

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU24046
Applicant	Transpower New Zealand Limited
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for the establish of eight support structures under the NESETA and to alter the location of approved conductors (overhead wires)
Location	Kaiwera Downs
Legal Description	Lot 1-2 DP 5933 and Part Section 1 Block X Waikaka Survey District [RT SL235/22], Section 16 Block X Waikaka Survey District [RT SL171/118], Part Section 14 Block X Waikaka Survey District and Lot 3 DP 5933 [RT SL235/32], and Section 12-14 and Part Section 15 Block XI Waikaka Survey District [RT SL139/9]
Activity Status	Discretionary
Decision Date	18 December 2024

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 18 December 2024 under delegated authority pursuant to Section 34A of the RMA.

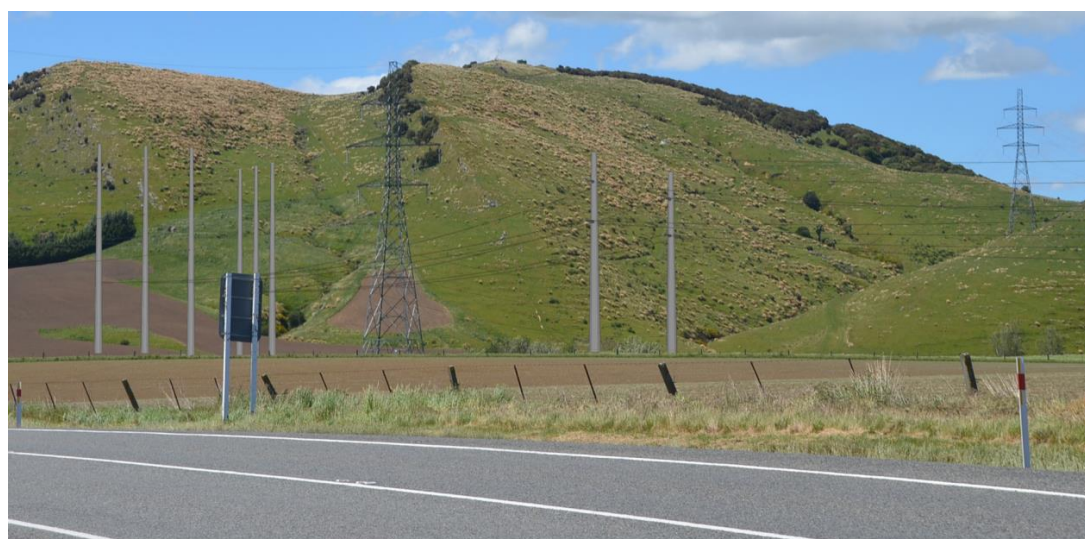
2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder.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

1. THE PROPOSAL

Consent is sought to allow the establishment of eight support structures (poles) under the provisions of the National Environmental Standard for Electricity Transmission Activities Regulations 2009 – hereon referred to as the NESETA. The poles referred to here are the eight-pole transmission connection which is located around Tower 139 of the North Makarewa – Three Mile Hill (NMA-TMH) Line.

There are approved existing transmission lines from the windfarm, which connects to the North Makarewa – Three Mile Hill (NMA-TMH) Line at Tower 139.

The physical form of the poles has been previously approved by underlying resource consents on the site. Notably, the eight poles surrounding tower 139 were one of approved options to connect the windfarm to the existing NMA-TMH transmission line. These poles were shown on the approved plans of LU 2018-387-3 on the plans prepared by Boffa Miskell (condition 1 approved the additional plans submitted as part of this variation application). For completeness, the location of the eight poles and the pylon is shown by Figure 1 below:



Variation Option 3 (with existing tower)

agent Details	NZTM Easting : 1 297 970 mE	Horizontal Field of View : 40°	KAIWERA DOWNS WINDFARM - TRANSMISSION OPTIONS	VIEWPOINT
	NZTM Northing : 4 875 936 mN	Vertical Field of View : 30°		
Ground Elevation : 200m	Image Reading Distance @ A3 : 50cm	Date: January 2024 Revision: 1		
Date of Photography: 15 December 2023 NZDT				

Figure 1: The eight support structures surrounding tower #139. Source: LU 2018-387-3 Application

While the poles are shown as approved, the current application states that no approvals under the NESETA were provided.

It is noted that the NESETA only applies to *existing* high transmission lines (clause 4). In this instance, the works proposed by way of this consent include structures that have previously been approved by variations to the underlying land use consent (most recently and specifically by LU 2018-387-3), but not under the NESETA. Discussions with the agent confirm that these structures support tower 139 which is the connection point between the North Makarewa – Three Mile Hill line and the new transmission line.

Regulations 14 – 16 deal with alteration, relocation and replacement. The structures are deemed to be a partial replacement of tower 139 and are required specifically to provide a connection into these existing high transmission lines (from the new line). Therefore the NESTA applies.

As a subsequent consequence of these structures, the location of the conductors between poles 138 and 140 will be adjusted slightly as described in the application. Specifically, the conductors between these three pylons will be realigned by a maximum of approximately 13 metres from their existing alignment. This slight change to the alignment can be accommodated by the NESETA and no variation to the underlying land use consents are required.

The location of all pylons, poles and other support structures is remaining the same as previously approved.

2. SITE DISCRIPTION

The Kaiwera Downs Wind Farm is located approximately 15km southwest of Gore and 10km east of Mataura. The property and surrounding area can be characterised as undulating pastoral farmland. Is bordered by Old Coach Road (SH 93), Kaiwera Downs Road, Davidson Road West, Tinker Road, Waikana Road and Knowsley Park Road.

This consent application does not relate to the windfarm itself, but instead related to a portion of the NMA-TMH line around towners 138 – 140 (inclusive) which are located on both the northern and south sides of Old Coach Road. Land within this area is exclusively used for pastoral agricultural purposes.

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Rural General within the Gore District Plan. No consent is required under the Gore District Plan.

3.2 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 (“NES-CS”)

This was dealt with by the underlying consents which approved the activity. It is noted that this consent herein does not involve any change of use, subdivision, or additional earthworks.

3.3 National Environmental Standards for Electricity Transmission Activities 2009 (“NES-ETA”)

The proposal requires consent for the following reason:

- A **restricted discretionary** activity pursuant to Regulation 16 for altering, relocating or replacing a tower of an existing transmission line. In this instance, the already consented structures support tower 139 and are therefore considered to constitute a partial replacement under the NESETA. Council’s discretion is restricted to:
 - a. The location and height of the transmission line support structures in relation to:
 - i. Visual, landscape, and ecological effects;
 - ii. The effects on historic heritage; and
 - iii. The effects on sensitive land uses; and
 - b. Earthworks, clearance of trees and vegetation, and restoration of the land; and
 - c. The effects of timing and construction works.

3.4 Activity Status Summary

Overall, the application is being considered and processed as a **discretionary** activity under the RMA.

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification is not required because:

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

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

Step 3 – Public notification is required in certain circumstances

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

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.

- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approvals

No written approvals have been provided as part of the application.

The following effects may be disregarded:

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

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case, all tower replacements (including partial replacements) outside the permitted tower envelope require consent under the NES. However, replacements within the tower envelope are permitted. This forms a baseline of what infrastructure can be expected in the vicinity of a transmission tower.

In addition, the existing environment is comprised of previous consents which have authorised all pylon and pole structures under the land use consent. However, as no consent was obtained under the NESETA, the existing environment carries limited weight as the requirement to obtain consent under the NESTA was inadvertently missed by previous variations. Notwithstanding this matter, all plans clearly show the support structures in this location and from a visual point of view, they are expected to be established.

Effects relating to the structures

Having specific regard to the matters of discretion set out in the NES, it is assessed that the support structures will have less than minor effects on the environment. The connection into the transmission line was anticipated by the underlying recent variations to the land use consent. This included a detailed landscape assessment which concluded that the poles would have less than minor effects on landscape and visual values. This assessment remains true for the current consent application under the NESETA. The support structures are anticipated to ensure that the new line can connect into the existing transmission line.

No areas of vegetation are required to be cleared, and earthworks will be limited to the area where the poles are to be erected. Adverse effects relating to vegetation clearance and earthworks are assessed to be less than minor.

Effects relating to conductor location between poles 138 and 140

Due to the connection between the new transmission line from the windfarm into the existing national grid, existing conductors from tower 139 to 140 to be realigned by a maximum of 13 metres. The conductors from Tower 139 to 138 will also be realigned by a similar amount.

The existing towers will remain in the same location and therefore effects associated with this variation are solely focused on the location of the conductors. It is assessed that effects on the environment will be less than minor due to the large scale of the existing towers and the existing environment. This essentially will make the change to the location of the conductors indiscernible.

Conclusion: Effects On The Environment

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

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

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

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

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

Step 3 – Certain other affected persons must be notified

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

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The

relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.

- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

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

The initial land use consent was publicly notified and granted consent via an Environment Court.

No persons were deemed to be affected by the previous variations which approved taller turbines and the eight-pole arrangement to Tower 139.

In this instance, consent relates to existing approved structures (so they have a consent under the NES) and the location of the conductors between Towers 138 - 140. The location of all hard infrastructure, i.e. all towers/pylons and support structures, is remaining the same as previously approved.

Taking the above into consideration, no persons are assessed to be affected by the proposal.

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

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

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

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

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

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapter 7 (Utilities) of the Operative District Plan. The applicant's assessment at section 6.2.8 of the AEE as it relates to the location the conductors is detailed, considered accurate and is therefore adopted for the purpose of this decision. No further assessment is considered necessary.

Proposed District Plan

The relevant objectives and policies are contained within the General Rural Zone (GRUZ) and Infrastructure (INFR) chapters of the Proposed District Plan. The applicant's assessment at section 6.2.9 of the AEE as it relates to the location the conductors is detailed, considered accurate and is therefore adopted for the purpose of this decision. No further assessment is considered necessary.

Southland Regional Policy Statement 2017

The applicant has undertaken a detailed assessment contained within section 6.2.7 of the AEE. This assessment is adopted for the purpose of the report and no further assessment is considered necessary.

National Policy Statement for Highly Productive Land 2022

The soil in this specific location is LUC 3. It is noted that all built form is consented. In addition, clause 3.9 [2 (j (i))] provides a pathway for specified infrastructure to be established on productive land. Entities that generate electricity for distribution is included in the definition of specified infrastructure.

Therefore, the proposal is consistent with the NPS-HPL.

National Policy Statement on Electricity Transmission 2008

The applicant's assessment at section 6.2.4 of the AEE is detailed and adopted for the purpose of this decision.

National Policy Statement for Renewable Electricity Generation 2011

The applicant's assessment at section 6.2.5 of the AEE is detailed and adopted for the purpose of this decision.

6.4 Other Matters

There are no other matters considered relevant to this application.

7. PART 2 OF THE RMA

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

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

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** for the application by Transpower New Zealand Limited for a partial replacement of tower 139 with associated activities relating to the location of conductors on a transmission line

1. The consent holder shall undertake all activities authorized by this consent in general accordance with;
 - i. The information submitted in the application dated 27 September 2024 relates to the location of the conductors between Towners 138 and 140.

Except where inconsistent with these conditions. Any request to change or cancel a consent condition must be made in accordance with Section 127 of the Resource Management Act 1991.

Advice Notes

All conditions of consent LU 2017/17 and associated variations shall continue to apply.

Administrative Matters

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

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

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

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

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

Prepared by



Alex Dunn
Consultant Planner

Decision made by



Werner Murray
Delegate

Appendix A: Applicant's AEE

APPENDIX A – Applicant’s AEE



TRANSPower NEW ZEALAND LIMITED

**KAIWERA DOWNS WIND FARM -
NORTH MAKAREWA TO THREE
MILE HILL TRANSMISSION LINE**

Application for Resource Consent and
Assessment of Environmental Effects

September 2024

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PART A

Resource Consent Application

FORM 9

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

Sections 87AAC, 88, and 145, Resource Management Act 1991

To Gore District Council
PO Box 8
Gore 9740

1. Transpower New Zealand Limited, apply for the following type(s) of resource consent:

Land use consent under the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA).

2. The activity to which the application relates (the proposed activity) is as follows:

The proposal is to establish a 220 kV transmission connection to connect electricity generated at the Kaiwera Downs Wind Farm to the North Makarewa to Three Mile Hill Line. In summary, works will include the erection of replacement support structures and the consequential realignment of the existing conductions from the replacement support structures to the adjacent towers.

A 15 year lapse date is sought pursuant to section 125 of the Act.

3. The site at which the proposed activity is to occur is as follows:

Tower 139 of the North Makarewa to Three Mile Hill Line is in the vicinity of Kaiwera Downs, to the southeast of the township of Gore. The land to which the application relates includes the following parcels of land:

- > Fee Simple, 1/1, Lot 1-2 Deposited Plan 5933 and Part Section 1 Block X Waikaka Survey District, held in Record of Title SL235/22;
- > Section 16 Block X Waikaka Survey District held in Record of Title SL171/118;
- > Part Section 14 Block X Waikaka Survey District and Lot 3 Deposited Plan 5933 held in Record of Title SL235/32; and
- > Section 12-14 and Part Section 15 Block XI Waikaka Survey District held in Record of Title SL139/9

- 4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:**
 - > Rossland Properties Limited – 15a Hokonui Drive, Gore; and
 - > The Salvation Army New Zealand Trust – PO Box 6015, Marion Square, Wellington 6141

- 5. There are no other activities that are part of the proposal to which this application relates.**

- 6. No additional resource consents are needed for the proposal to which this application relates.**

- 7. I attach an assessment of the proposed activity’s effect on the environment that—**
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

- 8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**

- 9. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.**

- 10. I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.**
 - > Assessment of Environmental Effects; and
 - > Records of Title.

Date: 27th September 2024



Signature:

(On behalf of Transpower New Zealand Limited)

Address for Service: Transpower New Zealand Limited
C/- Mitchell Daysh Limited
PO Box 331152
Takapuna
Auckland 0740

Contact Person: Sean Stirling
Phone: 021 611 377
Email: sean.stirling@mitchelldaysh.co.nz

Address for Billing: Tararua Wind Power Limited
108 Durham Street
Tauranga 3110

Contact person: Ryan Piddington
Phone: 021 742 507
Email: ryan.piddington@mercury.co.nz



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PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 BACKGROUND

This Assessment of Environmental Effects (“**AEE**”) has been prepared in support of a resource consent application under the Resource Management Act 1991 (“**RMA**” or “**the Act**”) by Transpower New Zealand Limited to relocate aspects of an existing 220 kV transmission line outside the controlled tower envelope in order to facilitate the establishment of a transmission connection from the Kaiwera Downs Wind Farm to the National Grid.

Land use consent for the establishment, operation and maintenance of the Kaiwera Downs Wind Farm was granted to Tararua Wind Power Ltd via a Consent Order by the Environment Court in May 2009. Figure 1 below provides a location map of the Kaiwera Downs Wind Farm, which is located amongst broken hill country approximately 15 km southeast of Gore.



Figure 1: Kaiwera Downs Wind Farm Location Map

The original land use consent provided for the construction and operation of up to 83 wind turbines with a maximum tip height of 145 m at finished ground level within a project envelope, as well as an accompanying 220 kV transmission line that connects to Transpower’s North Makarewa to Three Mile Hill Line (“**NMA-TMH**”) near the intersection of Old Coach Road and Kaiwera Downs Road.

Since the granting of the original consent, two variations to the conditions of Resource Consent LU 2007.17 have been granted by the Gore District Council under section 127 of the RMA including In March 2024¹ to amend the connection of the 220 kV transmission line to the northern array of conductors on the NMA-TMH, including by way of an eight-pole arrangement or a four-pole arrangement. This variation also sought to extend the consented transmission envelope.

Copies of these resource consent decisions are provided in **Appendix A** to this AEE.

Tararua Wind Power Limited is now seeking to establish the transmission connection with the northern array of NMA-TMH and via the eight-pole arrangement. As a consequence of the establishing replacement poles on the northern side of the existing tower, the existing conduction lines that form the northern array, will be realigned by a maximum of approximately 13 m from their existing alignment from towers 138 and 140 to the proposed connection point.

Whilst the proposed eight-pole arrangement for the proposed connection was consented as part of the March 2024 variation to LU 2007.17, the realignment of the conductors and consequently, the associated support structures require resource consent under the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (“NESETA”). Transpower New Zealand Limited is therefore seeking the necessary resource consents for the proposed realignment. This application and Assessment of Environmental Effects are provided to address the statutory requirements under the Act for the land use consent required under the NESETA

1.2 LAND OWNERSHIP

The specific elements of the proposed transmission route to which this resource consent application relates are located within the following properties. Records of Title for these properties are provided in **Appendix B**.

Table 1: Land Ownership and Proposed Works

Property	Owner	Proposed works
Fee Simple, 1/1, Lot 1-2 Deposited Plan 5933 and Part Section 1 Block X Waikaka Survey District,	Rossland Properties Limited	Replacement transmission support structures and associated realignment of the existing transmission line.

¹ Resource Consent LU 2018.387.3.

held in Record of Title
SL235/22

Section 16 Block X Waikaka
Survey District held in
Record of Title SL171/118

Realignment of conductors from
existing corridor.

Part Section 14 Block X
Waikaka Survey District
and Lot 3 Deposited Plan
5933 held in Record of
Title SL235/32

The Salvation Army New
Zealand Trust

Realignment of conductors from
existing corridor.

Section 12-14 and Part
Section 15 Block XI
Waikaka Survey District
held in Record of Title
SL139/9

1.3 DOCUMENT STRUCTURE

The AEE Comprises nine sections as follows:

- Section 1** Introduction.
- Section 2** Provides a description of the existing environment within which the proposed works will be undertaken.
- Section 3** Describes the activities associated with the establishment of the transmission connection, the associated support structures and the realignment of the existing conductors.
- Section 4** Sets out the resource consent requirements for the proposed works.
- Section 5** Provides an assessment of the potential environmental effects associated works.
- Section 6** Sets out the statutory framework against which the resource consent applications for the works are to be assessed.
- Section 7** Addresses notification matters in accordance with Sections 95A – 95E of the RMA.



Section 8 Provides a short concluding statement.

The technical assessment and information that provide the detailed background information for this environmental assessment are appended to this AEE and are referenced throughout.

2. EXISTING ENVIRONMENT

This section of the AEE provides a summary of the existing environmental values around the NMA-TMH and the point of the proposed 220 kV Transmission connection from the Kaiwera Downs Wind Farm. The description of the existing environment provides the context against which the actual and potential effects of the replacement support structures and relocated conductors will be assessed. This section does not seek to describe those aspects of the existing environment which are not relevant to the resource consent being sought from the Gore District Council. The area that is specifically relevant to this application is shown in **Figure 2** below.



Figure 2: Subject Site from Tower 138 to 140 of the North Makarewa to Three Mile Hill Line

2.1 GENERAL SETTING

As noted in Section 1.1. of this AEE, the Kaiwera Downs Wind Farm is located amongst broken hill country approximately 15 km southeast of Gore. The relevant section of the NMA-TMH, between Towers 138 and 140, is situated within this same landscape context that is characteristic of the surrounding productive farmland consisting mainly of beef and sheep, and dairy support. Dairy farming and cropping are typical on the lower slopes of the surrounding area.

The site is not subject to any identified areas of historic or cultural significance and is not near any identified sensitive land use activities.

2.2 EXISTING TRANSPOWER NORTH MAKAREWA TO THREE MILE HILL LINE

The NMA-TMH is an existing 220 kV Transpower line that runs for a length of 199 km, is supported by 410 Double CCT Lattice Steel Towers, and was commissioned in 1984.

Tower 139 which is of most relevance to the proposed transmission is located approximately 140 m south of Old Coach Road and approximately 400 m east of Kaiwera Downs Road.

There are very few dwellings in the surrounding area given the productive use of the land along which the existing National Grid traverses in a northwest to southeast direction as shown in Figure 3 below.

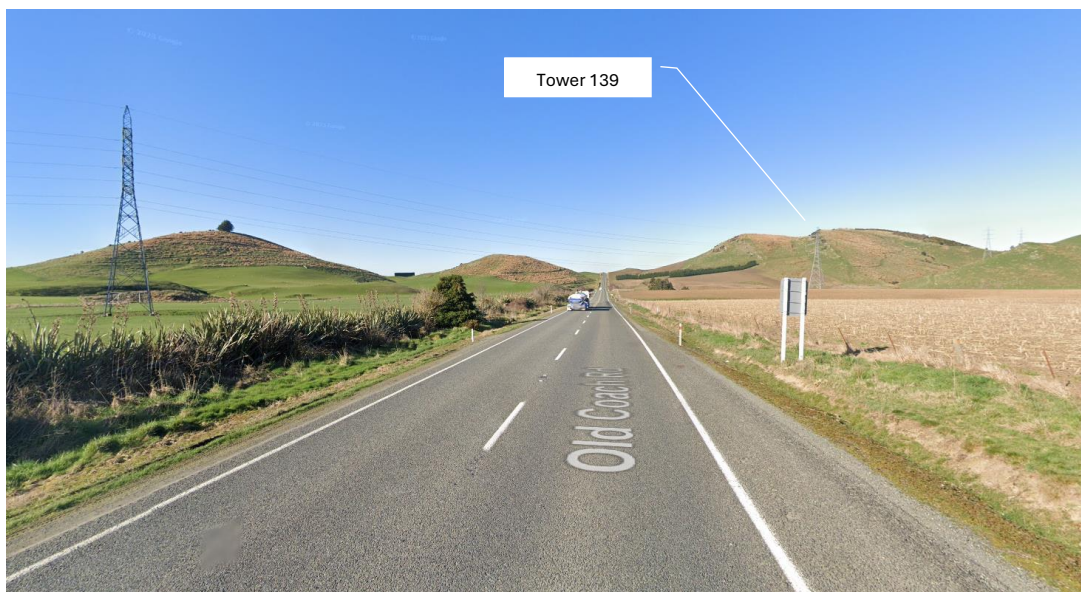


Figure 3: View of the North Makarewa to Three Mile Hill Line traversing the surrounding landscape on either side of Old Coach Road (Google Street View)

2.3 CONSENTED TRANSMISSION CONNECTION

As already noted in section 1.1 of this AEE, the 220 kV transmission line from the Kaiwera Downs Wind Farm Substation and its connection to the existing NMA-TMH are provided for by LU 2007.17. A variation to this resource consent (LU 2018.387.3) was granted in March 2024 to enable changes to the layout and design of the transmission connection such that a connection to the northern array of the National Grid could be achieved. This variation also included the extension of the existing transmission envelope. Two additional design configurations for the transmission connection were consented as part of this variation, one of which is the eight-pole arrangement that is currently proposed (**Figure 4**)



Figure 4: View of the Consented Eight-Pole Transmission Connection at Tower 139 of the NMA-TMH

2.4 EXISTING ECOLOGICAL VALUES

The ecological values of the site have recently been assessed in consideration of the aforementioned variation to the connection design configuration at this location. In summary, the new poles that constitute the proposed connection point to the National Grid are contained within a fenced, grassed paddock. Given this, terrestrial values are limited by the modified nature of the vegetation (i.e. uniform cultivated grass paddock), with the closest trees located approximately 190 m from the connection point.

The Kaiwera Stream is located approximately 160 m east of the proposed new poles and there is a small pond approximately 160 m to the southeast. Notwithstanding this, there are no watercourses or wetlands within the immediate area surrounding the connection, and therefore it is not considered to contain any freshwater ecology values

2.5 EXISTING LANDSCAPE CHARACTER AND VALUES

The subject site is situated amongst the broken hill country that constitutes the wider landscape environment. These hills are characterised by south-facing scarps, and shallower dip slopes to the north which are characteristic of a 'cuesta' type of hill.

The area immediately surrounding the subject site is dominated by productive farmland and is relatively flat in between interspersed knolls and hills that constitute the backdrop to the area. Occasional small pine plantation and shelter belts can be seen from the site, however the landscape is principally dominated by pastoral and productive land use.

The NMA-TMH along with the completed wind turbines at Kaiwera Downs also constitute an important part of the existing landscape character for the area.

2.6 ZONING AND PLANNING FRAMEWORK

The project site is zoned 'Rural' in the Operative Gore District Plan ("**Operative Plan**") and 'General Rural' in the Proposed Gore District Plan ("**Proposed Plan**"). All the surrounding land is also zoned 'Rural' and 'General Rural' until the Mataura township approximately 10 km west, which is zoned 'Residential.' The project site is not subject to any Landscape or Significant Indigenous Area overlays in either the Operative Plan or Proposed Plan.

The Operative Plan recognises that the rural environment dominates the district and is primarily used for pastoral and arable farming, horticulture and planned production forestry. It characterises the rural environment by the compatibility of land uses, expanses of open space, privacy for inhabitants, a minimum of signage, low background noise levels and a high-quality roading network.

The Proposed Plan recognises that the purpose of the General Rural Zone is to provide for and protect rural production activities and other activities that rely on the rural resource including renewable electricity generating activities. The character and qualities comprise a working environment where rural activities generate noise, odour and traffic.

The operation, maintenance, upgrading, relocation, or removal of an existing transmission line are subject to the NESETA as noted by the Chapter 7 (Utilities) of the Operative Plan.

3. DESCRIPTION OF THE PROPOSAL

This section of the AEE describes the proposed activities associated with the transmission connection to the NMA-TMH. The description of the proposal provided below describes those parts of the proposal that are relevant, or provide context, to the resource consent sought from Gore District Council.

The connection to the NMA-TMH north circuit involves the installation of a new dead-end strain structure next to tower 139 and transferring the circuit onto the new structure as shown in **Figure 5** below. Structures 2a and 2b would be designed as dead-end strains with slack spans to structure 1a and 1b. structures 1a and 1b are three-pole structures which will require vertical jumpers to connect the phases between the upper and lower attachments.

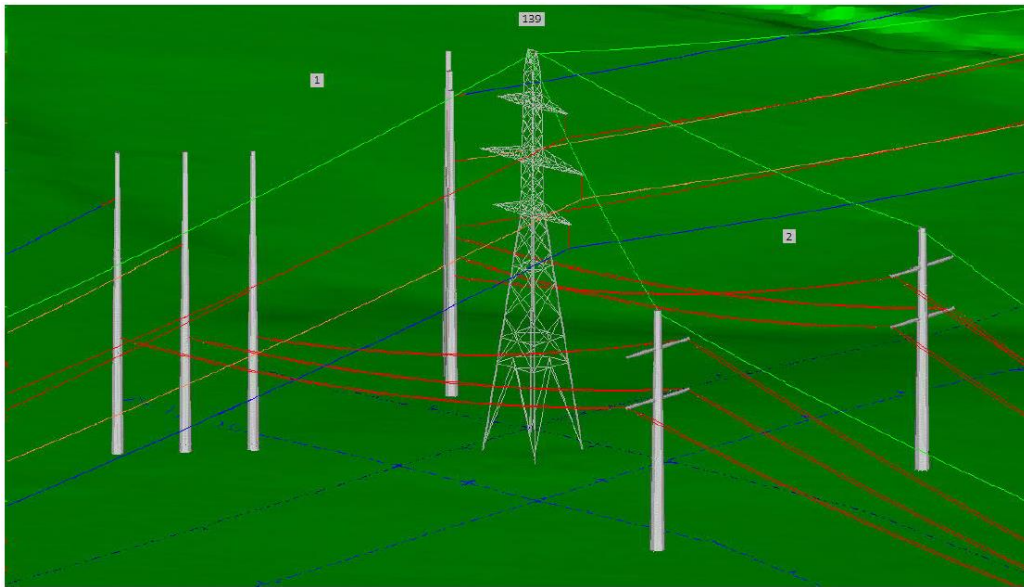


Figure 5: Proposed connection configuration to NMA-TMH northern circuit

As already mentioned in this AEE, the proposed connection and the associated support structures are provided for by the existing land use consent. The principal reason for this resource consent application is to ensure that the consequential relocation of aspects of the existing 220 kV transmission line outside the controlled tower envelope is appropriately consented pursuant to the provisions of the NESETA.

Figure 6 provides a visual depiction of the consequential realignment of the conductors from Tower 139 to 140 demonstrating that parts of the new conductor alignment depart from the existing route by approximately 13 m. The conductors from Tower 139 to 138 will experience a similar realignment.

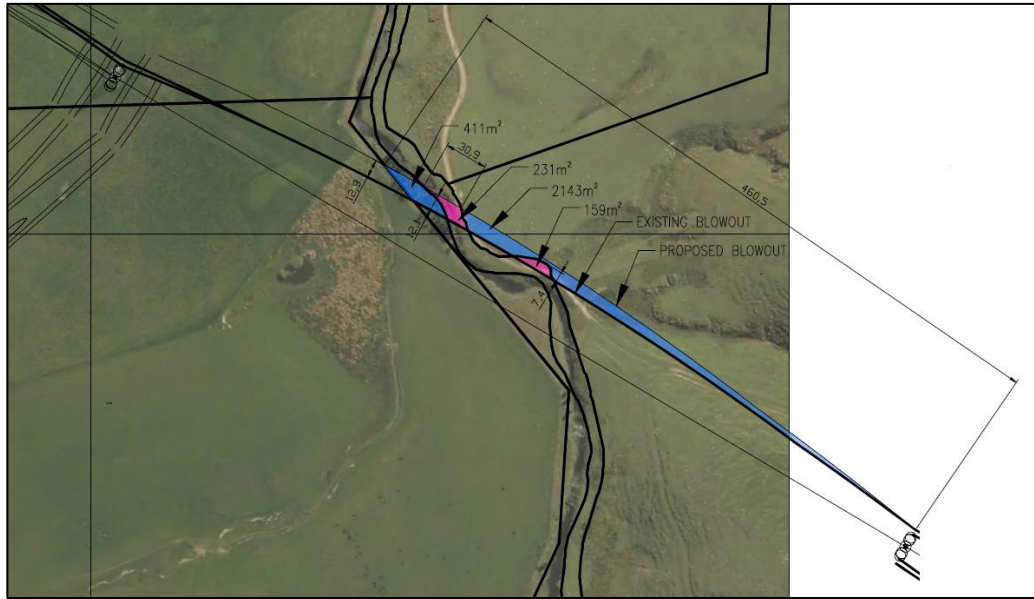


Figure 6: Extent of the Proposed Conductor Realignment from Tower 139 to 140 Relative to the Existing Alignment

4. RESOURCE CONSENT REQUIREMENTS

4.1 NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION ACTIVITIES

The NESETA regulations came into force on 14 January 2010 and apply to activities that relate to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including construction activities. The NESETA only applies to existing high voltage electricity transmission lines and does not apply to the construction of new transmission lines or to substations.

The activities associated with the construction of the transmission connection and the replacement poles are subject to the rules in the NESETA.

The NESETA provisions replace any rules within a District Plan that may otherwise apply. This is because any rules in a plan or proposed plan do not have effect where they are more lenient, and the NESETA does not allow plan rules to be more stringent.

An analysis of the transmission line against the relevant regulations of the NESETA is provided below.

Table 2: Relevant Standards under the National Environmental Standards for Electricity Transmission Activities

Regulation	Description of Rule	Activity Status
Regulation 14	Altering, relocating, or replacing a tower of an existing transmission line as a permitted activity	N/A – the proposed replacement poles on for the northern circuit will be located outside the permitted tower envelope.
Regulation 15	Altering, relocating, or replacing a tower of an existing transmission line as a controlled activity	N/A - the proposed replacement poles on for the northern circuit will be located outside the controlled tower envelope.
Regulation 16	Altering, relocating, or replacing a tower of an existing transmission line as a restricted discretionary activity	Restricted Discretionary Discretion is restricted to: (a) The location and height of the transmission line support structures in relation to-



- i. Visual, landscape, and ecological effects; and
 - ii. The effects on historic heritage; and
 - iii. The effects on sensitive land uses; and
- (b) Earthworks, clearance of trees and vegetation, and restoration of the land; and
- (c) The effects and timing of construction works.
-

In summary, Transpower New Zealand Limited is seeking a resource consent to authorise the partial replacement of tower 139 of the NMA-TMH with six new poles outside the controlled tower envelope and the associated relocation of the existing northern circuit to enable the establishment of a transmission connection from the Kaiwera Downs Wind Farm to the National Grid.

Based on the regulations of the NESETA, resource consent is required for a land use consent for a **restricted discretionary activity** for the alteration, relocation or replacement of the existing tower and transmission line beyond the tower's envelope for controlled activities.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 INTRODUCTION

This section addresses the actual and potential effects associated with the proposed partial replacement of tower 139 and realignment of the existing conductors. The relevant matters to which consideration of this resource consent application is restricted to are as follows:

- > The location and height of the transmission line support structures in relation to
 - > Visual, landscape, and ecological effects; and
 - > The effects on historic heritage; and
 - > The effects on sensitive land uses; and
- > Earthworks, clearance of trees and vegetation, and restoration of the land; and
- > The effects and timing of construction works.

As outlined in section 2 of the AEE, the site is not subject to any historic heritage protections and is not located near any sensitive land uses. The relevant and potential effects that are assessed in this section of the AEE are therefore limited to visual, landscape, ecological, and construction related effects. The below assessment draws on those prepared for the previous application for Resource Consent LU 2018.387.3 which provides for the proposed connection and the associated works within the transmission envelope for the Kaiwera Downs Wind Farm.

When considering the effects of the transmission line, the receiving environment consists of:

- > The existing environment and the associated effects from lawfully established activities;
- > The existing environment as modified by any resource consents granted and likely to be implemented; and
- > The environment as likely to be modified by activities permitted by the plan.

5.2 VISUAL AND LANDSCAPE EFFECTS

The visual and landscape effects of the proposed connection and the eight-pole arrangement have previously been assessed by Boffa Miskell as part of the resource consent application for the proposed variation to the transmission connection.² On the

² Resource Consent LU 2018.387.3.



basis that this resource consent application seeks consent for the realignment of the conductors including the configuration of the supporting infrastructure, the Boffa Miskell assessment remains wholly relevant to this application, and a summary of the potential and actual effects assessed by Boffa Miskell is provided below.

The potential effects of the proposed replacement poles and conductor realignment have the potential to result in visual amenity effects experienced by nearby dwellings and from public viewpoints.

Boffa Miskell concluded that there will be no visual amenity effects experienced by nearby dwellings in the vicinity of the connection to the NMA-TMH. It was also confirmed that the only public road receiving clear views of the connection to the NMA-TMH would be from a relatively short distance of Old Coach Road, and more particularly when travelling north-east towards Clinton.

Based on a visual assessment on three viewpoints along Old Coach Road and taking into account the July 2022 Te Tangi a te Manu, Aotearoa New Zealand Institute of Landscape Architects (NZILA) Landscape Assessment Guidelines, Boffa Miskell concluded that the visual effects of the proposed new pole configuration were in the low to low / moderate range. Therefore, the effects of the proposed connection configuration on the landscape and amenity values of the wider environment are considered to be minor.

5.3 ECOLOGICAL EFFECTS

As with the visual and landscape effects, an assessment of the potential ecological effects of the proposed connection options was also undertaken by SLR Consulting as part of the resource consent application for the proposed variation to the transmission connection.

By way of summary, SLR concluded that whilst the establishment of the transmission connection would involve earthworks to install the replacement poles, there would be no adverse effects on ecology values due to the small amount of excavation that would be necessary, and the lack of ecology values within the site area. Furthermore, there is no clearance of vegetation necessary for the completion of the works.

5.4 CONSTRUCTION RELATED EFFECTS

The construction of the transmission connection will necessitate a small amount of earthworks to install the replacement poles and will require the temporary use of specialist construction equipment such as a crane to erect the support structures. These works form part of the consent activities provided for under Resource Consent LU 2018.387.3.

Any construction related effects such as noise and the transportation of components and equipment will be transitory in nature and will form part of the already consented activities occurring with construction of the wind farm transmission infrastructure. As already noted above, there are no adverse effects anticipated from earthworks on the ecological values of the area, and any temporary construction work will comply with the recommended noise limits set out in NZS 6803:1999.

6. STATUTORY ASSESSMENT

6.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air and water. The purpose of the RMA, as set out in section 5, is to “*promote the sustainable management of natural and physical resources*”. This section of the AEE sets out the framework under the RMA that applies to the resource consents sought from GDC – which are classified as a restricted discretionary activity.

6.2 SECTION 104 ASSESSMENT

6.2.1 Introduction

Section 104 of the RMA lists the matters that a consent authority must, subject to Part 2, have regard to in determining whether a resource consent application should be granted. It states, relevantly:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124 or 165ZH(1)(c), the*



consent authority must have regard to the value of the investment of the existing consent holder.

Section 104 of the RMA does not give any of the matters to which a consent authority is required to have regard primacy over any other matter. All of the relevant matters are to be given such weight as the consent authority sees fit in the circumstances, and all provisions are subject to Part 2 of the RMA (although it is understood that a consent authority is not required to consider Part 2 of the RMA unless there is uncertainty in the relevant statutory documents).

6.2.2 Actual and Potential Effects

With respect to section 104(1)(a) of the RMA, the actual and potential effects on the environment associated with connection to the transmission line are considered in detail in Section 5 of this AEE and the watercourse and wetland assessment by Wild Ecology (2024).

Overall, it is concluded that any anticipated adverse effects associated with the proposed modification of the transmission line can be appropriately managed, such that the proposal will result in no more than minor adverse effects and promote the sustainable management purpose of the RMA.

6.2.3 Relevant Statutory Planning Documents

In terms of the section 104(1)(b) of the RMA, the following sub-sections provide an assessment of the activity against the:

- > National Policy Statement on Electricity Transmission 2008 (“**NPS-ET**”);
- > National Policy Statement for Renewable Electricity Generation (“**NPS-REG**”)
- > National Policy Statement for Highly Productive land 2022 (“**NPS-HPL**”);
- > Southland Regional Policy Statement 2017 (“**RPS**”);
- > Operative Gore District Plan; and
- > Proposed Gore District Plan.

6.2.4 National Policy Statement on Electricity Transmission 2008

The National Policy Statement on Electricity Transmission 2008 (NPSET) provides a high-level framework for the management and future planning of the National Grid.

The NPSET contains one overarching objective and 14 implementing policies. The objective of the NPSET is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- a. managing the adverse environmental effects of the network; and*
- b. managing the adverse effects of other activities on the network.*

The proposal relates to the establishment of a transmission connection from the Kaiwera Downs Wind Farm to the NMA-TMH which requires the installation of replacement support structures and the consequential realignment of the existing conductors.

Policies 1(iii) and 5 of the NPS-ET are considered most relevant to the proposal as they seek to ensure decision makers:

- > Recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission, including the facilitation of the use and development of new electricity generation, including renewable generation; and
- > Enable the reasonable operation, maintenance and minor upgrade requirements of established electricity transmission assets.

As discussed in Sections 1 and 3 of this AEE, the proposed replacement support structures and conductor realignment are necessary to facilitate the full development of the wind farm and the supply of new renewable electricity to the National Grid and is provided for by Policy 1.

Policy 5 seeks to enable the works associated with established electricity transmission assets, which includes works used to connect grid injection points such as the connection from the Kaiwera Downs Wind Farm.

In light of the assessment above, it is concluded that the proposal will be consistent with the stated objective and policy directives of the NPS-ET.

6.2.5 National Policy Statement for Renewable Electricity Generation 2011

The NPS-REG came into effect on 12 May 2011, it seeks to enable the sustainable management of renewable energy generation under the RMA.

The sole objective of the NPS-REG seeks to provide for the development and operation of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to levels that meet or exceed the Government's national target for renewable electricity generation.

Whilst this resource consent application relates specifically to transmission infrastructure and the realignment of existing transmission conductors and associated support structures, the definition of renewable electricity generation activities includes the system of electricity conveyance required to convey electricity to the National Grid.

Policies A, and C of the NPS-REG are considered most relevant to the proposal as they seek to ensure decision makers:

- > Recognise the benefits of renewable electricity generation activities; and
- > Acknowledge the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.

The proposed transmission connection is necessary to facilitate the full development of the wind farm and the supply of new renewable electricity to the National Grid, increasing electricity generation capacity and electricity supply which are relevant to the direction of Policy A.

Policy C recognises the practical implications and locational constraints associated with the development of renewable electricity generation activities. Of particular note, are the matters identified by Policy C1, which include:

- > Logistical or technical practicalities associated with developing, upgrading, operating or maintaining renewable electricity generation activities; and
- > The location of existing structures and infrastructure, including the distribution network and the national grid in relation to the renewable electricity generation activity, along with the need to connect renewable electricity generation activity to the national grid.

As discussed in section 3.1 of the AEE, the principal reason for this resource consent application is to ensure that the consequential realignment of the existing conductors from the new configuration at tower 139 to the adjacent towers is appropriately consented pursuant to the provisions of the NESETA. The recognition in Policy C1 of the need to connect renewable electricity generation activity to the National Grid is therefore considered to be of direct relevance to this application.

In light of the assessment above, it is concluded that the proposal will be consistent with the stated objective and policy directives of the NPS-REG.

6.2.6 National Policy Statement for Highly Productive Land 2022

The NPS-HPL came into effect on 17 October 2022, with the overall purpose being to improve the way highly productive land is managed to ensure it is recognised and protected

from inappropriate use and development, so that it can be utilised for land-based primary production purposes. The NPS-HPL was subsequently amended on 14 September 2024 to introduce a number of changes, including provision for the use and or development of highly productive land for the development, operation, or decommissioning of specified infrastructure.³

With regard to this application, the land use classification for the area around the existing transmission tower envelope consists of a combination of LUC Class 3, 4 and 5. As depicted in Figure 9 below, the area of the transmission envelope identified as LUC Class 3 is located predominantly in the northern most portion of the corridor, and encompasses the location of Transpower Tower 139 where the transmission connection to the National Grid is proposed.

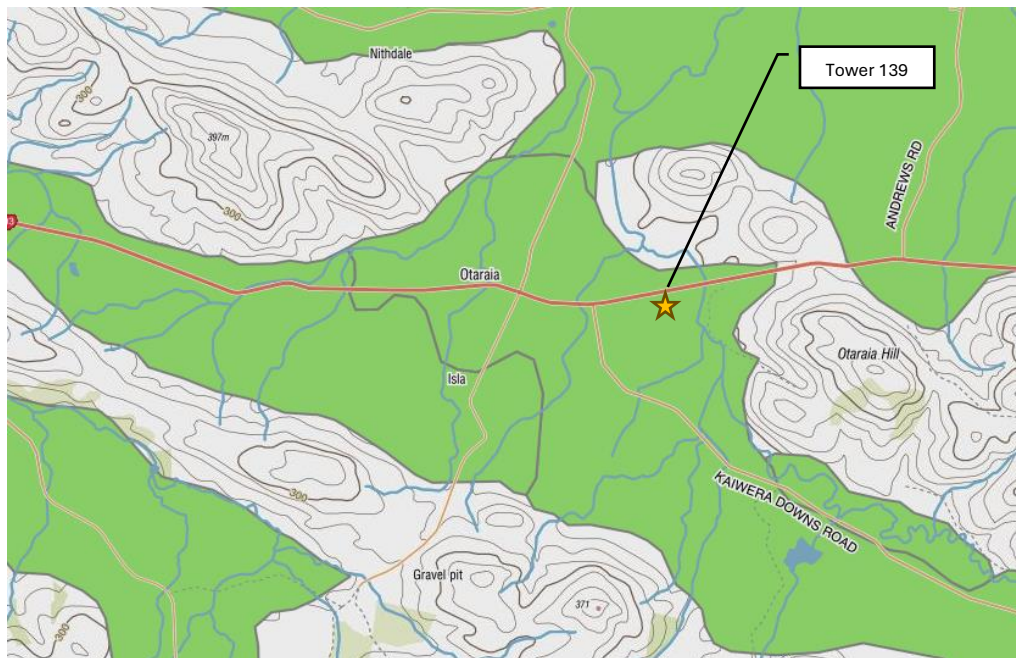


Figure 7: New Zealand Land Resource Inventory Mapping⁴ (LUC 3 Class Land in Light Green Shading).

The relevant objectives and policies of the NPS-HPL have been assessed below as the proposed transmission support structures are not a primary production activity.

³ NPS-HPL Clause 3.9(2)(j)(i).

⁴ New Zealand Land Resource Inventory information sourced from Our Environment – Manaaki Whenua Landcare Research [<https://ourevironment.scinfo.org.nz>].

The NPS-HPL includes a single overarching objective:

Highly productive land is protected for use in land-based primary production, both now and future generations.

The relevant policies include:

Policy 1: *Highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production.*

Policy 8: *Highly productive land is protected from inappropriate use and development.*

Policy 9: *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

Although the transmission line and associated poles are not a primary production activity, it should be noted that once the connection is constructed, less than 1% of the land area contained within the transmission envelope will be utilised by the support structures and their foundations. Therefore, the current farming land uses will be able to continue unaffected by the operation of the transmission line.

Part 3 of the NPS-HPL sets out a non-exhaustive list of matters that local authorities must do to give effect to the objectives and policies of the NPS-HPL. Section 3.9 states that territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production. It also outlines that use or development of highly productive land is inappropriate except where at least one of the exceptions contained within subclause (2) applies and the measures in subclause (3) are also applied.

Exception 3.9(2)(j)(i) identifies a use or development that is associated with the development, operation, or decommissioning of specified infrastructure where there is a functional or operational need for the use or development to be on the highly productive land.

Subclause (3) also requires territorial authorities to take measures to ensure that any use or development on highly productive land:

(a) Minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and



(b) Avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.

The definition of specified infrastructure in section 1.3 of the NPS-HPL includes infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan. The NPS-ET recognises the need to operate, maintenance, develop and upgrade the electricity transmission network activities as a matter of national significance. The National Grid is therefore considered to fall within the definition of specified infrastructure – and therefore the exemption under 3.9(2)(j)(i) is considered to apply (that is, the proposal is not ‘inappropriate’).

Given that the establishment of the replacement support structures to facilitate the connection to the National Grid ensures that any grazing around the infrastructure can continue, no further measures are considered necessary to minimise / mitigate for the further loss of the availability and productive capacity of highly productive land, and there will be no actual or potential reverse sensitivity effects on land-based primary production activities.

It is for the reasons stated above that the proposal is considered to be provided for within the objective and policy framework of the NPS-HPL.

6.2.7 Southland Regional Policy Statement 2017

The RPS became operative on 9 October 2017 and, therefore post-dates the Operative Gore District Plan.

The RPS guides resource management practice in the Southland Region – providing a framework on which to base decisions regarding the management of the region’s natural and physical resources. The RPS includes objectives and policies relevant to this application in Chapters 5, 6, 10 and 16 relating to Rural Land / Soils, Biodiversity, Natural Features and Landscapes, and Energy Respectively.

Chapter 5: Rural Land / Soils

Objectives RURAL.1 and 2 of the RPS aim to promote the sustainable use and development of Southland’s rural land resource, while safeguarding the life-supporting capacity, mauri and health of soils in rural areas.

Policy RURAL.1 acknowledges that the use and development of rural land resources through land-based activities such as farming, forestry, mineral extraction, energy generation,

manufacturing / industry and tourism provide for the wellbeing of people and communities within Southland. The policy seeks to ensure that these activities are undertaken in a way that promotes the sustainable management purpose of the RMA.

These objectives and policies are enabling of renewable electricity generation and the associated transmission connection works to the National Grid. As is outlined in section 4 of the AEE, the proposal is considered to generate actual and potential effects that are no more than minor on the surrounding environment. The proposed works will also not compromise the use of the land within the project envelope for existing farming activities into the future.

Chapter 6: Biodiversity

Objective BIO.2 aims to maintain indigenous biodiversity in Southland and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for present and future generations. Policies BIO.2, 4 and 6 seek to protect, maintain and monitor indigenous biodiversity.

As noted in section 2 of this AEE, the transmission connection site is not subject to any identified areas of significant indigenous vegetation and habitats. Further, and as noted in section 4 of this AEE, the proposed works will not result in any adverse ecological effects.

Chapter 10: Natural Features and Landscapes

The objectives and policies in Chapter 10 of the RPS seek to identify and protect both outstanding, as well as locally distinctive and valued, natural features and landscapes.

As already discussed in this AEE, the site is not located within or in close proximity to areas identified as outstanding natural features and landscapes or locally distinctive and valued natural features and landscapes. There are also no identified areas of cultural significance or historic heritage relevant to the project site.

In light of the absence of such areas, it is considered that the proposed works to the existing transmission line will not conflict with any of the outcomes sought by Chapter 10 of the RPS.

Chapter 15: Infrastructure/Transport

Objective INF.1 of the RPS seeks to ensure Southland's region, national and critical infrastructure is secure, operates efficiently and is appropriately integrated with land use activities and the environment.

Policy INF.1 identifies the need to recognise and make provision for the benefits of regionally significant, nationally significant and critical infrastructure and associated activities. Policy

INF.2 seeks to ensure that any potential adverse effects on the environment are avoided, remedies or mitigated where practicable. As outlined in section 4 of this AEE, any potential or actual effect from the proposed transmission connection will be no more than minor.

On the above basis, the proposed works are considered to be directly supported by the direction of the Infrastructure chapter of the RPS.

6.2.8 Operative Gore District Plan

Tower 139 is situated within the Rural Zone of the Operative Plan and there are no other notable features / overlays shown on the planning maps (Maps 31 & 32) that would have relevance to the proposal. In this regard, the site is not located within an outstanding natural landscape nor is it an identified area of significant indigenous vegetation or habitat for indigenous fauna.

Chapter 7: Utilities

Objective 7.3(1) and Policy 7.4(1) of the Operative Plan relate specifically to ensuring that utilities are provided for in order to meet the *“economic, social, health and safety needs of individuals and the community.”*

The proposed connection will enable the operation of the wind farm which has previously been consented.

Policy 7.4(5) seeks to encourage the design and location of utilities that minimises adverse visual effects, where it can be achieved without compromising operation or efficiency. The proposal seeks to facilitate the necessary connection to the northern array of an existing transmission line NMA-TMH. Based upon the landscape and visual effects assessment of the revised connection configuration, it is considered that the proposal is consistent with this policy.

Objective 7.3(2) seeks to ensure that the location and design of utilities avoids significant adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna. As noted above, the site is not located in an area identified as being a significant habitat in either the RPS, Operative Plan or Proposed Plan and the transmission line and towers are an existing feature.

Chapter 3: Land Use Activities

Objectives 3.3(1) & (3) of the Operative Plan seek to maintain and enhance the amenity values of the district while ensuring that effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality. Visual amenity effects, in relation to the policy framework contained

within the relevant statutory framework, has been discussed above, and therefore is not reiterated here.

Given the above discussion, it is considered that the proposed upgrade to Tower 139 is consistent with the above policy framework.

Chapter 2: Matters of National Importance

Chapter 2 of the Operative Plan considers matters of national importance, providing a framework for the management of activities throughout the district in a way that meets the Council's obligations under the RMA. A total of six matters are identified and are labelled:

- > Outstanding natural features and landscapes;
- > Significant Indigenous vegetation and significant habitats of indigenous fauna;
- > Margins of rivers and streams;
- > Heritage; and
- > Mana Whenua.

As previously mentioned in the AEE, the site is not subject to any overlays that relate to outstanding natural features or landscapes, significant indigenous vegetation, or habitat. It also is not subject to any identified sites of heritage significance and does not adjoin the Maitua River. Therefore, only the Mana Whenua objectives and policies have been assessed as follows.

Objective 2.6.3(4) seeks to facilitate consultation with Ngai Tahu to ensure that resource management issues of significance to them are had regard to in carrying out functions under the RMA.

Consultation was undertaken with Te Ao Marama, as well as the Hokonui runanga, when the original resource consent application for the Kaiwera Downs Wind Farm was lodged. This determined that the site including the transmission connection was not of particular significance. The archaeological assessment that supported the original resource consent application also concluded that there are no sites of particular cultural or historical significance within the site. This proposal is considered in keeping with broader activities provided for under the resource consents for the Kaiwera Downs Wind Farm and no additional effects are anticipated.

6.2.9 Proposed Gore District Plan

Submissions on the Proposed Plan closed in November 2023. Although the Proposed Plan has been publicly notified, the plan is in its early stages and decisions have not yet been



made. Therefore, the weighting applied to the provisions is less than that of the Operative Plan.

The objectives and policies of relevance to this application are discussed in the sections below.

General Rural Zone

Objective GRUZ-O2 seeks for the character and qualities of the General Rural Zone to comprise a variety of primary production activities, a very low degree of built form, well set back from other properties and roads, high levels of open space / open pasture or crops and high levels of rural amenity from adjacent sites.

Objective GRUZ-O3 and Policy GRUZ-P11 provides for non-primary production activities that support primary production or rely on a rural location, while managing the nature, scale and location of such activities.

Objective GRUZ-O4 seeks for the purpose and predominant character of the General Rural Zone is not compromised by non-rural activities.

Policy GRUZ-P12 requires activities and development to maintain rural character, rural amenity and the underlying Ngāi Tahu relationships with the natural environment.

Policy GRUZ-P13 recognises that Regionally Significant Infrastructure might be best located in the General Rural Zone, except where there is an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, Natural Hazard risk or Site of Significance to Māori.

In respect to the provisions in this section of the Proposed Plan, all of these matters have already been addressed in detail above in relation to the analysis of the objectives and policies under the RPS. That analysis is also considered applicable in relation to the above provisions.

Infrastructure

Objective INFR-O1 and Policy INFR-P1 seeks that the operation, maintenance, upgrading and development of infrastructure is provided for to meet the needs of the community and businesses.

Policy INFR-P7 requires that the development of infrastructure be managed so that adverse effects on adjoining activities, sites, ecosystem health and Ngāi Tahu cultural values are avoided, remedied or mitigated.



In respect to the provisions in this section of the Proposed Plan, all of these matters have already been addressed in detail above in relation to the analysis of the objectives and policies under the Operative Plan. That analysis is also considered applicable in relation to the above provisions.

6.2.10 Conclusion

In summary, the proposal is considered to be generally consistent with the objectives and policies of the RPS, Operative Gore District Plan and Proposed Gore District Plan. Accordingly, there is nothing within the relevant planning documents that suggests the application should not be granted as sought.

6.2.11 Clause 1(c) – Other Relevant Matters

There are no other matters considered to be relevant to the consideration of the resource consent application for the proposed realignment of the transmission infrastructure for the purposes of Section 104(1)(c) of the RMA.

6.2.12 Part 2 of the Resource Management Act 1991

It is understood that a consent authority is generally no longer required to consider Part 2 of the RMA beyond its expression in the relevant statutory planning documents, unless it is appropriate to do so. In this case, it is considered that the planning context is clear, and the proposed works align well with the management objectives of the relevant statutory planning documents. However, for completeness and in accordance with Schedule 4(2)(1)(f) of the RMA, Part 2 of the RMA is considered in the following paragraphs.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. In this regard;

- The proposed works will not impact on any significant indigenous vegetation or wetlands and watercourses; and
- The proposed works will enable the transmission of a renewable energy, providing benefits in both a local (the provision of local security of electricity supply) and national scale.

Section 7 of the RMA deals with “other matters” that must be given particular regard. Within the context of the preceding assessments, sections 7b, c and f are considered relevant, and they are:

(b) the efficient use and development of natural and physical resources

,...

(c) the maintenance and enhancement of amenity values



...

(f) maintenance and enhancement of the quality of the environment.

While the infrastructure will be upgraded and moved, this is occurring in a location which is characterised by existing and extensive transmission towers and lines, and which will be subject to much more noticeable changes via the wind farm development. Given this existing environment, the earlier effects it is considered that the proposal is aligned with sections 7c and 7f.

Overall, it is considered that the works necessary to upgrade the existing transmission line will promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.



7. NOTIFICATION MATTERS

7.1 SECTION 95A OF THE RESOURCE MANAGEMENT ACT 1991

Whether the application should be notified has been assessed as follows, according to section 95A of the RMA:

Step 1 – Mandatory public notification:

- Transpower New Zealand Limited does not request public notification of this resource consent application (s95A(3)(a)); and
- The application does not include an exchange of recreation reserve land under the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded:

- Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)); and
- The proposal is for a discretionary activity, which is not a boundary activity. Therefore, the preclusion section in s95A(5)(b) does not apply.

Step 3 – Public notification in certain circumstances:

- Public notification is not required by any rule or national environmental standard (s95A(8)(a)); and
- The activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public notification in special circumstances:

- In considering whether special circumstances apply to warrant notification of an application, it is noted that special circumstances:
 - Are unusual or exceptional but may be less than extraordinary or unique; and
 - Unlikely to be justified where there is no evidence of adverse effects likely to arise from an activity.

This application is not unusual or exceptional. As discussed, the application is for the realignment of conductors and associated support structures to enable Kaiwera Downs Wind Farm to connect to NMA-TMH.



In light of the analysis above, public notification of this resource consent application is not required under Section 95A of the RMA.

7.2 SECTION 95B OF THE RESOURCE MANAGEMENT ACT 1991

With respect to Section 95B(1) of the RMA:

- Limited notification is not required under *Step 1* as the proposal does not affect customary rights groups or customary marine title groups or a statutory acknowledgement area;
- Limited notification is not precluded under *Step 2* as the proposal:
 - is not subject to a rule in the PRPN or NESFM that precludes limited notification;
 - is not a controlled activity and is not a prescribed activity;
- Limited notification is not required under *Step 3* as the proposal is not a boundary activity.

The proposal therefore falls into the ‘any other activity’ category and the effects of the proposal on any persons are assessed in accordance with section 95E of the RMA to determine if limited notification is required (refer to Section 8.3 of this AEE below). In addition, no other special circumstances have been identified in relation to the resource consent application that warrant notification of the application any other persons not already determined to be eligible for limited notification (as per Section 95E(1) of the RMA).

7.3 ASSESSMENT OF EFFECTS ON PERSONS (S95E)

According to Section 95E of the RMA, a person is an affected person if the activity’s adverse effects on the person are minor or more than minor (but not less than minor). However, Section 95E(2)(a) of the RMA also allows a consent authority to disregard an adverse effect of an activity on a person if a rule or a national environmental standard permits an activity with that effect.

In terms of Section 95E of the RMA, no persons are considered to be adversely affected by the proposed relocation of parts of the NMA-TMH outside the controlled tower envelope.



8. CONCLUSION

This AEE has been prepared on behalf of Transpower New Zealand Limited to accompany the application for consent for an upgrade to a transmission line. This will enable a consented 220 kV transmission line from the Kaiwera Downs Wind Farm to efficiently connect to the North Makarewa to Three Mile Hill Line. This relocation of the existing transmission line including the partial replacement of Tower 139.

The actual and potential effects on the surrounding environment from the proposed works as outlined in section 5 of this AEE will be no more than minor. The proposed connection and associated realignment will also be consistent with the relevant objectives and policies of the relevant statutory documents.

Overall, it is considered that this resource consent application will be consistent with the purpose and principles of the RMA and that there are no impediments to the grant of the proposed activity sought by Transpower New Zealand Limited on a non-notified basis.