

Appendix 1 – Relief Sought

Provision	Reasons	Relief Sought
<p>Chapter 39 Wāhi Tupuna</p> <p>Rule 39.4.4</p>	<p>The rule creates a perverse outcome by creating an exception for minor upgrading of electricity distribution infrastructure (except where this involves the addition of new support structures) while also narrowing the scope of the rule to buildings only.</p> <p>The definition of building in PDP Chapter 2 has the same meaning as the Building Act 2004, with the following exemptions <u>in addition</u> to those in the Building Act (s 9).</p> <p>Section 9 of the Building Act specifically excludes any NUO System, and any power pole that is a NUO System or part of one. Aurora’s infrastructure, including those activities provided by Rule 30.5.5.1-30.5.5.4 are a NUO System and therefore excluded from the definition of “Building” in the Act, and Chapter 2 PDP. Therefore, Aurora’s infrastructure is not caught by Rule 39.4.4 but that reading of the rule is unsettled by the addition of the exemption.</p> <p>The effect of this is that the Hearing Panel has created a perverse outcome by excluding all of Aurora’s infrastructure from coming within this rule, except where it relates to the addition of support structures for the purpose of minor upgrading.</p>	<p>Amend Rule 39.4.4. as follows:</p> <p>Any buildings:</p> <ul style="list-style-type: none"> a. within an identified Wāhi Tūpuna area; b. within the following zones: <ul style="list-style-type: none"> i. Rural; ii. Rural Residential and Rural Lifestyle; or iii. Gibbston Character; <p>and</p> <ul style="list-style-type: none"> c. less than 20m from a wetland, river or lake. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on Manawhenua values. <p>This rule does not apply to minor upgrading of electricity transmission and distribution or telecommunication lines, except where this involves the addition of new support structures.</p> <p>Activity status – restricted discretionary</p>
<p><u>Chapter 39 Wāhi Tupuna</u></p> <p>Rule 39.4.5</p>		<p>Amend Rule 39.4.5. as follows:</p> <p>Any buildings:</p> <ul style="list-style-type: none"> a. within an identified Wāhi Tūpuna area;

	<p>We note for clarity that the scope of the relief sought seeks only to remove the exemption and specifically excludes returning the word “structure” to the rule.</p>	<p>b. within the following zones:</p> <ul style="list-style-type: none"> i. Wakatipu Basin Rural Amenity; or ii. Open Space and Recreation; <p>and</p> <p>c. less than 20m from a wetland, river or lake.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on Manawhenua values. <p>This rule does not apply to minor upgrading of electricity transmission and distribution or telecommunication lines, except where this involves the addition of new support structures.</p> <p>Activity status – restricted discretionary</p>
<p>Planning maps and Chapter 7</p> <p>Area within a 10 metre vicinity of the Wanaka Zone Substation located at 39 Ballantyne Road (described as Lot 1 DP 12295 comprised in OT5A/42)</p> <p>Rule 7.5.X</p>	<p>The Decision does not provide for the ongoing protection of the Wanaka Substation by limiting the duration of the BRA to a period of 5 years from the date of notification of PDP Stage 3. Rather, the Decision considers that a designation in the BRA area is likely to be a more appropriate mechanism to ensure the site’s function and protection. The Hearing Panel goes on to accept the submission that the BRA would be as effective as a designation for that purpose.</p> <p>However, the Hearing Panel was persuaded that it would be more appropriate to internalise the adverse effects of the BRA by acquiring the land and/or possibly expanding the designation during the 5 year period (noting that this is now reduced to just over 4 years as of the date of this appeal). Although Aurora</p>	<p>Amend Rule 7.5.X as follows such that the Building Restriction Area continues in perpetuity:</p> <p>A building or structure located within the Wanaka Substation Building Restriction Area as shown on the District Plan web mapping application and Three Parks Structure Plan (27.13.12).</p> <p>The Building Restriction Area and this standard only apply until 20 September 2024.</p> <p>Advice note: Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.</p>

	<p>may wish to undertake this process in future it does not have any plans to do this within the next 4 years, particularly given the work programme and investment to be undertaken in the next 3 years pursuant to the CPP approved by the Commerce Commission.</p>	<p>Non-compliance status = Non-complying.</p> <p>Make a consequential amendment to the planning maps to remove the notation that the Building Restriction Area applies until 20 September 2024.</p>
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