘cleanfill material’ be included in the Standards as per the approach adopted in the Auckland Unitary Plan – Operative in Part. Recommended relief is as follows:

\[
\text{Cleanfill} \quad \text{means an area used for the disposal of exclusively inert, non-decomposing material.}
\]

\[
\text{Cleanfill activities} \quad \text{means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities.}
\]

**Definition of ‘Drain’**

3.41 Trustpower opposes the definition of ‘drain’.

3.42 The definition refers to any artificial watercourse that is designed, constructed or used for the purpose of the drainage of surface or subsurface water. The definition lacks clarity with respect to whether it could capture a canal (being an artificial watercourse) for electricity generation or irrigation purposes.

3.43 The lack of clarity comes from the use of the words ‘drainage of surface water’ – which relates to the water being carried or taken away from a particular location. A canal for electricity generation or irrigation purposes conveys water from a river or lake (or between waterbodies), but isn’t strictly for drainage purposes in the sense of seeking to dewater surface or subsurface water.

3.44 Trustpower therefore requests that the definition of drain be amended as follows:

\[
\text{Drain} \quad \text{means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water (but excludes any artificial watercourse for the conveyance of water for electricity generation, irrigation or water supply purposes).}
\]

**Definition of ‘Drinking Water’**

3.45 Trustpower supports in part the definition of ‘drinking water’. It is recognised that this definition largely reflects the definition of the same term used in the New Zealand Drinking Water Standards 2005 (Revised 2008). However, the reference to “intended to be used” in this definition, with respect to the use of water, introduces unnecessary subjectivity to the definition - which is contrary to the guidance for definitions provided
The Ministry for the Environment Consultation Document. This document specifies that definitions need to be clear and concise, and should avoid the use of subjective language.

In this regard, it is unclear how much ‘intent’ would need to be demonstrated by a prospective water user / supplier in order for water to be deemed drinking water. It is considered that the definition would be clearer and more workable without the reference to “intended to be used”. Rather, the focus of the definition should be if water is used, or authorised to be used, for drinking water purposes.

Trustpower therefore requests that the definition of drinking water be amended as follows:

**Drinking water** means water intended to be used or authorised to be used for human consumption, and includes water intended to be used or authorised to be used for food preparation, utensil washing, and oral or other personal hygiene.

**Definition of ‘Functional Need’**

The definition of ‘functional need’ is opposed by Trustpower.

The definition in the Standards does not suitably account for the operational needs of activities that may impact on where they can be located. In this regard, the definition of functional need is considered to unnecessarily focus on locational factors related to the siting of an activity (i.e. a particular resource is found in a particular site) and does not appropriately consider the operational needs of activities.

The Ministry for the Environment Evaluation Report notes that the concept of functional need is recognised in Policy C of the NPSREG, but it does not acknowledge that this policy also captures logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activities.

Examples of technical, logistical or operational characteristics or constraints may include:

- The ability to transmit electricity from where it is generated to where it is used (i.e. proximity to suitable transmission or distribution infrastructure);
- The design and placement of wind turbines within a windfarm to minimise turbulence effects; and
- The ramping rates for hydro-electricity reservoirs to meet operational and market conditions;

Trustpower also notes that more recent statutory planning documents include policies that refer to functional needs and operational needs. This includes the Auckland Unitary Plan – Operative in Part, which considers whether the infrastructure has a functional or operational need to be located in, or, traverse a proposed location. Both functional need and operational need are defined in the plan.

Trustpower therefore requests that the definition of functional need be retained in the Standards, but that a definition of ‘operational need’ also be inserted as follows:

**Operational need** The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.
3.54 The definition of ‘reverse sensitivity’ is opposed by Trustpower.

3.55 The definition in the Standards is limited to existing lawfully established activities, and does not include unimplemented resource consents. This approach contrasts with Policy D of the NPSREG, which requires decision-makers to avoid (to the extent reasonably possible) reverse sensitivity effects on consented and existing renewable electricity generation activities. Likewise, it is noted that the Auckland Unitary Plan – Operative in Part seeks that adverse effects on existing, consented and planned infrastructure be avoided where practicable (or otherwise remedied or mitigated).  

3.56 Given that many infrastructure projects have a long lead time from consenting to construction / implementation (and often have 10-year lapse periods on their resource consents in recognition of this), it is important that they are protected from reverse sensitivity effects caused by new land uses or activities occurring in close proximity or in an inappropriate location. This may include:

- The establishment of a new dwelling in close proximity to a consented infrastructure project that is consented to emit higher noise levels due to its rural location (e.g. a wind farm), and which may have its amenity affected by the infrastructure project if constructed;

- The establishment of a new dwelling in a location downstream of a consented hydro-electric power scheme, which may result in implications for the dam safety standards that need to be met by the hydro-electric power scheme; or

- The discharge of contaminants upstream of a consented water take for an infrastructure project.

3.57 It is also noted that case law has confirmed that the existing environment embraces the future state of the environment as it might be modified by permitted activities and by resource consents which have been granted, where it appears likely that those resource consents will be implemented. Given this, it is considered appropriate that the definition of reverse sensitivity in the Standards also captures consented activities that have not yet been implemented.

3.58 Trustpower therefore requests that the definition of reverse sensitivity be amended as follows:

Reverse sensitivity means the potential for the operation of an consented or existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an consented or existing activity.

3.59 The definition of ‘site’ is supported in part by Trustpower as it recognises that there are multiple legal mechanisms which may define what constitutes a site.

3.60 However, it is noted that clause (e) refers to an area of adjacent land comprising two or more titles, which has the potential to cause confusion. The term adjacent can mean next

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7 Policy E26.2.2(3) of the Auckland Unitary Plan – Operative in Part.
to or adjoining – but does not necessarily require a physical connection. That is, adjacent does not mean abutting or connected. A site of a hydro-electric power scheme may involve a number of property titles that are nearby but are not always abutting due to geography and site characteristics – but it is still a site.

3.61 Clause (e) of the definition should be clarified to avoid any future uncertainty regarding what constitutes a site.

Trustpower therefore requests that the definition of site be amended as follows:

\[
\text{Site means...}
\]

\[
e) \text{ an area of adjacent, but not necessarily abutting, land comprised in two or more computer freehold registers where an activity is occurring or proposed.}
\]

Definition of 'Small Scale Renewable Electricity Generation'

3.63 The definition of ‘small scale renewable electricity generation’ is supported in part by Trustpower.

3.64 The definition reflects the requirement of the NPSREG for regional and district planning documents to provide for the development, operation, maintenance and upgrading of this form of electricity generation. However, it is considered that limiting the output of small scale generation to a power rating of 20 kW is considered an unreasonably low threshold for defining what constitutes small scale renewable electricity generation and does not take any account of emerging technologies.

3.65 Trustpower considers that it will soon be economic to produce roofing systems with integrated photo-voltaic cells which will enable domestic generation systems with a power rating greater than 20 kW. Trustpower is also aware of a number of commercial properties which are already able to generate more than 20 kW of electricity via solar panels. These include Yealands Estate in Blenheim (411 kW), Sylvia Park Mall in Auckland (350 kW) and the Palmerston North City Council (110 kW). These systems cannot, and should not, be considered large-scale renewable electricity generation for the purpose of the Standards.

3.66 Trustpower consider that a more appropriate limit for small scale renewable electricity generation, that recognises emerging technology, is a power rating of 500 kW. Increasing this threshold would not alter the need for any such proposals to consider their potential environmental effects, but would provide a more realistic example of what is small scale generation.

3.67 Given the above, the company requests that the definition of small scale renewable electricity generation be amended as follows:

\[
\text{Small scale renewable electricity generation means renewable electricity generation which does not exceed a power rating of 20500 kW.}
\]
**Definition of ‘Structure’**

3.68 The definition of ‘structure’ is opposed by Trustpower.

3.69 The Ministry for the Environment Consultation Document notes that when deciding which terms to standardise and define, those which were defined in the RMA were excluded. It goes on to note that definitions from the RMA were used where they considered to be fit for purpose.

3.70 The inclusion of a definition of structure in the Standard that differs from the RMA raises issues with respect to which definition takes priority.

3.71 If the definition of structure in the RMA is no longer considered to be fit for purpose, then the Standard should not be used as the vehicle to effect changes to legislative definitions. If there are activities that are not considered structures (based on the definition in the RMA) or buildings (based on the definition in the Standards) – such as containers or scaffolding, then there is still the ability for district councils to regulate these activities without amending the definition of structure. In this regard, section 9 of the RMA applies to the use of land and enables rules to be established that relate to objects that are not structures or buildings.

3.72 Trustpower therefore requests that the definition of structure be amended as follows:

\[
\text{Structure} \quad \text{means any building, equipment, device, or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that be moved under their own power.}
\]

**Draft Noise and Vibration Metric Standard (CM-2)**

3.73 Trustpower supports in part CM-2 as it relates to the requirement for statutory planning documents to manage the emission of noise consistent with the relevant New Zealand Standards for noise, including *New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise*.

3.74 However, there appears to be a conflict within the Draft Noise and Vibration Metrics Standard (CM-2). Table 30 of the Standard references several acoustic New Zealand Standards, but Direction 4 immediately below, states that all plan noise rules need to be consistent with *NZS 6802:2008 Acoustics – Environment Noise*. It is understood that many of the New Zealand Standards for noise referenced in Table 30 have been developed as they don’t fit within the requirements of NZS 6802, so forcing them to be consistent with NZS 6802 through Direction 4 is at odds with their purpose.

3.75 The following amendments are proposed to Standards to appropriately implement the relevant acoustic New Zealand Standards:

3. Any plan rule to manage an emission of noise must be consistent with the noise related metrics and noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below.

Table 30: Acoustic New Zealand Standards referenced

... 

4. Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise.
4.0 Future Planning Standards

4.1 As noted in the introduction to this submission, Trustpower holds approximately 580 resource consents from 30 regional and local authorities across New Zealand. Based on experience across this broad reach, it is apparent that the way in which resource consent certificates and documentation are issued by regional and local authorities varies significantly across New Zealand.

4.2 Some regional and local authorities place content within the description of the activity authorised, which should legitimately sit within a condition of the consent.

4.3 Furthermore, some regional and local authorities may issue a single resource consent which authorises multiple activities (including land use and regional activities in the case of unitary authorities) with a single set of conditions. Other regional and local authorities issue a resource consent document for each individual activity (which may or may not have any conditions attached).

4.4 Trustpower consider that some national consistency in the way in which resource consents are issued, including templates would be beneficial for applicants (and submitters) who are involved in consenting across New Zealand.