



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

REPORT OF HEARING PANEL

Independent Hearing Commissioners:

Robert Schofield (Chair)
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TOPIC 7A

Network Utilities

REPORT DATED

4 May 2023

DATE OF HEARING

14 December 2022

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List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submission Number(s)
Hawke's Bay Regional Council (HBRC)	S11
Powerco Limited (Powerco)	S56
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Fire and Emergency New Zealand (FENZ)	S57
Department of Conservation (DOC)	S64
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	S75
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78
Transpower New Zealand Limited (Transpower)	S79
Horticulture New Zealand (Hort NZ)	S81
Centralines Limited (Centralines)	S90
Chorus New Zealand Limited (Chorus)	S117
Spark New Zealand Trading Limited (Spark)	S118
Vodafone New Zealand Limited (Vodafone)1	S119
Federated Farmers of New Zealand (Federated Farmers)	S121
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club	S131

Further Submitter Name	Further Submission Number(s)
FirstGas	FS3
HNZPT	FS7
Forest & Bird	FS9
Waka Kotahi	FS16
Hort NZ	FS17
Transpower	FS18
DOC	FS19
Kāinga Ora	FS23
Federated Farmers	FS25

PART A – PRELIMINARY MATTERS

1. Introduction

1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel on the submissions and evidence considered at the Energy, Infrastructure and Transport topic hearing, held on 14 December 2022 at the CHBDC Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel (“the Panel”) on submissions on the Proposed District Plan (PDP), will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.3 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report’s recommendations and the underlying evaluation behind such changes.

1.2 Statutory considerations

- 1.2.1 The Panel’s Report on Preliminary Matters and Statutory Requirements sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework is not repeated in this report, which must be read in conjunction with the Preliminary Matters report. This report should be read in conjunction with the Report on Preliminary Matters and Statutory Requirements.
- 1.2.2 This report will refer to the s42A report ‘Officer’s Report: Network Utilities’ prepared by Ms Janeen Anne Kydd-Smith.
- 1.2.3 Network Utilities is covered in the ‘Network Utilities & Renewable Energy Section 32 Topic Report’.
- 1.2.4 As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s 32 requires, and when changes are recommended, a further assessment under s 32AA will be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version.
- 1.2.5 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s 32AA for any changes to the PDP they were seeking. Michael Campbell on behalf of Kāinga Ora provided a s32AA assessment for the changes being sought at the hearing.

- 1.2.6 Where we have made amendments to the PDP that are consistent with the recommendations contained within Council officers' s42A and / or right-of-reply reports (and where there are relevant joint witness statements) we have adopted the s32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.
- 1.2.7 Where we have made amendments to the PDP that are not contained within Council officers' recommendations, we have undertaken the required s32AA analysis and have incorporated it into the body of our report. We are satisfied that the required substantive assessment has been undertaken.
- 1.2.8 As set out in the s32 Network Utilities and Renewable Energy Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the Resource Management (National Policy Statement for Renewable Electricity Generation) 2011(NPS-REG), the Hawke's Bay Regional Resource Management Plan (HBRMP) including the Regional Policy Statement (2006)(RPS), and the Hawke's Bay Regional Coastal Environment Plan (2014)(HBRCP). These documents are discussed in detail within the s32 Topic Report.

1.3 Submissions

- 1.3.1 This topic report addresses submissions received on the district-wide 'Network Utilities' provisions and associated definitions.
- 1.3.2 There were 16 submitters and 9 further submitters across the whole 'Network Utilities' topic.
- 1.3.3 There were 32 original submission points, and 14 further submission points.
- 1.3.4 Of the 282 original submission points, 143 submission points were in support.

1.4 Procedural matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, undertaken on the submissions relating to the Network Utilities topic prior to the finalisation of this s42A report.
- 1.4.2 No further consultation with any parties regarding the Network Utilities topic was undertaken since notification of the provisions.
- 1.4.3 No matters of trade competition were raised.
- 1.4.4 Due to a potential conflict of interest, Chairman Schofield recused himself from hearings submissions by Transpower, or deliberating on its submissions. Commissioner Lovell acted as chair in all proceedings related to the submission from Transpower.

1.5 Hearing

1.5.1 The Energy, Infrastructure and Transport hearing was held on 14 December 2022.

1.5.2 Submitters who appeared at the hearing in relation to the Network Utilities Topic are shown below in Table 1. All evidence can be found on the PDP Hearing Schedule webpage under the relevant Hearing Topic [[Hearing Stream 7 | Central Hawke's Bay District Council \(chbdc.govt.nz\)](#)].

Table 1. Submitters who appeared at Hearing Stream 7: Energy, Infrastructure and Transport in relation to the Network Utilities topic

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Key Issue under which evidence is discussed
Chorus (S117), Spark (S118), Vodafone (S119)	Tom Anderson (planning) Graeme McCarrison (corporate)	Submitter evidence	Key Issues 1, 4, 5, 6, 7, 8, 11
FENZ (S57)	Paul McGimpsey (planning)	Written statement	Key Issues 5, 6
Kāinga Ora (S129, FS23)	Michael Campbell (planning)	Submitter evidence	Key Issue 11
Waka Kotahi (S78, FS16)	Natasha Reid (planning)	Written statement	Key Issues 4, 5, 6, 7
Hort NZ (S81)	Lynette Wharfe (planning)	Submitter evidence	Key Issue 5, 6, 7, 9
HNZPT (S55)	Dean Raymond (planning)	Submitter evidence	Key Issues 3, 6
Federated Farmers (S121)	Rhea Dasent (planning)	Submitter evidence	Key Issues 3, 4, 5, 6, 7, 11
First Gas (FS3)	Nicola Hine (planning)	Submitter evidence	Key Issues 1, 4, 6
Transpower (S79)	Pauline Whitney (planning) Daniel Hamilton (corporate)	Submitter evidence	Key Issues 3, 4, 4, 6, 7, 9, 10, 11

1.5.3 Ms Janeen Kydd-Smith appeared as reporting planner for the CHBDC.

1.5.4 Evidence provided by Ms Kydd-Smith included:

- Officer's Report on Network Utilities (the s42A report), and
- Opening statement (verbal).

1.5.5 Following the adjournment of the hearing on 14 December 2022, a written right-of-reply from the Council's reporting planner was received and circulated on 27 January 2023.

1.6 Structure of this report

- 1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. Many of the submissions addressed the same or related issues and thus a key issue approach avoids undue repetition. There were 11 key issues addressed in this report:
- Key Issue 1: Strategic Direction;
 - Key Issue 2: General;
 - Key Issue 3: Introduction;
 - Key Issue 4: Issues;
 - Key Issue 5: Objectives;
 - Key Issue 6: Policies;
 - Key Issue 7: Rules;
 - Key Issue 8: Standards;
 - Key Issue 9: Assessment Matters, Methods, Principal Reasons & Anticipated Environmental Results;
 - Key Issue 10: Other Matters; and
 - Key Issue 11: Definitions and Abbreviations
- 1.6.2 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. This includes definitions.
- 1.6.3 We then turn our evaluation to the higher-level provisions of the District Plan relating to the topic: the objectives and policies and associated matters.
- 1.6.4 Thereafter we consider the associated rules and standards and, if relevant, methods and anticipated environmental results.
- 1.6.5 Finally, we consider minor errors that should be rectified or consequential amendments that may be needed as a result of our recommendations.
- 1.6.6 The Panel's recommendations against each submission point are listed in the table in Appendix B.

PART B – EVALUATION

2. Overview

- 2.1.1 This topic covers submissions received on the NU – Network Utilities chapter, and any associated definitions.

3. Key Issue 1 – Strategic Direction

3.1 Proposed plan provisions

- 3.1.1 Key Issue 1 addresses submission requests to include a new Strategic Directions chapter to the Proposed Plan for infrastructure and seeking the addition of additional objectives and policies specific to infrastructure and renewable energy.

3.2 Submissions

- 3.2.1 There were 4 original submission points and 8 further submission points relating to the strategic direction.

3.3 Reporting planner's recommendations (s42A report)

- 3.3.1 Chorus, Spark and Vodafone requested the addition of a new Strategic Direction chapter on 'Infrastructure', under Part 2 – District Wide Matters of the Proposed Plan. Centralines requested that objectives and policies specific to infrastructure and renewable energy are included in the Strategic Directions chapter.
- 3.3.2 The new strategic objectives sought by Chorus, Vodafone and Spark relate broadly to 'infrastructure'. The reporting planner advised that there is no definition of 'infrastructure' in the National Planning Standards or the PDP, however, there is a definition in the RMA as follows:

infrastructure means—

- (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;
- (b) a network for the purpose of telecommunication as defined in [section 5](#) of the Telecommunications Act 2001;
- (c) a network for the purpose of radiocommunication as defined in [section 2\(1\)](#) of the Radiocommunications Act 1989;
- (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - (i) uses them in connection with the generation of electricity for the person's use; and
 - (ii) does not use them to generate any electricity for supply to any other person;
- (e) a water supply distribution system, including a system for irrigation;
- (f) a drainage or sewerage system;
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means;
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:
- (i) an airport as defined in [section 2](#) of the Airport Authorities Act 1966;
- (j) a navigation installation as defined in [section 2](#) of the Civil Aviation Act 1990;
- (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in [section 2\(1\)](#) of the Port Companies Act 1988;
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in [section 166](#)

3.3.3 As such, she considered the new objectives/policies sought by the submitters could apply broadly to any of the above facilities that may be considered infrastructure, and that may be provided by central, regional or local government, or by private companies or individuals.

3.3.4 The reporting planner advised that the NU-Network Utilities chapter applied specifically to Network Utilities, which are defined in the Proposed Plan as *"a project, work, system or structure that is a network utility operation undertaken by a network utility operator"*.

3.3.5 The reporting planner therefore recommended that it was unnecessary to include a new strategic direction for 'Infrastructure' in Part 2 of the PDP.

3.4 Evidence to the hearing

3.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. His evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. This included the addition of a new strategic objective relating to infrastructure integration. It is noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these.

3.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was a corporate statement focussed on the operations of the telecommunications companies.

3.4.3 Graeme Roberts provided evidence on behalf of First Gas and agreed with the s42A recommendation regarding the strategic direction.

3.5 Post hearing information

- 3.5.1 In her right-of-reply, the reporting planner addressed the inclusion of a new objective within a new Strategic Direction chapter within Part 2 of the PDP, called “Strategic Direction for Infrastructure”. The reporting planner discussed the RPS and the objectives and policies that relate to infrastructure. The reporting planner considered that the Urban Form and Development Chapter of the PDP gives effect to the RPS’s direction infrastructure and considered it unnecessary to include a new strategic direction for ‘infrastructure’ chapter in Part 2 of the PDP. Accordingly, she did not change her position.

3.6 Evaluation and findings

- 3.6.1 The Panel agrees with the reporting planner and recommends that it is unnecessary to include a new strategic direction chapter for ‘Infrastructure’ in Part 2 of the PDP. The Panel also highlights that infrastructure was not identified through the community consultation process undertaken for the PDP review as a strategic level issue.

4. Key Issue 2 – General

4.1 Proposed plan provisions

- 4.1.1 Key Issue 2 addresses submissions requests to retain the initial statement /statutory context under the heading ‘How the Plan Works’ in Part 1 – Introduction and General Provisions of the PDP, retain the separate Network Utilities chapter, and retain provisions within the Network Utilities chapter relating to network utilities within ONL/ONFs.

4.2 Submissions

- 4.2.1 There were 8 original submission points and 3 further submission points addressed in this Key Issue.

4.3 Reporting planner’s recommendations (s42A report)

- 4.3.1 Submissions on this issue did not request any changes to provisions and generally sought that the Statutory Context – National Level section under the heading ‘How the Plan Works’ in Part 1 – Introduction and General Provisions of the Proposed Plan be retained as notified, that a separate NU – Network Utilities chapter (and the provisions in it) be retained.
- 4.3.2 As such, the reporting planner recommended that the submission points be accepted. However, the planner recommended that the HBRC’s submission point (S11.005) be accepted in part as the planner recommended that there be changes to provisions within the Network Utilities chapter in response to other submissions.

4.4 Evidence to the hearing

- 4.4.1 No specific evidence was provided on this key issue.

4.5 Post hearing information

- 4.5.1 The reporting planner’s right-of-reply did not address this key issue.

4.6 Evaluation and findings

- 4.6.1 The Panel agrees with the reporting planner and recommends that the Network Utilities chapter is retained, as well as the ‘How the Plan Works’ in Part 1 – Introduction and General Provisions of the PDP, and the provisions within the Network Utilities chapter relating to network utilities within ONL/ONFs.

5. Key Issue 3 – Introduction

5.1 Proposed plan provisions

- 5.1.1 Key Issue 3 addresses addressed the provisions relating to the introduction.

5.2 Submissions

- 5.2.1 There were 6 submission points and 6 further submission points relating to requests to retain the 'Introduction' in the NU – Network Utilities chapter, amend paragraphs 4 and 5 of the 'Introductions' and add a new sentence at the end of paragraph 4 of the 'Introduction'.

5.3 Reporting planner's recommendations (s42A report)

- 5.3.1 Powerco (\$56.005) supported the fourth paragraph of the NU – Introduction and considered that the explanation of how the plan works is necessary for clarity. They requested that a new sentence be added at the end of paragraph 4 of the NU – Introduction, as follows:

The objectives, policies and rules in this chapter are the only objectives, policies and rules that apply to Network Utility activities, however the following Part 2 – District-Wide Matters chapters may also be relevant to network utilities: EW – Earthworks, TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT – Light, and NOISE – Noise.

- 5.3.2 The reporting planner concurred with the submitter that it would be helpful for the 'Introduction' to include reference to the possible relevance of other chapters of the PDP to network utilities. However, she preferred the following wording, taken from the paragraph immediately above Rule NU-R1:

In addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise).

- 5.3.3 Transpower (\$79.018) requested that paragraph 4 of the 'Introduction' be amended as follows:

"Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the National Grid, and gas transmission pipelines) are contained within the Network Utilities provisions of the plan elsewhere in the District Plan, in the respective zones in Part 3 of the District Plan, and the NOISE – Noise chapter of the District Plan ..."

- 5.3.4 In relation to Hearing Stream 3 Rural Topic, Key Issue 18 – Setbacks from the National Grid & Gas Transmission Network in the Rural Zones, Transpower (\$79.095, \$79.097, \$79.111, \$79.113, \$79.110 & \$79.126) requested that the relevant rules in the GRUZ – General Rural Zone and PROZ – Rural Production Zone chapters be relocated and merged into the Network Utilities chapter, and that an introductory statement be added to the Rules sections of the GRUZ and RPROZ chapters stating that "Rules for activities within the National Grid Yard within the General Rural Zone/Rural Production Zone are contained in the Network Utilities (NU) chapter".

- 5.3.5 In response to Transpower's submission, the reporting planner concurred with the further submitters (i.e., Hort NZ and Federated Farmers), and advised:

"...that it is appropriate that the rules relating to setbacks for activities in the GRUZ and RPROZ zones be retained within the chapters, as it will be easier for plan users to see all provisions in one chapter, and less likely to be missed. The only replication that occurs under the notified provisions is

the reference to Standard GRUZ-S13/RPROZ-S15 in the rules of each chapter but, in my opinion, that is not any different to the repetition of references to other standards that occur in the chapter rules already. I also consider that there is a risk that plan users may overlook the need to refer to the NU – Network Utilities chapter if they do not see the small introductory note at the beginning of the Rules section of each chapter.”

- 5.3.6 For the same reasons above, the reporting planner remained of the opinion that provisions managing the effects of other activities on network utilities should be retained within the relevant chapters, outside the Network Utilities chapter.
- 5.3.7 Transpower also requested that the ‘Introduction’ explain the relationship of the Network Utilities chapter to other chapters in the PDP, to clarify the provisions and make the Network Utilities chapter standalone (i.e., be a “one stop shop” for all provisions relating to Network Utilities).
- 5.3.8 The reporting planner was satisfied that retaining other provisions relating to network utilities within the HH - Historic Heritage, ECO – Ecosystems and indigenous biodiversity, SUB – Subdivision, ASW - Activities on the Surface of Water, EW – Earthworks, LIGHT – Light, NOISE – Noise, SIGNS – Signs and TEMP – Temporary Activities chapters complied with the National Standards and was appropriate.
- 5.3.9 The reporting planner recommended the following amendment(s) is made to the ‘Introduction’ of the NU – Network Utilities chapter:

Introduction

The purpose of the Network Utilities chapter is to manage the construction, operation and maintenance of all network utilities. Network utilities are physical resources that provide infrastructure service networks such as water supply, sewerage, trade waste and stormwater drainage networks, roads and rail networks, cycleway and walkway networks, telecommunication networks, radio communication facilities, electricity and gas transmission and distribution networks, and associated buildings, structures, equipment and customer connections.

Network utilities provide essential services and are critical to the efficient and ongoing functioning of the District. They enable communities to undertake everyday activities and functions and allow people to provide for their social, cultural and economic wellbeing and their health and safety.

Under the RMA, the Council is required to manage the effects of the use and development of network utilities on the environment, as it must for other land use activities. Given the essential role of network utilities, it is recognised that network utility operators require certainty as to those works which can proceed without resource consent and those which require consent.

To achieve this, the network utility provisions in the District Plan provide for the establishment, operation and maintenance of network utilities throughout the District, and manage their adverse effects on the environment (particularly in sensitive environments such as the coastal environment, outstanding landscapes, significant natural areas, areas containing cultural or historic heritage values, and areas subject to natural hazard). Because many network utilities are lineal, and traverse many parts of the District, it is considered appropriate that a single set of rules are provided which apply across the District.

In addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise).

Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the National Grid, and gas transmission pipelines) are contained elsewhere in the District Plan, in the respective zones in Part 3 of the District Plan, and the NOISE – Noise chapter of the District Plan.

[...]

5.4 Evidence to the hearing

- 5.4.1 Dean Raymond provided expert planning evidence on behalf of HNZPT. The evidence focused on a minor additional paragraph in the introductory section cross-referencing other sections of the plan.
- 5.4.2 Rhea Dasent provided evidence on behalf of Federated Farmers the evidence agreed with the s42A recommendation the introduction.
- 5.4.3 Daniel Hamilton provided corporate evidence on behalf of Transpower which focussed on the role of the National Grid, while Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or support the majority of recommendations in relation to this key issue.

5.5 Post hearing information

- 5.5.1 The reporting planner's right-of-reply did not address this key issue.

5.6 Evaluation and findings

- 5.6.1 The Panel agrees with the report planner that it is helpful for the 'Introduction' to include reference to the possible relevance of other chapters of the Proposed Plan to network utilities.
- 5.6.2 The Panel also agrees that provisions managing the effects of other activities on network utilities are more appropriately contained within the relevant chapters, outside the Network Utilities chapter, and therefore should be retained in those chapters.
- 5.6.3 The Panel agrees with the reporting planner that retaining other provisions relating to network utilities within the HH - Historic Heritage, ECO – Ecosystems and indigenous biodiversity, SUB – Subdivision, ASW - Activities on the Surface of Water, EW – Earthworks, LIGHT – Light, NOISE – Noise, SIGNS – Signs and TEMP – Temporary Activities chapters complies with the National Standards and is appropriate.
- 5.6.4 The Panel recommends the amendment proposed by the reporting planner to the 'Introduction' of the NU – Network Utilities chapter be adopted.

6. Key Issue 4 – Issues

6.1 Proposed plan provisions

6.1.1 This Key Issue addresses requests to retain or amend Issues NU-I1, NU-I2 and NU-I3.

6.2 Submissions

6.2.1 There were 18 submission points and 19 further submission points on this key issue.

6.3 Reporting planner's recommendations (s42A report)

Issue NU-I1

6.3.1 Centralines (S90.006), Chorus (S117.028), Spark (S118.028), Vodafone (S119.028), Transpower (S79.019) and Kāinga Ora (S129.014) supported Issue NU-I1 and requested that it be retained as notified.

6.3.2 Powerco (S56.006) supported the issue but requested that it be amended as follows, as adverse effects of network utilities are discussed in Issue NU-I2:

NU-I1 Essential Role of Network Utilities

Network utilities have important functions and enable people and communities to provide for their health and safety and social, economic, and cultural wellbeing, ~~but can have adverse effects on the environment, often due to their technical, operational, and location specific requirements~~

6.3.3 The reporting planner concurred with Powerco that it was appropriate that Issue NU-I1 should focus only on the essential role of network utilities, as adverse effects that may be associated with them were discussed in more depth under Issue NU-I2. She noted that the explanation to the issue did not refer to adverse effects, whereas Issue NU-I2 did. The reporting planner therefore recommended that the amended wording requested by Powerco be adopted.

Issue NU-I2

6.3.4 Chorus (S117.029), Spark (S118.029), Vodafone (S119.029), Transpower (S79.020) and Kāinga Ora (S129.015) support Issue NU-I2 and requested that it be retained as notified.

6.3.5 Related to their submission point on Issue NU-I1, Powerco requested that the wording of Issue NU-I2 be amended as follows:

NU-I2 Adverse Effects of Network Utilities and Amateur Radio Configuration

Some network utilities and amateur radio facilities can have adverse effects on the environment, often due to their technical, operational, and location specific requirements.

6.3.6 The reporting planner considered that the amendment requested by Powerco was appropriate, as the explanation to Issue NU-I2 related solely to potential adverse effects network utilities may have on the environment.

Issue NU-I3

- 6.3.7 Chorus (S117.030), Spark (S118.030), Vodafone (S119.030), Powerco (S56.008), Transpower (S79.021) and Waka Kotahi (S78.014) supported Issue NU-I3 and requested that it be retained as notified. First Gas (FS3.007) supported Transpower's submission point.
- 6.3.8 Kāinga Ora (S129.016) generally supported NU-I3 as notified. However, they requested that the inclusion of the qualifier '*where not appropriately managed*,' be added to the issue to reflect that subdivision, land use, and development in close proximity to existing network utilities may not unnecessarily constrain or compromise the safe and efficient functioning of the utility where well planned and considered. Hort NZ (FS17.23) supported Kainga Ora's submission point, as they considered the additional wording would provide a balance within the issue, as not all other activities would affect network utilities.
- 6.3.9 The reporting planner considered that Issue NU-I3 was clear, in that it simply stated the issue, being the potential for new subdivision, land use and development to have an impact on the safe and efficient functioning of network utilities. The planner considered that the Explanation associated with the issue appropriately provides the context for the issue and clarification. The planner concurred with First Gas (FS3.008), Transpower (FS18.5) and Waka Kotahi (FS16.3) that inclusion of the word 'may' already provided for the outcome sought by Kāinga Ora, that the associated policies and rules provided the framework for considering appropriateness, and the words 'where not appropriately managed' could lead to ambiguity.
- 6.3.10 The reporting planner therefore considered that Issue NU-I3 should be retained as notified.

6.4 Evidence to the hearing

- 6.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone, which all provided identical submissions on the Network Utilities Chapter. The evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone supported the issues. It was noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these.
- 6.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was a corporate statement focussed on the operations of the telecommunications companies.
- 6.4.3 Natasha Reid tabled a letter at the hearing on behalf of Waka Kotahi. Waka Kotahi accepted all the officer's recommendations as they related to their submissions on Network Utilities.
- 6.4.4 Rhea Dasent provided evidence on behalf of Federated Farmers, and agreed with the s42A recommendation on NU-I1.
- 6.4.5 Graeme Roberts provided evidence on behalf of FirstGas, and agreed with the s42A recommendation on Issue NU-I3.
- 6.4.6 Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or support the majority of recommendations in relation to this key issue.

- 6.4.7 Daniel Hamilton provided corporate evidence on behalf of Transpower which focused on the role of the National Grid.

6.5 Post hearing information

- 6.5.1 The reporting planners right-of-reply did not address this key issue.

6.6 Evaluation and findings

Issue NU-I1

- 6.6.1 Powerco (\$56.006) supported the issue but requested that it be amended as follows, as adverse effects of network utilities are discussed in Issue NU-I2:

NU-I1 Essential Role of Network Utilities

Network utilities have important functions and enable people and communities to provide for their health and safety and social, economic, and cultural wellbeing, ~~but can have adverse effects on the environment, often due to their technical, operational, and location specific requirements~~

- 6.6.2 The Panel agrees with the reporting planner and with Powerco that it is appropriate that Issue NU-I1 should focus only on the essential role of network utilities, as the adverse effects that may be associated with them are discussed in more depth under Issue NU-I2. The explanation to the issue does not refer to adverse effects, whereas Issue NU-I2 does. The Panel therefore recommends that the amended wording requested by Powerco be adopted.

Issue NU-I2

- 6.6.3 Related to their submission point on Issue NU-I1, Powerco requests that the wording of Issue NU-I2 be amended as follows:

NU-I2 Adverse Effects of Network Utilities and Amateur Radio Configuration

Some network utilities and amateur radio facilities can have adverse effects on the environment, often due to their technical, operational, and location specific requirements.

- 6.6.4 The Panel agrees with the reporting planner that the amendment requested by Powerco is appropriate, as the explanation to Issue NU-I2 relates solely to potential adverse effects network utilities may have on the environment.

Issue NU-I3

- 6.6.5 The Panel agrees with the reporting planner that Issue NU-I3 is clear, in that it simply states the issue, which is the potential for new subdivision, land use and development to have an impact on the safe and efficient functioning of network utilities. The Panel therefore considers that Issue NU-I3 should be retained as notified.

7. Key Issue 5 – Objectives

7.1 Proposed plan provisions

- 7.1.1 Key Issue 4 addresses submissions requests to retain, amend or delete Objectives NU-O1, NU-O2, NU-O3 and NU-O4.

7.2 Submissions

- 7.2.1 There were 28 submission points and 44 further submission points.

7.3 Reporting planner's recommendations (s42A report)

Objective – NU-O1

- 7.3.1 Objective NU-O1 is about recognising and providing for safe, effective, efficient and resilient network utilities throughout the District that provide essential services, including in emergencies, that enable people and communities to provide for their health, safety and wellbeing.
- 7.3.2 FENZ (\$57.022), Waka Kotahi (\$79.015), Hort NZ (\$81.051), Centralines (\$90.007) and Kāinga Ora (\$129.017) requested that Objective NU-O1 be retained as notified.
- 7.3.3 Chorus (\$117.031), Spark (\$118.031) and Vodafone (\$119.031) requested that Objective NU-O1 be deleted and replaced with Objective IE-O1 taken from 'Best Practice District Plan Provisions for Network Utilities' attached in Appendix A of their submissions.
- 7.3.4 The reporting planner advised that much of what is contained within Objective IE-O1 was already included in Objective NU-O1, however, the reporting planner considered that the Objective NU-O1 could be amended to better reflect Objective IE-O1, and address Powerco's submission point (\$56.009) which requested the addition of the words 'and connections', as follows:

NU-O1	Recognise and provide for safe, effective, efficient and resilient network utilities throughout the District that provide essential and secure services <u>and connections</u> , including in emergencies, <u>integrate with urban development, contribute to the economy and</u> that enable people and communities to provide for their health, safety and wellbeing.
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Objective – NU-O2

- 7.3.5 Objective NU-O2 is about avoiding, remedying or mitigating the adverse effects of network utilities on the environment, while recognising the functional needs of network utilities.
- 7.3.6 Transpower (\$79.023) requested that, if the objective was amended, it would support a specific objective to give effect to the NPS-ET. The submitter did not offer any wording for a new objective. Federated Farmers (FS25.12) opposed in part Transpower's submission point, as they did not want other network utilities, such as local electricity distribution, to be included in any provisions that were intended to meet the requirements of NPS-ET. Federated Farmers considered that a separate objective may be necessary to address Transpower's submission point.

- 7.3.7 The reporting planner considered that Objective NU-O2 was generally consistent with (and not contrary to) the above NPS-ET policies, which included recognising the functional and operational needs of network utilities when avoiding, remedying and mitigating their adverse effects on the environment.
- 7.3.8 The reporting planner considered that it was unnecessary to replace the wording of Objective NU-O2 with Objective IE-O2, as the latter objective included recognising “that positive effects of network utilities may be realised locally, regionally or nationally”, which was already addressed in Policy NU-P1. The remainder of Objective IE-O2 was already captured in Objective NU-O2.
- 7.3.9 On the basis of the above, the reporting planner recommended that Objective NU-O2 be retained as notified.

Objective – NU-O3

- 7.3.10 Objective NU-O3 is that the safety, maintenance, upgrade or development of network utilities is not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.
- 7.3.11 Chorus (S117.033), Spark (S118.033) and Vodafone (S119.033) requested that the objective be deleted and replaced with Objective IE-O3 from the ‘best practice provisions’. Federated Farmers opposed their submission points, as they considered that only the National Grid had buffer corridors/yards to meet NPSET Policies 10 and 11, no other network utilities, and easement agreements should be used by network utilities to manage their assets on private land. Waka Kotahi also opposed replacing Objective NU-O3 with Objective IE-O3, as they considered the reference to setbacks, buffers and controls were more suited to a policy. Hort NZ opposed an objective to ‘protect’ and considered IE-O3 was inappropriate as it was not written as an objective.
- 7.3.12 The reporting planner considered that the request by Chorus, Spark and Vodafone to replace Objective NU-O3 with Objective IE-O3 was unnecessary and inappropriate, as the matters IE-O3 referred to were already addressed under Policy NU-P5.
- 7.3.13 Hort NZ (S81.052) requested that Objective NU-O3 be amended to include the words “to the extent reasonably possible”. Transpower opposed this request as they considered it would change the clear directive in the objective, to ensure network utilities were not compromised, to a subjective assessment that would not give effect to Policy 10 of NPS-ET. The reporting planner concurred with Transpower that the addition of the words “to the extent reasonably possible” was subjective and inappropriate.

- 7.3.14 Kāinga Ora (S129.019) requested that the wording of Objective NU-O3 be amended to reflect that there would be circumstances where subdivision, land use and development may be appropriate and was unlikely to result in reverse sensitivity effects. The reporting planner concurred with Waka Kotahi (FS16.15) insofar as the reporting planner considered that the use of the term 'inappropriate' was vague. The planner also considered that the deletion of the words 'including the potential for' would inappropriately restrict the application of the objective to ensure that the safety, maintenance, upgrade or development of network utilities was not compromised by incompatible subdivision, land use and development 'where it is likely to result in' reverse sensitivity effects. The reporting planner considered this amendment would exclude the objective from considering other potential ways the safety, maintenance, upgrade or development of network utilities may be compromised.
- 7.3.15 On the basis of the above, the reporting planner recommended that Objective NU-O3 be retained as notified.

Objective – NU-O4

- 7.3.16 Objective NU-O4 is to provide for amateur radio configurations, cycleways and walkways within road reserve, electrical vehicle charging facilities outside road reserve, navigational aids, and sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices) where adverse effects on the environment are avoided, remedied or mitigated.
- 7.3.17 Kāinga Ora (S129.020) requested that Objective NU-O4 be retained as notified. There were no other submission points or further submissions relating to this objective.
- 7.3.18 The reporting planner noted that the words 'meteorological' and 'monitoring' were misspelt in the objective and considered that the errors could be corrected as a minor change under Clause 16(2) of the First Schedule of the RMA.

7.4 Evidence to the hearing

- 7.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. The evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone generally supported the s42A recommendations of this key issue. It was noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these.
- 7.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was a corporate statement focussed on the operations of the telecommunications companies
- 7.4.3 Natasha Reid tabled a letter at the hearing on behalf of Waka Kotahi, and accepted all the officer recommendations as they related to their submissions on Network Utilities.
- 7.4.4 Rhea Dasent provided evidence on behalf of Federated Farmers the evidence. Federated Farmers generally agree with the s42A recommendations.

- 7.4.5 Paul McGimpsey tabled a letter at the hearing on behalf of FENZ. FENZ accepted all the officer recommendations as they related to their submissions on Network Utilities.
- 7.4.6 Lynette Wharfe provided evidence on behalf of Hort NZ. The evidence sought changes to NU-O3 to include provisions for ‘the extent reasonably possible’.
- 7.4.7 Daniel Hamilton provided corporate evidence on behalf of Transpower which focussed on the role of the National Grid, while Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or support the majority of recommendations in relation to this key issue.

7.5 Post hearing information

- 7.5.1 The reporting planner addressed Objective NU-O3 in her right-of-reply, having considered the evidence from Lynette Wharfe (Hort NZ) on the inclusion of ‘to the extent reasonably possible’ in NU-O3. The reporting planner noted that Policy 10 of the NPS-ET indicates that there is to be consideration as to how the policy is applied by including the words “to the extent reasonably possible’. However, the reporting planner considered that the direction in the NPS-ET was not absolute, and decision makers must exercise judgement in applying the policy. The reporting planner therefore did not change her position and considered it unnecessary to amend NU-O3.

7.6 Evaluation and Findings

Objective NU-O1

- 7.6.1 The Panel agrees with the reporting planner that much of what is contained within Objective IE-O1 is already included in Objective NU-O1. However, the Panel considers that it could be amended to better reflect Objective IE-O1 as follows:

NU-O1 Recognise and provide for safe, effective, efficient and resilient network utilities throughout the District that provide essential and secure services **and connections**, including in emergencies, **enabling them to integrate with urban development, contribute to the economy and** ~~that enable people and communities to provide for the their~~ health, safety and wellbeing **of people and communities.**

7.6.2 Objective NU-O2

- 7.6.3 The Panel agree with the reporting planner that Objective NU-O2 should be retained as notified.

Objective NU-O3

- 7.6.4 The Panel agree with the reporting planner that Objective NU-O3 should be retained as notified.

Objective NU-O4

- 7.6.5 The Panel agree with the reporting planner that Objective NU-O4 should be retained as notified.

8. Key Issue 6 – Policies

8.1 Proposed plan provisions

- 8.1.1 Key Issue 4 addresses submission requests to retain, amend or delete Objectives NU-P1, NU-P2, NU-P3, NU-P4, NU-P5 and NU-P6, and to add new policies.

8.2 Submissions

- 8.2.1 There were 56 submission points and 82 further submission points.

8.3 Reporting planner's recommendations (s42A report)

New Policy – Network Utilities, Land Use, Subdivision, Development and Urban Growth

- 8.3.1 Chorus (S117.039), Spark (S118.039) and Vodafone (S119.039) requested that a new policy, being IE-P2 from the 'best practice provisions' (set out below), be added to the PDP. They considered that, while the proposed policies within the PDP provided direction in terms of effects management in most day-to-day situations, ensuring co-ordination with the development of land where demand for telecommunications (and network utilities more generally) was helpful.

IE-P2	Network utilities, land use, subdivision, development and urban growth
Enable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.	

- 8.3.2 The reporting planner appreciated the desire of network utility operators to coordinate the planning and delivery of network utilities; however, she did not understand how that could be actively 'enabled' by the PDP. The planner considered that it was more appropriate for network utilities to determine for themselves, if, when and how they worked together, and it did not require permission under the provisions of the District Plan for that to occur.
- 8.3.3 For the above reason, the reporting planner did not support inclusion of the new policy.

New Policy – Technological Advances

- 8.3.4 Chorus (S117.040), Spark (S118.040) and Vodafone (S119.040) requested that a new policy, being IE-P3 from the 'best practice provisions' (set out below), be added to the PDP.

Provide flexibility for network utilities to adopt new technologies that:

1. improve access to, and efficient use of, networks and services;
2. allow for the re-use of redundant services and structures;
3. increase resilience, safety or reliability of networks and services;
4. result in environmental benefits and enhancements; or
5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.

8.3.5 Policy NU-P1(3) of the PDP already states that the national, regional and local importance and benefits of network utilities, including as lifeline utilities during an emergency, will be recognised by “*providing flexibility for network utilities to adopt new technologies that improve access to and efficient use of networks and services, allow for re-use of redundant services or structures, increase resilience, safety and reliability, or result in environmental benefits and enhancements*”. The reporting planner therefore considered that it was unnecessary to include a separate, new policy on technological advances.

8.3.6 However, the planner noted that the word ‘utilities’ was misspelt in the second line of Policy NU-P1 and considered that it could be corrected as a minor change under Clause 16(2) of the First Schedule of the RMA.

New Policy – Natural Hazards and Network Utilities

8.3.7 Chorus (S117.041), Spark (S118.041) and Vodafone (S119.041) requested that a new policy, being IE-P6 from the ‘best practice provisions’ (set out below), be added to the PDP. They considered that the PDP policies did not provide guidance as to what plan users must consider if telecommunications or any network utilities had a functional or operational need to be located in a hazard area. While some guidance was provided in the NU - Natural Hazards chapter, they considered that further guidance in the NU – Network Utilities chapter is appropriate.

Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility:

1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and
2. has a functional need or operational need to be located in the area; or
3. is not vulnerable to the risks of the natural hazard; or
4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.

8.3.8 The reporting planner did not consider it appropriate or necessary to repeat this policy, or the one requested by the submitters, as the consideration of network utilities in relation to natural hazards is already appropriately dealt with under the District-wide provisions of the NH – Natural Hazards chapter (noting that they could not apply to network utilities regulated under the NESTF). However, the planner considered that, for clarification, it would be appropriate to amend the new paragraph and recommended (under Key Issue 3 above) to be added to the Introduction to the NU – Network Utilities chapter, and which also appeared immediately above Rule NU-R1, such that the paragraph would read as follows:

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. **NH – Natural Hazards**, **TRANS – Transport**, **HH – Historic Heritage**, **ECO – Ecosystems & Indigenous Biodiversity**, **SUB – Subdivision**, **EW – Earthworks**, **LIGHT – Light**, and **NOISE – Noise**).

New Policy – National Grid

- 8.3.9 Transpower (S79.026) requested the addition of a new policy relating to managing the effects of the National Grid electricity transmission network, as they considered that such a policy would give effect to Policies 1-8 of the NPSET.
- 8.3.10 The reporting planner considered all matters addressed under the requested new policy were appropriately covered under Policies NU-P1, NU-P2 and NU-P3 of the PDP, and the new policy was therefore unnecessary.

Policy NU-P1

- 8.3.11 FENZ (S57.023) supported Policy NU-P1 and request that it be retained as notified, but subject to correction of a minor typo, being the misspelling of the word ‘utilities’. The reporting planner supported correcting the error.
- 8.3.12 While acknowledging that the intention of Policy NU-P1 was well aligned with Policy IE-P1 of the ‘best practice provisions’, Chorus (S117.034), Spark (S118.034) and Vodafone (S119.034) requested that Policy NU-P1 be deleted and replaced with Policy IE-P1. They considered that the second part of IE-P1 was more prescriptive than Policy NU-P1.
- 8.3.13 The reporting planner considered that the second part of Policy IE-P1 was already appropriately covered by Objective NU-O1 and adding it to Policy NU-P1 would result in unnecessary repetition. The reporting planner also considered that the reference in Policy IE-P1(1)(c) to ‘significant upgrades’ was inappropriate, as providing for them could result in significant adverse effects on the environment. The planner concurred with the further submitters opposing Chorus’, Spark’s and Vodafone’s submission points, that Policy NU-P1 as notified adequately addresses the matters of concern.

Policy NU-P2

- 8.3.14 Policy NU-P2 is intended to avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified as Historical Heritage Items (in HH-SCHED2), Notable Trees (in TREE-SCHED4), Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), SNAs (in ECO-SCHED5), and ONFL (in NFL-SCHED6), while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility’s functional or operational needs.

- 8.3.15 Chorus (S117.035), Spark (S118.035) and Vodafone (S119.035) requested that Policy NU-P2 be deleted and replaced with Policy IE-P5 from the 'best practice provisions' (set out above). Powerco (S56.013) requested that Policy NU-P2 be amended to include the words "Avoid significant adverse effects and remedy or mitigate adverse effects of upgrades..." Centralines (S90.011) considered that the word 'avoid' in the policy was too strong (noting that a new section of electricity distribution line often has a functional need to be located through more sensitive environments) and they requested that it be replaced with the word "Manage". HNZPT (FS7.003) opposed Centralines' submission point as it considered amending the policy by substituting the word 'avoid' for the word 'manage' would not be in line with Council's Section 6 obligations towards Historic Heritage. Kāinga Ora (S129.022) generally supported the policy but requested minor amendments to the wording of it (i.e. deleting the words 'of areas' and replacing 'as' with 'of').
- 8.3.16 The reporting planner considered that Policy NU-P2 appropriately gives effect to Policies 11, 13, 15 and 17 of the NZCPS. The planner also considered that Policy NU-P2 appropriately gives effect to the above objectives of the PDP.
- 8.3.17 The reporting planner did not support Powerco's request (S56.013) to amend the policy to refer to 'avoid significant adverse effects and remedy or mitigate adverse effects', or Centralines' request (S90.011) to replace the word 'Avoid' with 'Manage'.
- 8.3.18 The reporting planner supported Kainga Ora's request to amend Policy NU-P2, so that it was not limited to the values and attributes 'of areas' identified in the PDP, as the policy related more widely to items, trees, sites, features and landscapes, wāhi tapu and wāhi taonga.
- 8.3.19 In relation to Transpower's submission point (S79.027), which requested that, if a specific new National Grid policy was not provided, Policy NU-P2 should be amended to give effect to NPS-ET. The reporting planner considered that all matters addressed under the requested new policy are already appropriately covered under Policies NU-P1, NU-P2 and NU-P3 of the PDP and, as such, there was no need to amend Policy NU-P2.
- 8.3.20 The reporting planner therefore recommended that Policy NU-P2 be amended as follows:

NU-P2	Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as of : [...]
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Policy NU-P3

- 8.3.21 Policy NU-P3 is to avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the PDP as: High Natural Character Areas (HNCAs) (in CE SCHED7); and SAFs (in NFL SCHED6).
- 8.3.22 Chorus (S117.036), Spark (S118.036) and Vodafone (S119.036) considered that Policy NU-P3 is generally well aligned with Policy IE-P7 of the best practice provisions, but they requested that Policy NU-P3 be deleted and replaced with Policy IE-P7.
- 8.3.23 The reporting planner considered that Policy NU-P3 appropriately gave effect to Policies 11, 13, 15 and 17 of the NZCPS. It also gave effect to the following objectives of the PDP:

NFL-O2	The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.
CE-O1	<p>Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:</p> <ol style="list-style-type: none"> 1. rugged eroding grey mudstone cliffs; 2. steep limestone outcrops; 3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation; 4. wide sweeping beaches; and 5. small settlements, recessed into bays, adjoining a number of sheltered beaches.
CE-O2	Protection of the natural character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.

8.3.24 On the basis that the reporting planner recommended above, that Policy NU-P2 be retained, but amended, the planner considered that it would be inappropriate to delete Policy NU-P3.

8.3.25 The reporting planner considered that the points made by Transpower and Centralines could be addressed by amending Policy NU-P3 by adding the same wording as is included in Policy NU-P2, as follows:

NU-P3	<p>Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as:</p> <ol style="list-style-type: none"> 1. High Natural Character Areas (in CE-SCHED7); and 2. Significant Amenity Features (in NFL-SCHED6); <p><u>while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.</u></p>
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8.3.26 The reporting planner disagreed with Kāinga Ora, that SAFs and HNCAs were not defined in the PDP, and the planner did not support their request to delete Policy NU-P3.

Policy NU-P4

8.3.27 Policy NU-P4 relates to managing adverse effects on the environment.

8.3.28 Chorus (S117.037), Spark (S118.037) and Vodafone (S119.037) considered that Policy NU-P4 is generally well aligned with Policy IE-P4 of the 'best practice provisions, but they requested that Policy NU-P4 be deleted and replaced with Policy IE-P4, which also related to managing adverse effects of network utilities on the environment.

8.3.29 The reporting planner generally did not support the amendments requested by Powerco (S56.015), as the planner considered Policy NU-P4 as notified was appropriate, as it gave effect to Objective NU-O2. However, the planner supported their request to amend clause 5 of the policy as it provided clarification

8.3.30 Centralines (S90.013) requested that Policy NU-P4(1)(c) be amended to make specific reference to effects on the electricity distribution network. The reporting planner supported that amendment. With regard to Policy NU-P4(3), Centralines sought the deletion of the words *‘and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing services within these areas’*, as they considered it oversimplifies the reality of such an undertaking and due to the rural location of many of their electricity assets and the high cost of undergrounding electricity distribution infrastructure in rural areas. They considered that it was not feasible for them to retrospectively underground infrastructure in the zones outlined in the policy (i.e., General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones). The planner noted that Policy NU-P4(3) included the words “encouraging” and “*where this is technically and commercially viable*”. In the planner’s opinion, this gave the submitter the relief they sought, as the undergrounding of infrastructure in these zones was not compulsory and network utilities may choose to do it if they consider it technically and commercially viable.

8.3.31 On the basis of the above, the reporting planner recommended that Policy NU-P4 be amended as follows:

NU-P4 Manage the effects of network utilities on the environment by:

1. avoiding, remedying or mitigating adverse effects on:
 - a. natural and physical resources;
 - b. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;
 - c. the safe and efficient operation of other network utilities, including effects on electricity **distribution and transmission networks** and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks;
 - d. the health, well-being and safety of people and communities, including from exposure to radio-frequency fields and electric and magnetic fields, and by posing a significant risk or exacerbating an existing risk of natural hazards;
2. requiring compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields;
3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable;
4. encouraging the co-siting and sharing of masts, facilities, utility corridors and other innovative solutions within residential environments and roads, where technically feasible and practicable; and
5. encouraging the removal of redundant ~~and superseded~~ network utility **utilities** facilities.

Policy NU-P5

8.3.32 Policy NU-P5 is about protecting network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community.

8.3.33 Chorus (S117.038), Spark (S118.038) and Vodafone (S119.038) considered that Policy NU-P5 was generally well aligned with Policy IE-P8 of the ‘best practice provisions, but they requested that Policy NU-P4 be deleted and replaced with Policy IE-P8.

- 8.3.34 The reporting planner therefore concurred with Waka Kotahi (FS16.22, FS16.20, FS16.21), who opposed Chorus', Spark's and Vodafone's submission points because they considered the amended wording was too detailed and prescriptive, and Policy NU-P5 already encompassed all matters raised in the submission.
- 8.3.35 Transpower (S79.030) requested that Policy NU-P5(6) and (7) be amended. The reporting planner concurred with the amendments sought by the submitter, for the reasons outlined in their submission.
- 8.3.36 Hort NZ (S81.053, S81.054) requested that the policy be amended to ensure that it reflects Objective NU-O3, to 'recognise and provide for' network utilities, and they consider that the words 'amenity values' do not link to the objectives. They also requested that NU-P5(5) be deleted (relating to managing land disturbance and activities in the vicinity of gas transmission pipelines), as there were easements for gas pipelines, and it was not necessary for the PDP to regulate activities managed by easements. First Gas (FS3.10, FS3.11) opposed the amendments sought by Hort NZ and considered that NU-P5(5) was important in establishing a planning framework that managed reverse sensitivity effects on the nationally significant gas transmission network.
- 8.3.37 With regard to Hort NZ's request to delete Policy NU-P5(5), the reporting planner noted that the s42A Reporting Officer stated the following in the s42A report for the Earthworks, Mining & Quarrying Topic, Hearing Stream 5, in relation to Rule EW-R6:
- "5.3.10 I note the submission of Federated Farmers seeking the deletion of Rule EW-R6 (and all provisions for the Gas Transmission Network). However, I am of the view that earthworks in the vicinity of the gas transmission network is potentially dangerous – being a potential effect of low probability which has a high potential impact. Similar to the 20m setback standard from the gas transmission network for residential activities applying in the rural zones (I refer to discussion with respect to GRUZ-S12 / RPROZ-S14 Setback from Gas Transmission Network as part of Hearing 3 on the Rural Environment topic), I consider it appropriate to enable scrutiny of earthworks where they are proposed to take place within 20m of the gas transmission pipeline, from a safety perspective and from the perspective of the protection of regionally significant infrastructure."*
- 8.3.38 The reporting planner concurred with that view, and therefore considered that it was appropriate to retain Policy NU-P5(5).
- 8.3.39 In relation to Kāinga Ora's (S129.025) request to amend Policy NU-P5, Waka Kotahi (FS16.23) was concerned about the request to delete NU-P5(2) as they wanted to ensure that new sensitive activities were managed to avoid reverse sensitivity effects on the road network. The reporting planner noted that the Reporting Officer for the s42A report on the Noise Topic (Hearing Stream 2) addressed Kainga Ora's request (S129.140) to delete Noise Standard NOISE-S3, and recommended that the standard be retained, but amended¹. On that basis, the reporting planner did not support Kāinga Ora's request to delete NU-P5(2).

¹ Paragraph 24 of the Supplementary Council Reply on 'Noise' Chapter, Hearing Stream 2 – Stella Ann Luoni Morgan, dated 27 May 2022.

8.3.40 Waka Kotahi also opposed Kāinga Ora’s request to delete the word ‘retain’ in NU-P5(8) and change it to ‘does not unnecessarily compromise’, as they considered it means that subdivision could compromise the operation and upgrade and maintenance of and access to the land transport system. The reporting planner considered that NU-P5(8) was appropriate, as retaining the ability for network utility operators to access, operate, maintain, repair and upgrade a network utility on a subdivision site was important, and could be achieved through easement agreements or the vesting of services in Council. However, the reporting planner considered that NU-P5(8) should be amended by replacing the word ‘activity’ with ‘utility’.

8.3.41 On the basis of the above, the reporting planner recommended that Policy NU-P5 be retained but amended as follows:

NU-P5	<p>To the extent reasonably possible, manage protect network utilities from the adverse effects of subdivision, use and development to avoid reverse sensitivity effects on network utilities that where it may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:</p> <ol style="list-style-type: none"> 1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility; 2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects; 3. managing access to the railway corridor and to the national and regional road network; 4. managing light spill and glare from activities on road users; 5. managing land disturbance and activities in the vicinity of gas transmission pipelines; 6. managing land use development (including sensitive activities), buildings, <u>earthworks, vertical holes and structures and subdivision near the National Grid</u>, within the National Grid Yard, <u>and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid substation to ensure the electricity transmission network is not compromised;</u> 7. managing land disturbance, <u>earthworks and vertical holes</u>, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and 8. ensuring subdivision of sites containing a network utility activity retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.
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Policy NU-P6

8.3.42 Kainga Ora (S129.026) sought minor amendments to Policy NU-P6. The reporting planner supported the submitter’s request to add the word ‘values’ after ‘amenity’, but did not support deletion of the word ‘character’ after residential, on the basis of achieving consistency with recommendations the planner had made in the s42A report on the Urban Environment Topic (Hearing Stream 2) in relation to Kainga Ora’s submission points on the GRZ – General Residential Zone chapter.

8.3.43 The reporting planner therefore recommended that Policy NU-P6 be amended as follows:

NU-P6	<p>To manage the effects of amateur radio configuration by designing, constructing and locating associated masts, poles and antennas and their support structures so as to avoid, remedy or mitigate adverse effects on:</p> <ol style="list-style-type: none"> 1. residential character and amenity <u>values</u>; 2. Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4); 3. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3); 4. Significant Natural Areas (in ECO-SCHED5); and 5. Outstanding Natural Features and Landscapes (in NFL-SCHED6).
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8.4 Evidence to the hearing

- 8.4.1 Tom Anderson provided evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. The evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone supported the planner's recommendation on this key issue. It was noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these.
- 8.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was a corporate statement focussed on the operations of the telecommunications companies.
- 8.4.3 Natasha Reid tabled a letter at the hearing on behalf of Waka Kotahi, and accepted all the officer recommendations as they related to their submissions on Network Utilities.
- 8.4.4 Dean Raymond provided expert planning evidence on behalf of HNZPT. The evidence focused on a minor change to the wording of NU-P2.
- 8.4.5 Rhea Dasent provided evidence on behalf of Federated Farmers, stating that Policy NU-P5 will constrain farming activities for the benefit of network utilities.
- 8.4.6 Paul McGimpsey tabled a letter at the hearing on behalf of FENZ. FENZ accepted all the officer recommendations as they related to their submissions on Network Utilities.
- 8.4.7 Lynette Wharfe provided evidence on behalf of Hort NZ, seeking an alternative framework to NU-P5.
- 8.4.8 Graeme Roberts provided expert planning evidence on behalf of FirstGas and agreed with the s42A recommendations on Policy NU-P5.
- 8.4.9 Daniel Hamilton provided corporate evidence on behalf of Transpower which focussed on the role of the National Grid.
- 8.4.10 Pauline Whitney provided expert planning evidence on behalf of Transpower. The evidence focused on the following:
- The provision of a new National Grid specific 'seek to avoid' policy to consider the effects of the planning and development of the National Grid
 - A confined amendment to policy NU-P5 (manage the effects of other activities on the National Grid) to delete the wording 'To the extent reasonably possible'.

8.5 Post hearing information

- 8.5.1 The reporting planner addressed the inclusion of a new policy as an alternative to NU-P5 in her right-of-reply. Transpower, Hort NZ and Federated Farmers met during the week of 9 January to discuss alternative wording. The parties agreed that it was appropriate to include a separate National Grid policy and framework within the PDP as it will give effect to Policies 10 and 11 of the NPS-ET.

8.5.2 In her right-of-reply, after reflection, the reporting planner considered that including a separate new policy within the PDP relating to adverse effects on the National Grid is appropriate as it would give effect to the Objective and Policies 1, 2, 10 and 11 of the NPS-ET.

8.5.3 Accordingly, the reporting planner changed her position and recommended that a new Policy NU-PXX be inserted into the NU – Network Utilities chapter, to read as follows:

NU-PXX	To the extent reasonably possible manage land use development (including sensitive activities), buildings, earthworks, vertical holes and structures within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, to:
1	Avoid reverse sensitivity effects where it may compromise the operation, maintenance, upgrading and development of the National Grid;
2.	Ensure that buildings and structures do not compromise the operation, maintenance, upgrading and development of the National Grid; and
3.	Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.

8.5.4 The reporting planner noted that if the above new policy was adopted, Policy NU-P5 would need to be amended as clause 6 of that policy would no longer be required.

8.6 Evaluation and findings

New Policy – Network Utilities, Land Use, Subdivision, Development and Urban Growth

8.6.1 Chorus (S117.039), Spark (S118.039) and Vodafone (S119.039) requested that a new policy, being IE-P2 from the ‘best practice provisions’, be added to the PDP.

8.6.2 The Panel appreciates the desire of network utility operators to coordinate the planning and delivery of network utilities; however, the Panel do not understand how that could be actively ‘enabled’ by the PDP. The Panel therefore do not support the inclusion of the new policy.

New Policy – Technological Advances

8.6.3 Chorus (S117.040), Spark (S118.040) and Vodafone (S119.040) requested that a new policy, being IE-P3 from the ‘best practice provisions’, be added to the PDP.

8.6.4 The Panel agree with the reporting planner that Policy NU-P1(3) already states that the national, regional and local importance and benefits of network utilities, including as lifeline utilities during an emergency. The Panel therefore considers that it is unnecessary to include a separate, new policy on technological advances.

8.6.5 However, the Panel notes that the word ‘utilities’ is misspelt in the second line of Policy NU-P1 and considered that it can be corrected as a minor change under Clause 16(2) of the First Schedule of the RMA.

New Policy – Natural Hazards and Network Utilities

8.6.6 Chorus (S117.041), Spark (S118.041) and Vodafone (S119.041) requested that a new policy, being IE-P6 from the ‘best practice provisions’, be added to the PDP.

- 8.6.7 The Panel do not consider it appropriate or necessary to repeat this policy, or the one requested by the submitters, as the consideration of network utilities in relation to natural hazards is already appropriately dealt with under the District-wide provisions of the NH – Natural Hazards chapter (noting that they cannot apply to network utilities regulated under the NESTF). However, the Panel considers that, for clarification, it would be appropriate to amend the new paragraph and recommended (under Key Issue 3 above) to be added to the Introduction to the NU – Network Utilities chapter, and which also appears immediately above Rule NU-R1, such that the paragraph would read as follows:

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. **NH – Natural Hazards**, **TRANS – Transport**, **HH – Historic Heritage**, **ECO – Ecosystems & Indigenous Biodiversity**, **SUB – Subdivision**, **EW – Earthworks**, **LIGHT - Light**, and **NOISE - Noise**).

New Policy – National Grid

- 8.6.8 Transpower (S79.026) requested the addition of a new policy relating to managing the effects of the National Grid electricity transmission network, as they considered that such a policy would give effect to Policies 1-8 of the NPS-ET.
- 8.6.9 The Panel agrees with the reporting planner and considers that all matters addressed under the requested new policy are appropriately covered under Policies NU-P1, NU-P2 and NU-P3 of the Proposed Plan, and the new policy is therefore unnecessary.

Policy NU-P1

- 8.6.10 FENZ (S57.023) supports Policy NU-P1 and request that it be retained as notified, but subject to correction of a minor typo, being the misspelling of the word ‘utilities’. The Panel agrees with the reporting planner and support correcting the error.

Policy NU-P2

- 8.6.11 Chorus (S117.035), Spark (S118.035) and Vodafone (S119.035) requests that Policy NU-P2 be deleted and replaced with Policy IE-P5 from the ‘best practice provisions’. Powerco (S56.013) requests that Policy NU-P2 be amended to include the words “Avoid significant adverse effects and remedy or mitigate adverse effects of upgrades...” Centralines (S90.011) considered that the word ‘avoid’ in the policy is too strong (noting that a new section of electricity distribution line often has a functional need to be located through more sensitive environments) and they requested that it be replaced with the word “Manage”. HNZPT (FS7.003) opposed Centrelines’ submission point as it considered amending the policy by substituting the word ‘avoid’ for the word ‘manage’ would not be in line with the Council's Section 6 obligations towards Historic Heritage. Kāinga Ora (S129.022) generally supported the policy but requested minor amendments to the wording of it (i.e. deleting the words ‘of areas’ and replacing ‘as’ with ‘of’).
- 8.6.12 The Panel agrees with the reporting planner and considers that Policy NU-P2 appropriately gives effect to Policies 11, 13, 15 and 17 of the NZCPS. The reporting planner also considered that Policy NU-P2 appropriately gives effect to the above objectives of the PDP.
- 8.6.13 The Panel therefore agrees with the reporting planner and recommends that Policy NU-P2 be amended as follows:

NU-P2	Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as of: [...]
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Policy NU-P3

- 8.6.14 Policy NU-P3 is to avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the PDP as: HNCAs (in CE SCHED7); and SAFs (in NFL SCHED6).
- 8.6.15 Chorus (S117.036), Spark (S118.036) and Vodafone (S119.036) consider that Policy NU-P3 is generally well aligned with Policy IE-P7 of the 'best practice provisions, but they requested that Policy NU-P3 be deleted and replaced with Policy IE-P7.
- 8.6.16 The Panel agrees with the reporting planner that Policy NU-P2 be retained, but amended, the Panel also agrees with the reporting planner that it would be inappropriate to delete Policy NU-P3.
- 8.6.17 The Panel therefore recommends amending Policy NU-P3 by adding the same wording as is included in Policy NU-P2, as follows:

NU-P3 Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as:

1. High Natural Character Areas (in CE-SCHED7); and
2. Significant Amenity Features (in NFL-SCHED6);

while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.

- 8.6.18 The Panel agrees with the reporting planner and disagrees with Kāinga Ora, that SAFs and HNCAs are not defined in the PDP and does not support their request to delete Policy NU-P3.

Policy NU-P4

- 8.6.19 Policy NU-P4 relates to managing adverse effects on the environment.
- 8.6.20 Chorus (S117.037), Spark (S118.037) and Vodafone (S119.037) consider that Policy NU-P4 is generally well aligned with Policy IE-P4 of the 'best practice provisions, but they requested that Policy NU-P4 be deleted and replaced with Policy IE-P4, which also relates to managing adverse effects of network utilities on the environment.
- 8.6.21 The Panel agrees with the reporting planner and generally do not support the amendments requested by Powerco (S56.015), as we consider Policy NU-P4 as notified is appropriate, as it gives effect to Objective NU-O2. However, the Panel supports their request to amend clause 5 of the policy as it provides clarification
- 8.6.22 Centralines (S90.013) requests that Policy NU-P4(1)(c) be amended to make specific reference to effects on the electricity distribution network. The Panel agrees with the reporting planner and supported that amendment. The reporting planner noted that Policy NU-P4(3) includes the words "encouraging" and "*where this is technically and commercially viable*". In the Panel's opinion, this gives the submitter the relief they sought, as the undergrounding of infrastructure in these zones is not compulsory and network utilities may choose to do it if they consider it technically and commercially viable.

- 8.6.23 On the basis of the above, the Panel agrees with the reporting planner and recommends that Policy NU-P4 be amended as follows:

NU-P4 Manage the effects of network utilities on the environment by:

1. avoiding, remedying or mitigating adverse effects on:
 - a. natural and physical resources;
 - b. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;
 - c. the safe and efficient operation of other network utilities, including effects on electricity distribution and transmission networks and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks;
 - d. the health, well-being and safety of people and communities, including from exposure to radio-frequency fields and electric and magnetic fields, and by posing a significant risk or exacerbating an existing risk of natural hazards;
2. requiring compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields;
3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable;
4. encouraging the co-siting and sharing of masts, facilities, utility corridors and other innovative solutions within residential environments and roads, where technically feasible and practicable; and
5. encouraging the removal of redundant ~~and superseded~~ network utility utilities~~facilities~~.

Policy NU-P5

- 8.6.24 Policy NU-P5 is about protecting network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community.
- 8.6.25 The Panel agrees with the reporting planners right-of-reply that it is no longer necessary or appropriate to include the words “to the extent reasonably possible” at the beginning of Policy NU-P5, as the policy would no longer need to address Policy 10 of the NPSET.
- 8.6.26 On the basis of the above, the Panel recommends that Policy NU-P5 be retained but amended as follows:

NU-P5 To ~~manage~~ protect network utilities from the adverse effects of subdivision, use and development to ensure that **may** constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities **is not constrained or compromised**, ~~and the safety and amenity values of people and the community,~~ including by:

1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;
2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects;
3. managing access to the railway corridor and to the national and regional road network;
4. managing light spill and glare from activities on road users;
5. managing land disturbance and activities in the vicinity of gas transmission pipelines;
6. ~~managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid substation;~~

7. managing land disturbance, **earthworks and vertical holes**, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and
8. ensuring subdivision of sites containing a network ~~utility activity~~ retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.

Policy NU-P6

8.6.27 Kainga Ora (S129.026) sought minor amendments to Policy NU-P6. The Panel agrees with the reporting planner and supports the submitter's request to add the word 'values' after 'amenity', but do not support deletion of the word 'character' after residential, on the basis of achieving consistency with recommendations made in the s42A report on the Urban Environment Topic (Hearing Stream 2) in relation to Kainga Ora's submission points on the GRZ – General Residential Zone chapter.

8.6.28 The Panel therefore recommends that Policy NU-P6 be amended as follows:

NU-P6	To manage the effects of amateur radio configuration by designing, constructing and locating associated masts, poles and antennas and their support structures so as to avoid, remedy or mitigate adverse effects on:
1.	residential character and amenity values ;
2.	Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4);
3.	Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3);
4.	Significant Natural Areas (in ECO-SCHED5); and
5.	Outstanding Natural Features and Landscapes (in NFL-SCHED6).

9. Key Issue 7 – Rules

9.1 Proposed plan provisions

- 9.1.1 Key Issue 7 addresses submissions to relocate relevant National Grid provisions in other sections of the PDP to the NU – Network Utilities chapter, or to retain, amend or delete Rules NU-R1, NU-R2, NU-R3, NU-R4 and NU-R8.

9.2 Submissions

- 9.2.1 There were 35 submission points and 21 further submissions on this key issue.

9.3 Reporting planner’s recommendations (s42A report)

Rules Notes

- 9.3.1 Transpower (S79.031) sought the relocation of relevant National Grid provisions in other sections of the PDP to the NU – Network Utilities chapter, and requested that notes be added to the Rules Notes section of the Network Utilities chapter which state that rules relating to the operation, maintenance, upgrade and development of network utilities are addressed in the NU - Network Utilities chapter of the PDP and reference is not required to other chapters. Hort NZ (FS17.29) sought to ensure that the provisions were clear, certain and readily accessible to plan users and so requested that the National Grid provisions are retained in the relevant zone chapters.
- 9.3.2 This matter was addressed in Hearing Stream 3, Rural Environment (Key Issue 18), in relation to similar submission points Transpower made on the GRUZ – General Rural Zone and RPROZ – Rural Production Zone chapters (S79.095, S79.097, S79.111, S79.113, S79.110 & S79.126). In that case, the s42A Reporting Officer advised the following:
- 2.3.6 *I concur with the further submitters, that it is appropriate that the rules relating to setbacks for activities in the GRUZ and RPROZ zones be retained within the chapters, as it will be easier for plan users to see all provisions in one chapter, and less likely to be missed. The only replication that occurs under the notified provisions is the reference to Standard GRUZ-S13/RPROZ-S15 in the rules of each chapter but, in my opinion, that is not any different to the repetition of references to other standards that occur in the chapter rules already. I also consider that there is a risk that plan users may overlook the need to refer to the NU – Network Utilities chapter if they do not see the small introductory note at the beginning of the Rules section of each chapter.*
- 9.3.3 The reporting planner for network utilities concurred with this view, and recommended that the relevant provisions for setbacks for activities from the National Grid should be retained within the chapters and not relocated to the NU – Network Utilities chapter, for the reasons outlined above.

Rule NU-R2

- 9.3.4 Rule NU-R2 provides for ‘minor upgrading of existing network utilities’ as a Permitted Activity, subject to compliance with specified conditions.

- 9.3.5 Chorus (S117.043), Spark (S118.043) and Vodafone (S119.043) considered that it was appropriate to have provision for minor upgrading of existing network utilities as permitted activities. They requested some 'minor tweaks' to Rule NU-R2(1)(a)(v)(c) and Rule NU-R2(1)(a)(x) to better align the rule with permitted upgrading under the NESTF.
- 9.3.6 The reporting planner noted that the installation and operation of antennae, cabinets, small cell units, and telecommunications lines are regulated by the NES-TF and the PDP rules would not apply to these activities. When an activity did not comply with the NES-TF, the activity status under the PDP could become relevant (see Regs 14-18). As such, the planner did not consider there was a particular need for the PDP provisions to mirror the NES-TF provisions, as they would either apply to different network utilities or, where a telecommunication activity did not comply with the NES-TF, the PDP was only relevant in terms of identifying the activity status. The reporting planner did not support the amendments sought by these submitters.
- 9.3.7 Hort NZ (S81.056) opposed Rule NU-R2 as they considered that minor upgrading was effectively defined through the activities that are provided for in the rule. Hort NZ submitted that there was a limitation to change of voltage undertaken as minor upgrading as the change of voltage could have consequences to clearance distances for activities under the lines. Where a change of voltage was to occur then affected landowners should be aware, and the consequences of the change considered. They requested that Rule NU-R2(1)(a)(ii) be amended to include a new condition that requires alterations or additions to overhead electricity on existing poles to not 'increase the voltage of the line', and they requested that a new matter of discretion be added to Rule NU-R2(2), relating to 'effects on affected landowners'.
- 9.3.8 The reporting planner did not support Hort NZ's request for there to be no increase in the voltage of a line as part of minor upgrading but considered that it would be appropriate to ensure that, as part of minor upgrading, the voltage of a line did not increase unless the line was originally constructed to operate at the higher voltage. The planner therefore considered that Rule NU-R2 should be amended to include a new condition to that effect, and that a new Rule NU-R2(3) be added, such that, where the new condition was not achieved, the activity would be assessed as a Discretionary Activity. That being the case, the reporting planner considered that it was not necessary to add a new matter of discretion under Rule NU-R2(2), as requested by Hort NZ.
- 9.3.9 Centralines sought amendments to Rule NU-R2. Their first request was to add a new condition to require all network utilities existing at the date of public notification of the PDP to be a Permitted Activity provided non-compliance with the rules relating to height, diameter or land area occupied was not exceeded by more than 10%. The reporting planner considered that it was unnecessary to include such a condition, as the rule already specified the limits within which permitted 'minor upgrading' could occur. She considered that adding the new condition would allow an additional 10% of exceedance on what was already specified as being permitted.
- 9.3.10 Centralines requested that Rule NU-R2(1)(a)(iii) be amended to refer to the diameter of a 'single' replacement 'overhead' conductor or line. The reporting planner supported this amendment but considered that it was appropriate to retain a limit on the number of poles, and therefore recommended that Rule NU-R2(1)(a)(viii) be retained.

Rule NU-R3

- 9.3.11 Rule NU-R3 relates to the construction of new network utilities, and upgrading of existing network utilities that are not regulated by an NES within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator).
- 9.3.12 DOC (S64.025) requested that Rule NU-R3 be amended, such that the construction of any new network utilities within any ONL or ONFL, SNA, SASM, HNCA or SAF is a Restricted Discretionary Activity.
- 9.3.13 The reporting planner did not support the amendments sought by DOC as the standards NU-S1 – S8 contain limits on the scale of network utilities located within an ONL or ONF.
- 9.3.14 Transpower (S79.034) sought a minor amendment to the numbering of Rule NU-R3 to make clause (d)(iii) of the rule a condition in its own right, rather than being linked to the 12m setback from a support structure. The planner supported this amendment, but considered that it should be amended so that “the activity does not permanently physically impede existing vehicular access...”
- 9.3.15 Hort NZ (S81.057) opposed Rule NU-R3 as they considered there may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard. They requested that the rule be amended to provide for ‘reticulation and storage of water for irrigation purposes carried out by a network utility operator’ as a Permitted Activity within the National Grid Yard. Transpower (FS18.12) supported Hort NZ’s submission point, therefore, the reporting planner was comfortable recommending that the amendments requested be adopted.

Rule NU-R4

- 9.3.16 Rule NU-R4 relates to the construction of new network utilities and upgrading of existing network utilities that are not regulated by an NES and that is not already provided for in Rule NU-R3 (within the National Grid Yard).
- 9.3.17 Chorus (S117.045), Spark (S118.045), Vodafone (S119.045), Powerco (S56.019), Waka Kotahi (S78.021) and Transpower (S79.035) supported Rule NU-R4 and request that it be retained as notified.
- 9.3.18 HNZPT (S55.016) considered that the rules and standards needed to include reference to Historic Heritage and SASM, to manage potential adverse effects and to give effect to Policy NU-P2.
- 9.3.19 DOC (S64.026) requested that the rule be amended to specify that the construction of new network utilities where outside of any ONFL, SNA, SASM, HNCA or SAF was a Permitted Activity. Where construction of new network utilities was within one of these overlays, they requested that the activity be a Restricted Discretionary Activity, with appropriate matters of discretion.

- 9.3.20 As advised above, in relation to DOC's submission point on Rule NU-R2, in addition to the provisions in the NU-Network Utilities chapter, a number of other Part 2: District-Wide Matters chapters (including HH – Historic Heritage, NH – Natural Hazards, TRANS – Transport, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise) contain provisions that may be relevant to network utilities. For that reason, the reporting planner considered the amendments sought by HNZPT and DOC were unnecessary and did not support them.

9.4 Evidence to the hearing

- 9.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. The evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone provided evidence on the alignment between the NES-TF and PDP in regard to the permitted activity thresholds for NU-R2. It was noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these points.
- 9.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was focussed on the operations of the telecommunications companies.
- 9.4.3 Natasha Reid tabled a letter at the hearing on behalf of Waka Kotahi. Waka Kotahi accepted all the officer recommendations as they related to their submissions on Network Utilities.
- 9.4.4 Rhea Dasent provided evidence on behalf of Federated Farmers the evidence and generally agreed with the s42A recommendations on the rules.
- 9.4.5 Lynette Wharfe provided evidence on behalf of Hort NZ, and sought that a limitation for increase in voltage be added to NU-R2 and that an additional matter of discretion be added as 'effects on affected landowners'.
- 9.4.6 Daniel Hamilton provided corporate evidence on behalf of Transpower, which focussed on the role of the National Grid, while Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or supported the majority of recommendations in relation to this key issue.

9.5 Post hearing Information

- 9.5.1 The reporting planner addressed Rule NU-R2 and Standard NU-S1 in the right-of-reply in response to the evidence from Tom Anderson (Chorus, Spark and Vodafone). Mr Anderson submitted that it did not make sense for some network utility operators who were not 'facility operators' as defined under the NES-TF, to be subject to different standards under the PDP, when the same activities carried out by facility operators were permitted under the NES-TF. Mr Anderson explained to the Panel that it was a simple process for Wireless Internet Service Providers to become a facility operator under the NES-TF.
- 9.5.2 The reporting planner concurred with the submitter's point, and changed her position, recommending that Rule NU-R2 and Standard NU-S1 be amended as follows:

Amend NU-R2 as follows:

'1. Activity Status: PER

Where the following conditions are met:

a. Limited to:

i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be:

a. within ~~2m~~**3m** of the existing alignment or location; and

ii. ...

iii. ...

iv. ...

v. Any pole that replaces an existing pole must not:

a. ...

b. ...

c. have a height exceeding **more than 1m above** the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and

d. ...

vi. ...

vii. ...

viii. ...

ix. ...

x. Where a new antenna replaces an existing antenna, the new antenna must not:

a. exceed **3.5m in length and 700mm in width or** the maximum dimension of the existing antenna by more than 20 percent, **whichever is the greater**; and

b. where it is a dish antenna, **exceed 1.2m in diameter or** the diameter of the existing antenna by more than 20 percent, **whichever is the greater**; and

c. where it is attached to a facility, increase the height of the facility **by more than 1m**, unless the height increase is a result of an increase in the size of the new antenna only.

...'

Amend NU-S1 as follows:

'NU-S1 ~~Cross Floor Area and~~Size and Dimensions

General Residential Zone / Settlement Zone / ~~Rural Lifestyle Zone~~ / Large Lot Residential Zone (Coastal)

...

Rural Production Zone / General Rural Zone / **Rural Lifestyle Zone**

...

14. A telecommunications cabinet must not exceed a footprint of ~~2.5m2~~ **5m2** and height of ~~2m~~ **2.5m**.

~~15. A group of telecommunications cabinets must not exceed a combined footprint of 3m2.~~

...

Commercial Zone / General Industrial Zone

...

22. A telecommunications cabinet must not exceed a footprint of ~~2.5m2~~ **5m2** and height of ~~2m~~ **2.5m**.

~~23. A group of telecommunications cabinets must not exceed a combined footprint of 3m2.~~

...'

9.6 Evaluation and findings

Rules Notes

- 9.6.1 Transpower (S79.031) sought the relocation of relevant National Grid provisions in other sections of the Proposed Plan to the NU – Network Utilities chapter. This matter was addressed in Hearing Stream 3, Rural Environment (Key Issue 18), in relation to similar submission points Transpower made on the GRUZ – General Rural Zone and RPROZ – Rural Production Zone chapters.
- 9.6.2 As with the Rural Environment provisions, the Panel considers that the relevant provisions for setbacks for activities from the National Grid should be retained within the chapters and not relocated to the NU – Network Utilities chapter.

Rule NU-R2

- 9.6.3 Rule NU-R2 relates to the provision for the minor upgrading of existing network utilities.
- 9.6.4 The Panel agrees with the reporting planners right-of-reply that it does not make sense for a network utility operator, who is not a ‘facility operator’ (as defined under the NES-TF), to be subject to different standards under the PDP, when the same activities carried out by facility operators are permitted under the NES-TF. The Panel agrees with the reporting planners' amendments in the right-of-reply to Rule NU-R2(1)(a)(x)(a).
- 9.6.5 The Panel agrees with the reporting planner that there should be no restriction on the increase in the voltage of a line as part of minor upgrading, but considers that it would be appropriate to ensure that, as part of minor upgrading, the voltage of a line does not increase unless the line was originally constructed to operate at the higher voltage. The Panel therefore recommends that Rule NU-R2 should be amended to include a new condition to that effect, and that a new Rule NU-R2(3) be added, such that, where the new condition is not achieved, the activity would fall to be assessed as a Discretionary Activity. As a full discretionary activity, it would not be necessary to add a new matter of discretion under Rule NU-R2(2), as requested by Hort NZ.
- 9.6.6 The Panel considers that it was unnecessary to make amendments to Rule NU-R2 to require all network utilities existing at the date of public notification of the PDP to be a Permitted Activity provided non-compliance with the rules relating to height, diameter or land area occupied is not exceeded by more than 10%. The Panel agrees with the reporting planner that it is unnecessary to include such a condition, as the rule already specifies the limits within which permitted ‘minor upgrading’ can occur.
- 9.6.7 The Panel does agree with Centralines request to amend Rule NU-R2(1)(a)(iii) to refer to the diameter of a ‘single’ replacement ‘overhead’ conductor or line. The Panel also considers it is appropriate to retain a limit on the number of poles, and therefore recommends that Rule NU-R2(1)(a)(viii) be retained.

Rule NU-R3

- 9.6.8 DOC (S64.025) requested to amend Rule NU-R3 so that the construction of any new network utilities within any ONL or ONF, SNA, SASM, HNCA or SAF is a Restricted Discretionary Activity. The Panel agrees with the reporting planner and does not support the amendments sought by DOC as the PDP already contains sufficient controls over activities within these areas.

- 9.6.9 The Panel agrees with the reporting planner to make a minor amendment to the numbering of Rule NU-R3 to make clause (d)(iii) of the rule a condition in its own right, rather than being linked to the 12m setback from a support structure (Transpower (S79.034)). The Panel also agrees to amend it so that “the activity does not permanently physically impede existing vehicular access...”.
- 9.6.10 The Panel agrees with the submission of Hort NZ (S81.057) to amend Rule NU-R3 to provide for ‘reticulation and storage of water for irrigation purposes carried out by a network utility operator’ as a Permitted Activity within the National Grid Yard.

Rule NU-R4

- 9.6.11 In relation to the changes sought by HNZPT (S55.016) and DOC (S64.026), the Panel concurs with the reporting planner that the rules and standards relating to Historic Heritage, SASM, ONFL, SNA, SASM, HNCA or SAF would address the effects of the construction of new network utilities in one of these overlays. For that reason, the amendments sought by HNZPT and DOC are unnecessary and the Panel does not support them.

10. Key Issue 8 – Standards

10.1 Proposed plan provisions

- 10.1.1 Key Issue 8 addresses submission requests to retain or amend Standards NU-S1, NU-S1, NU-S3, NU-S4, NU-S5, NU-S6, NU-S7, NU-S8 and NU-S9.

10.2 Submissions

- 10.2.1 There were 34 submission points and 28 further submission points.

10.3 Reporting planner's recommendations (s42A report)

Standard NU-S1

- 10.3.1 Standard NU-S1 sets limits on gross floor areas and dimensions for network utilities in zones.
- 10.3.2 Chorus (S117.047), Spark (S118.047) and Vodafone (S119.047) supported in part Standard NU-S1 as the standard provided clear dimension limits for telecommunications infrastructure and aligned well with the NES-TF. They sought some minor changes to the standard to better provide for current telecommunications technologies and ensure alignment with the NES-TF. They also requested a change to the title to widen the understanding as to what it is that the standard covers, as it is more than just Gross Floor Area.
- 10.3.3 The reporting planner did not concur with the request to amend the title of the Standard, from 'Gross Floor Area and Dimensions' to 'Structure Dimensions', as the Standard applies to buildings and structures. However, the planner considered that the title could be amended to 'Size and Dimensions'.
- 10.3.4 With regard to the amendments to Standard NU-S1(14), (15), (22) and (23), the planner considered that it was unnecessary for them to align perfectly with the NES-TF, as the rules (to which the standards apply) excluded network utilities regulated by an NES (i.e., telecommunications buildings and structures regulated by the NES-TF would not be subject to the PDP rules and standards).
- 10.3.5 DOC (S64.027) opposed Standard NU-S1 and requested that the standard be amended to include a reduced footprint and height as a 'Restricted Discretionary, for network utilities within SNA, SASM, HNCA and SAF overlays, and that Activities outside of these overlays should be a 'Discretionary Activity'. As the reporting planner noted in relation to DOC's submission points under Key Issue 7, in addition to the provisions in the NU-Network Utilities chapter, a number of other Part 2: District-Wide Matters chapters (including HH – Historic Heritage, NH – Natural Hazards, TRANS – Transport, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise) contained provisions that may be relevant to network utilities. For that reason, the reporting planner considered the amendments sought by DOC were unnecessary.

- 10.3.6 Centralines (S90.021) submitted that the spatial dimensions provided in Standard NU-S1(1) were too small to contain a temporary generator, and an area of 20m² was sought for the standard. With regard to ground mounted electricity distribution cabinets, they advised that a cabinet area of at least 5m² was required to provide an envelope for commonly used equipment contained but noted that this infrastructure was provided for within the wider rule framework. They requested that the following new standard be added for each zone for above ground temporary electricity generators and self-contained power units to supply existing infrastructure (i.e. under Standard NU-S1(1), NU-S1(9) and NU-S1(17)).

In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m² area is applicable.

- 10.3.7 The reporting planner noted that the amendment to Standard NU-S1(9) would apply to temporary electricity generators and self-contained power units located within ONFs and ONLs identified in NFL-SCHED6. The planner noted that this standard already permitted structures outside road reserves that had a gross floor area of up to 25m². The planner therefore considered that the requested amendment to this standard was unnecessary.
- 10.3.8 The reporting planner noted that Standards NU-S1(9) and NU-S1(17) already allowed above ground buildings and structures, where located outside road reserves that had a gross floor area of up to 50m² in the General Rural Zone and Rural Production Zone (unless they were located within ONFs and ONLs identified in NFL-SCHED6, in which case the limit was 25m²), and up to 50m² in the Commercial Zone and General Industrial Zone. She further advised that, in all zones, where above-ground buildings and structures were located within road reserve, the maximum gross floor area permitted was 10m².
- 10.3.9 The reporting planner concluded that, therefore, for temporary electricity generators and self-contained power units up to 20m² gross floor area, located outside road reserve, the current standards already provided for these structures in each of the zones, and the requested amendments were unnecessary. However, where they were located within road reserve, the planner considered that the current 10m² gross floor area limit was appropriate, as larger buildings or structures had potential for more than minor adverse effects on the safety and efficiency of the road network and should therefore be assessed by way of a resource consent application.
- 10.3.10 The reporting planner therefore did not support the amendments sought by Centralines.

Standard NU-S2

- 10.3.11 Chorus (S117.048), Spark (S118.048) and Vodafone (S119.048) generally supported the setback for structures to assist in the mitigation of bulk and dominance. However, they submitted that telecommunication pole facilities were typically slim and did not create a bulk and dominance effect that wider structures could have. As such, they sought an exemption within the standard for pole structures with a diameter of 600mm or less and any permitted attachments to the poles, noting that there was no setback standard for structures in legal road and a pole structure that was on a private site would give rise to similar negligible effects to a pole structure on legal road which had no setback requirement.
- 10.3.12 The reporting planner concurred that it was reasonable to exempt poles of a limited diameter from the setbacks from site boundaries (excluding road boundaries) where they were located on sites outside road reserve.

Standard NU-S3

- 10.3.13 Chorus (S117.049), Spark (S118.049) and Vodafone (S119.049) considered that the proposed heights for antennas attached to buildings should align with the NES-TF and considered that the proposed height for antennas attached to poles should be increased to at least 5m above the permitted building height in each zone (with the exception of the rural zones).
- 10.3.14 Chorus, Spark and Vodafone requested that, in the GRZ - General Residential Zone and LLRZ - Large Lot Residential Zone, Standard NU-S3(4) be amended so that antennas could only be attached to a building that was 15m high, and where the top of the antenna was not more than 5m above the point of the building to which it was attached.
- 10.3.15 The reporting planner advised that Regulation 37(4) of the NES-TF specified the following in relation to attaching antenna on buildings, including the requirement under subclause (b) that, if the building was in a residential zone, the lowest point at which the antenna was attached to the building must be at least 15m above the ground:

37 Antenna on building

- (1) This regulation applies to the regulated activity described in regulation 36.
- (2) This regulation is complied with if,—
 - (a) for a dish or panel antenna, the size rules in subclause (3) are complied with; and
 - (b) the antenna is attached to the building in a way that complies with the attachment rules in subclause (4).
- (3) The **size rules** are that,—
 - (a) if the antenna is a panel antenna, the area of the panel must not be more than 1.5 m²; or
 - (b) if the antenna is a dish antenna, the diameter of the dish must not be more than 1.2 m.
- (4) The **attachment rules** are that—
 - (a) the top of the antenna must not be more than 5 m above,—
 - (i) if the antenna is attached to a vertical surface, the top of that surface, directly above the point at which the antenna is attached to the building; or
 - (ii) otherwise, the point at which the antenna is attached to the building; and
 - (b) if the building is in a residential zone, the lowest point at which the antenna is attached to the building must be at least 15 m above the ground.

- 10.3.16 Therefore, the change requested by the submitters was just reflecting what was in the NES-TF, and as the reporting planner had advised previously, when an activity did not comply with the NES-TF, the activity status under the PDP could become relevant (see Regs 14-18). The reporting planner did not consider there was a particular need for the PDP provisions to mirror the NES-TF provisions, as they would either apply to different network utilities or, where a telecommunication activity did not comply with the NES-TF, the PDP was only relevant in terms of identifying the activity status.
- 10.3.17 The reporting planner therefore did not support amending Standard NU-S3(4) as requested by the submitters. However, the planner considered that the wording of NU-S3(4) should be clarified, to make it clearer that an antenna attached to a building must not extend more than 5m in height above the point of the building to which it was attached.

- 10.3.18 The reporting planner did not support Chorus, Spark and Vodafone's request to delete the Settlement Zone from applying to Standard NU-S3(3)-(5) and include it with the standards applying to the GRZ – General Rural Zone and RPROZ – Rural Production Zone, as it shared the same maximum height limit of 8m with the General Residential and Large Lot Residential Zones. However, the planner concurred that it would be appropriate to include the standards for the RLZ – Rural Lifestyle Zone with the rural zones, as the maximum building height in the Rural Lifestyle Zone was 10m, being the same as the height limit for the General Rural and Rural Production Zones.
- 10.3.19 Chorus, Spark and Vodafone considered that it was unclear what the reference to 'Clause 4' is in Standards NU-S3(6), (7) and (8). The reporting planner advised that this reference was an error, and it should have referred to subclause 'a.' of each of these standards. The reporting planner concurred with the submitters that the reference was unnecessary and should be deleted.
- 10.3.20 Chorus, Spark and Vodafone requested amendments to Standard NU-S3(7), such that, where an antenna was attached to a building, the top of the antenna must not be more than 5m above the point of the building to which it was attached. The reporting planner noted that Regulation 37(4)(a)(ii) of the NES-TF (as set out above) required, where outside of a residential zone, that the top of the antenna not be more than 5m above the point at which the antenna was attached to the building.
- 10.3.21 Standard NU-S3(7), as notified, specifies that, where an antenna was attached to a building, the antenna and building must not exceed a combined height of 8.5m. The reporting planner noted that, as the maximum height of buildings in the rural zones was 10m, antennas attached to buildings over 8m in height in these zones were unlikely to comply with Standard NU-S3(7). Given the recommendation above, to amend Standard NU-S3(4) to allow antennas attached to buildings in the residential zones to not extend more than 5m in height above the point of the building to which they were attached, the planner considered that it would be appropriate and reasonable to amend Standard NU-S3(7) to provide for the equivalent in the rural zones.
- 10.3.22 In relation to the height exception for antennas on buildings in an ONF or ONL under Standard NU-S3(7)(a), which required that an antenna attached to a building must not exceed a combined height of 6.5m, Chorus, Spark and Vodafone considered that this limit was not practicable for the addition of telecommunication facilities to existing structures/buildings. They submitted that removing the exception and making it easier for such facilities to be attached to existing buildings in these areas would encourage consolidation of structures in areas where they were not readily expected.
- 10.3.23 The maximum height for buildings within ONFs and ONLs was 3m under Rule NFL-R1 and the removal of the exception would allow for antennas on buildings within these areas up to a combined height of 8m. The reporting planner concurred with the submitters that using existing buildings for the attachment of antennas would be preferable to attaching them to new structures in these areas. The reporting planner was satisfied that limiting the extent to which antennas can extend above the height of existing buildings to 5m would ensure that the visual effects of the antennas would be less than minor and acceptable (as recommended in relation to Standards NU-S3(4) and NU-S3(7)). The reporting planner therefore supported deleting the exception under Standard NU-S3(7)(a).

- 10.3.24 Chorus, Spark and Vodafone requested that Standard NU-S3(11) be amended, which required that an antenna attached to a building in the COMZ – Commercial Zone and GIZ – General Industrial Zone must not exceed a combined height with the building of 15m. The maximum height of buildings in these zones was limited to 12m (under Standards COMZ-S1 and GIZ-S1, respectively). Therefore, the current limit of 15m under Standard NU-S3(7) allowed antenna to extend 3m above the height of a 12m building. On the basis of her recommendation above, the reporting planner considered that it would be appropriate and reasonable to amend Standard NU-S3(11) to provide for the equivalent in the Commercial and General Industrial zones.
- 10.3.25 With regard to the request from Chorus, Spark and Vodafone to amend Standards NU-S3(5)(b), NU-S3(8)(b) and NU-S3(12)(b), so that GPS antenna were exempt from the height standards, the reporting planner concurred that it was appropriate on the basis of their advice that GPS antenna had a very small size with effects akin to a lightning rod.
- 10.3.26 Chorus, Spark and Vodafone requested that Standard NU-S3(5) be amended so that above ground structures (poles, towers, and telecommunications poles, including combined height of pole and antenna), must not exceed a height of 13m, instead of 11.5m in the notified PDP. Centralines (S90.023) requested that Standards NU-S3(5), (8) and (12) be amended to reflect a maximum height limit of 25m for masts, antenna, aerials and poles for all zones.
- 10.3.27 Standard NU-S3(8) already permits above ground structures that do not exceed a height of 25m in the rural zones.
- 10.3.28 The reporting planner noted that the height limits under the notified Standards had been carried over from Performance Standard 10.5.2 of the ODP, which applied to antennas, dish antennas or associated structures, including support structures, in the Residential and Township Zones, as follows:
- 10.5.2 *No antennas, dish antennas or associated structures, including support structures, specified in Rule 10.4.1 (d) shall exceed a maximum height above ground level of:*
- i. *11.5m in Residential or Township Zones;*
- ii. *15m in the Business 1 and 2 Zone; and*
- iii. *25m in the Rural Zone.*
- This standard does not apply to television antennas provided that the height of the television antenna does not exceed the height of the building it is attached to by more than 3.5m.*
- 10.3.29 The reporting planner advised that Standards NU-S3(5), (8) and (12) referred to ‘towers’ and ‘poles’. A ‘pole’ is defined in the PDP as follows:

POLE	pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.
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- 10.3.30 The reporting planner also advised that a 25m height limit in the residential zones was three times higher than the 8m permitted height limit for buildings in the zones, while in the Commercial and General Industrial Zones, 25m was over twice the 12m permitted height limit for buildings in the zones. For the same reasons the planner recommended allowing antenna attached to buildings to extend up to 5m in height above buildings they were attached to (under Standards NU-S3(4), (7) and (11)), the planner considered that it would be appropriate to allow above ground structures to be up to 5m higher than the maximum height for buildings in the zones (i.e. a maximum height of 13m in the General Residential, Settlement and Large Lot Residential Zones, and a maximum height of 17m in the Commercial and General Industrial Zones).
- 10.3.31 Centralines (S90.023) requested that Standards NU-S3(3), (6) and (10) be amended to reflect the maximum height limits for buildings in the respective zone-based chapters. The standards, as notified, limited the height of buildings located outside road reserve and the rail corridor to 3.5m in the residential zones, and 5m in the rural, commercial and industrial zones.
- 10.3.32 The reporting planner advised that these standards had been carried over from Permitted Activity Rule 10.4.1(f) of the ODP, which provided for buildings used for network utility activities provided that the buildings did not exceed a height of 3.5m in the Residential and Township Zones, and 5.0m in the Rural and Business Zones.
- 10.3.33 She stated that the intention of the height limit, in combination with the gross floor area limits for above ground buildings under Standard NU-S1, was to limit the scale of buildings used by network utilities, as there was potential for larger scale network utilities occupying the buildings to have adverse effects on the environment, particularly within the more sensitive residential zones. New buildings that exceeded these standards under Rule NU-R4 of the PDP required Restricted Discretionary Activity resource consent, and would be assessed in relation to: the functional and operational needs of, and benefits derived from, the network utility; effects on public health and safety; whether alternative locations, routes or other options are physically or technically practicable; and the matters set out in policies NU-P1, NU-P2, NU-P3 and NU-P4 of the PDP.
- 10.3.34 The reporting planner therefore considered that it was appropriate to retain the notified limits on the height of buildings for network utilities, to avoid or mitigate potential adverse environmental effects associated with larger scale network utility activities.
- 10.3.35 DOC (S64.028) opposed Standard NU-S3, and requested that the standard be amended to include a reduced footprint and height as a 'Restricted Discretionary, for network utilities within SNA, SASM, HNCA and SAF overlays, and that Activities outside these overlays should be a 'Discretionary Activity'. As the planner has advised above, in relation to DOC's submission points under Key Issue 7, in addition to the provisions in the NU-Network Utilities chapter, a number of other Part 2: District-Wide Matters chapters (including HH – Historic Heritage, NH – Natural Hazards, TRANS – Transport, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise) contained provisions that may be relevant to network utilities. For that reason, the reporting planner considered the amendments sought by DOC unnecessary and the planner did not support them.
- 10.3.36 In summary, in response to the above submission points, the reporting planner recommended that Standard NU-S3 be amended as follows:

<p>NU-S3 Height for Above Ground Buildings and Structures</p>

Within road reserve or the rail corridor - All Zones	<ol style="list-style-type: none"> 1. Above ground buildings adjoining the General Residential Zone, Settlement Zone, Rural Lifestyle Zone or Large Lot Residential Zone (Coastal) must not exceed a height of 2.3m. 2. Above ground buildings adjoining any other zone must not exceed a height of 3.5m. <i>Note: See standards below applying to above ground structures for the various zones (including where they are located within road reserve and the rail corridor).</i>
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ol style="list-style-type: none"> 3. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 3.5m. 4. Where an antenna is attached to a building, the <u>top of the antenna must not be more than 5m above the point of the building to which it is attached.</u> 5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 11.5m<u>13m.</u> Except that: <ol style="list-style-type: none"> a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard). b. Lightning rods <u>and GPS antenna</u> are exempt from the maximum structure height standard.
Rural Production Zone <u>Rural Lifestyle Zone</u> General Rural Zone	<ol style="list-style-type: none"> 6. Except as excluded in clause 4. below, aAbove ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m. Except that: <ol style="list-style-type: none"> a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, they must not exceed a height of 3m. 7. Except as excluded in Clause 4 below, Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m<u>be more than 5m above the point of the building to which it is attached.</u> Except that: <ol style="list-style-type: none"> a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m. 8. Except as excluded in clause 4. below, aAbove ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that: <ol style="list-style-type: none"> a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard). b. Lightning rods <u>and GPS antennas</u> are exempt from the maximum structure height standard. 9. Above ground buildings and structures in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.
Commercial Zone General Industrial Zone	<ol style="list-style-type: none"> 10. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m. 11. Where an antenna is attached to a building, the <u>top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</u> 12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 15m<u>17m.</u> Except that: <ol style="list-style-type: none"> a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard). b. Lightning rods <u>and GPS antenna</u> are exempt from the maximum structure height standard.

Standard NU-S4

- 10.3.37 Chorus (\$117.050), Spark (\$118.050) and Vodafone (\$119.050) generally supported Standard NU-S4 as it assisted in the mitigation of bulk and dominance effects. However, they sought an exemption for pole structures within the standard, by inserting Clause (b) in Standard NU-S4(1) which stated that the standard did not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. Centralines (\$90.024) requested that a note be added to the standard to clarify that the provision did not apply to poles, lines and antenna.
- 10.3.38 The reporting planner concurred with the submitters that slim poles, with a diameter of 600mm or less, and permitted attachment to poles (which would include antenna and lines), should be exempt from the Height in Relation to Boundary standard, as such structures would not cause shading of adjacent properties. The planner therefore recommended that Standard NU-S4(1) be amended as follows:

NU-S4 Height in Relation to Boundary	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal) Rural Production Zone General Rural Zone	<p>1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</p> <p>Except that:</p> <p>a. Where the nearest site boundary immediately adjoins an access or part of an access held in the same ownership (wholly or partly) as the site on which the above ground building or structure is located, or it adjoins a registered right of way in favour of the site of the building or structure, the height in relation to boundary must be measured from the far side of the access or right of way.</p> <p>b. <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p><i>Note: There is no height in relation to boundary standard that applies to above ground buildings and structures in the Commercial Zone, General Industrial Zone, or within road reserve.</i></p>

Standard NU-S5

- 10.3.39 Chorus (\$117.50), Spark (\$118.050) and Vodafone (\$119.050) supported the requirement that any new accesses comply with the relevant transport provisions of the PDP, and considered that having a threshold based on area should be replaced with a consideration of whether or not the activity on the site demanded a new access or not.
- 10.3.40 The Standard, as notified, requires activities on sites greater than 200m² in area to comply with the relevant provisions of the TRAN – Transport chapter for access, parking and loading. The reporting planner considered that there was potential for network utilities on larger sites to have adverse effects on the functioning of the District Roding Network, particularly in relation to vehicles needing to access a site for construction and maintenance of network utilities (e.g. wastewater treatment plants, substations, water pump stations).
- 10.3.41 The planner therefore did not support the amendment requested by the submitters.

Standards NU-S9

- 10.3.42 NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club (S131.002) supported all the rules incorporated in the PDP under section 15.9.10. They noted that "it is implied, but not explicitly stated, that the heights given in Section 15.9.10 apply irrespective of the Definition of 'Height in the definitions section". They submitted that, because aerial poles are usually very slender (generally 114mm or less) they did not cast a shadow beyond about 10m away. For that reason, they sought an exemption for Amateur Radio Configurations from the Height in Relation to Boundary or recession Line rules, although they would still be subject to setbacks.
- 10.3.43 The reporting planner advised that Section 15.9.10 related to the Draft District Plan, not the PDP. She noted that, within Standard NU-S9, there was no requirement for poles to comply with height in relation to boundary standards for the zone where they were located (i.e., height in relation to boundary standards only apply in Standard NU-S9(15)(d) to "one pedestal dish mounted antenna pivoted less than 3m above ground with a maximum diameter of 2.5m, provided that the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail network and height in relation to boundary standards applying to buildings in the zone in which they are located". The reporting planner therefore did not support the amendment requested by the submitter.

10.4 Evidence to the hearing

- 10.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. His evidence contained a summary of all of the s42A recommendations that the telecom providers accepted: his evidence focussed on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone provided evidence on the alignment between the NESTF and PDP in regard to the permitted activity thresholds for NU-S1.
- 10.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was a corporate statement focussed on the operations of the telecommunications companies.

10.5 Post hearing information

- 10.5.1 The reporting planner addressed Rule NU-R2 and Standard NU-S1 in the right-of-reply in response to the evidence from Tom Anderson (Chorus, Spark and Vodafone). Mr Anderson submitted that it did not make sense for a network utility operator, who was not a 'facility operator' (as defined under the NES-TF), to be subject to different standards under the PDP, when the same activities carried out by facility operators were permitted under the NESTF.
- 10.5.2 Based on the evidence of Mr Anderson, the reporting planner changed her position, and recommended that Rule NU-R2 and Standard NU-S1 be amended as follows:

Amend NU-R2 as follows:

'1. Activity Status: PER

Where the following conditions are met:

a. Limited to:

i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be:

a. within ~~2m~~**3m** of the existing alignment or location; and

ii. ...

iii. ...

iv. ...

v. Any pole that replaces an existing pole must not:

a. ...

b. ...

c. have a height exceeding **more than 1m above** the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and

d. ...

vi. ...

vii. ...

viii. ...

ix. ...

x. Where a new antenna replaces an existing antenna, the new antenna must not:

a. exceed **3.5m in length and 700mm in width or** the maximum dimension of the existing antenna by more than 20 percent, **whichever is the greater**; and

b. where it is a dish antenna, **exceed 1.2m in diameter or** the diameter of the existing antenna by more than 20 percent, **whichever is the greater**; and

c. where it is attached to a facility, increase the height of the facility **by more than 1m**, unless the height increase is a result of an increase in the size of the new antenna only.

...'

Amend NU-S1 as follows:

'NU-S1 ~~Gross Floor Area and~~Size and Dimensions

General Residential Zone / Settlement Zone / ~~Rural Lifestyle Zone~~ / Large Lot Residential Zone (Coastal)

...

Rural Production Zone / General Rural Zone / **Rural Lifestyle Zone**

...

14. A telecommunications cabinet must not exceed a footprint of ~~2.5m²~~ **5m²** and height of ~~2m~~ **2.5m**.

15. ~~A group of telecommunications cabinets must not exceed a combined footprint of 3m².~~

...

Commercial Zone / General Industrial Zone

...

22. A telecommunications cabinet must not exceed a footprint of ~~2.5m²~~ **5m²** and height of ~~2m~~ **2.5m**.

23. ~~A group of telecommunications cabinets must not exceed a combined footprint of 3m².~~

...'

10.6 Evaluation and findings

Standard NU-S1

10.6.1 Standard NU-S1 sets limits on gross floor areas and dimensions for network utilities in zones.

- 10.6.2 For the reasons outlined in the s42A report, the Panel agrees with the reporting planner on her evaluation and recommendations in regard to submission points on the network utility standards
- 10.6.3 In relation to Standard NU-S1, the Panel agrees that the title of the standard should be amended to 'Size and Dimensions'.
- 10.6.4 With regard to the amendments to Standard NU-S1(14), (15), (22) and (23), the Panel agrees that there should be an alignment with the standards under the NESTF as they apply to network utilities regulated by an NES, as, from an effects' perspective, there is no basis for any differentiation.
- 10.6.5 The Panel agrees that the concerns of DOC (S64.027) for network utilities within SNA, SASM, HNCA and SAF overlays are appropriately addressed elsewhere in the PDP, under other Part 2: District-Wide Matters chapters, and therefore recommends rejecting this submission point.
- 10.6.6 The Panel also agrees with the reporting planner that the PDP makes appropriate provision for temporary electricity generators and self-contained power units (Centralines (S90.021)). The Panel therefore recommends rejecting this submission point.

Standard NU-S2

- 10.6.7 In regard to the submission points from Chorus (S117.048), Spark (S118.048) and Vodafone (S119.048) on providing for telecommunication pole facilities that are typically slim and do not create a bulk and dominance effect that wider structures can have.
- 10.6.8 The Panel agrees with the reporting planner and concurs that it seems reasonable to exempt poles of a limited diameter from the setbacks from site boundaries (excluding road boundaries) where there are located on sites outside road reserve.

Standard NU-S3

- 10.6.9 The Panel considers that it is appropriate that the standards for telecom facilities mirror those under the NES-TF, as there is no rationale, on an effects-basis, for applying separate different standards for telecom facilities delivered by a provider that does not come under the NES-TF (Chorus (S117.049), Spark (S118.049) and Vodafone (S119.049)). Accordingly, the Panel recommends that the proposed permitted activity height standards for antennas attached to buildings should align with the NES-TF and be increased to at least 5m above the permitted building height in each zone (with the exception of the rural zones). In addition, the Panel recommends that, in the GRZ - General Residential Zone and LLRZ - Large Lot Residential Zone, Standard NU-S3(4) be amended so that antennas can only be attached to a building that is 15m high, and where the top of the antenna is not more than 5m above the point of the building to which it is attached.
- 10.6.10 The change requested by the submitters reflects what is in the NES-TF, and when an activity does not comply with the NES-TF, the activity status under the PDP can become relevant (see Regs 14-18).

- 10.6.11 The Panel, however, agrees with the reporting planner not to delete the Settlement Zone from applying to Standard NU-S3(3)-(5) and include it with the standards applying to the GRZ – General Rural Zone and RPROZ – Rural Production Zone, as it shares the same maximum height limit of 8m with the General Residential and Large Lot Residential Zones. However, the Panel agrees with the reporting planner that it would be appropriate to include the RLZ – Rural Lifestyle Zone with the rural zones, as the maximum building height in the Rural Lifestyle Zone is 10m, being the same as the height limit for the General Rural and Rural Production Zones.
- 10.6.12 In relation to the height exception for antennas on buildings in an ONF or ONL under Standard NU-S3(7)(a), which requires that an antenna attached to a building must not exceed a combined height of 6.5m, Chorus, Spark and Vodafone considered that it is not practicable for the addition of telecommunication facilities to existing structures/buildings. They submit that removing the exception and making it easier for such facilities to be attached to existing buildings in these areas would encourage consolidation of structures in areas where they are not readily expected.
- 10.6.13 The maximum height for buildings within ONFs and ONLs is 3m under Rule NFL-R1 and the removal of the exception would allow for antennas on buildings within these areas up to a combined height of 8m. The Panel agrees with the reporting planner that the submitters that using existing buildings for the attachment of antennas would be preferable to attaching them to new structures in these areas. The Panel is satisfied that limiting the extent to which antennas can extend above the height of existing buildings to 5m will ensure that the visual effects of the antennas will be less than minor and acceptable (as recommended in relation to Standards NU-S3(4) and NU-S3(7)). The Panel therefore supports deleting the exception under Standard NU-S3(7)(a).
- 10.6.14 Chorus, Spark and Vodafone requested that Standard NU-S3(11) be amended, which requires that an antenna attached to a building in the COMZ – Commercial Zone and GIZ – General Industrial Zone must not exceed a combined height with the building of 15m. The maximum height of buildings in these zones is limited to 12m (under Standards COMZ-S1 and GIZ-S1, respectively). Therefore, the current limit of 15m under Standard NU-S3(7) allows antenna to extend 3m above the height of a 12m building. On the basis of the recommendation above, to amend Standards NU-S3(4) and NU-S3(7) to allow antennas attached to buildings in the residential and rural zones to not extend more than 5m in height above the point of the building to which it is attached, the Panel considers that it would be appropriate and reasonable to amend Standard NU-S3(11) to provide for the equivalent in the Commercial and General Industrial zones.
- 10.6.15 With regard to the request from Chorus, Spark and Vodafone to amend Standards NU-S3(5)(b), NU-S3(8)(b) and NU-S3(12)(b), so that GPS antenna are exempt from the height standards, the Panel agrees with the reporting planner that this is an appropriate amendment to make, on the basis that GPS antenna have a very small size with effects akin to a lightning rod.
- 10.6.16 Chorus, Spark and Vodafone requested that Standard NU-S3(5) be amended so that above ground structures (poles, towers, and telecommunications poles, including combined height of pole and antenna) must not exceed a height of 13m, instead of 11.5m in the notified PDP. Centralines (S90.023) requested that Standards NU-S3(5), (8) and (12) be amended to reflect a maximum height limit of 25m for masts, antenna, aerials and poles for all zones.

- 10.6.17 The Panel notes that Standard NU-S3(8) already permits above ground network utility structures that do not exceed a height of 25m in the rural zones. The proposed height limits which apply to antennas, dish antennas or associated structures, including support structures, in the Residential and Township Zones have been carried over from Performance Standard 10.5.2 of the ODP.
- 10.6.18 The Panel agrees with the planner and recommends allowing antenna attached to buildings to extend up to 5m in height above buildings they are attached to (under Standards NU-S3(4), (7) and (11)), the Panel considers that it would be appropriate to allow above ground structures to be up to 5m higher than the maximum height for buildings in the zones (i.e. a maximum height of 13m in the General Residential, Settlement and Large Lot Residential Zones, and a maximum height of 17m in the Commercial and General Industrial Zones).
- 10.6.19 Centralines (S90.023) requested that Standards NU-S3(3), (6) and (10) be amended to reflect the maximum height limits for buildings in the respective zone-based chapters. The standards, as notified, limit the height of buildings located outside road reserve and the rail corridor to 3.5m in the residential zones, and 5m in the rural, commercial and industrial zones.
- 10.6.20 The Panel notes that these standards have been carried over from Permitted Activity Rule 10.4.1(f) of the ODP, which provides for buildings used for network utility activities provided that the buildings do not exceed a height of 3.5m in the Residential and Township Zones, and 5.0m in the Rural and Business Zones. The intention of the height limit, in combination with the gross floor area limits for above ground buildings under Standard NU-S1, is to limit the scale of buildings used by network utilities, as there is potential for larger scale network utilities occupying the buildings to have adverse effects on the environment, particularly within the more sensitive residential zones. The Panel agrees with the reporting planner and considers that it is appropriate to retain limits on the height of buildings for network utilities to avoid or mitigate potential adverse environmental effects associated with larger scale network utility activities.
- 10.6.21 The Panel agrees with the reporting planner that the district-wide provisions of the PDP will address the concerns of DOC (S64.028) in regard to network utilities within SNAs, SASMs, HNCA and SAF overlays. For that reason, the Panel considers the amendments sought by DOC are unnecessary and the Panel does not support them.
- 10.6.22 In response to the above submission points, the Panel recommends that Standard NU-S3 be amended as follows:

NU-S3 Height for Above Ground Buildings and Structures	
Within road reserve or the rail corridor - All Zones	<p>13. Above ground buildings adjoining the General Residential Zone, Settlement Zone, Rural Lifestyle Zone or Large Lot Residential Zone (Coastal) must not exceed a height of 2.3m.</p> <p>14. Above ground buildings adjoining any other zone must not exceed a height of 3.5m.</p> <p><i>Note: See standards below applying to above ground structures for the various zones (including where they are located within road reserve and the rail corridor).</i></p>
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<p>15. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 3.5m.</p> <p>16. Where an antenna is attached to a building, the <u>top of the antenna must not be more than 5m above the point of the</u> and building must not exceed a combined height of 8. to <u>which it is attached.</u></p> <p>17. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 11.5<u>13m.</u></p> <p>Except that:</p>

	<p>c. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>d. Lightning rods and GPS antenna are exempt from the maximum structure height standard.</p>
<p>Rural Production Zone</p> <p>Rural Lifestyle Zone</p> <p>General Rural Zone</p>	<p>18. Except as excluded in clause 4. below, a Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m. Except that:</p> <p>b. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, they must not exceed a height of 3m.</p> <p>19. Except as excluded in Clause 4 below, Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m be more than 5m above the point of the building to which it is attached. Except that:</p> <p>b. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>20. Except as excluded in clause 4. below, a Above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that:</p> <p>c. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>d. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>21. Above ground buildings and structures in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.</p>
<p>Commercial Zone</p> <p>General Industrial Zone</p>	<p>22. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.</p> <p>23. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>24. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 15m 17m. Except that:</p> <p>c. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>d. Lightning rods and GPS antenna are exempt from the maximum structure height standard.</p>

Standard NU-S4

- 10.6.23 Chorus (\$117.050), Spark (\$118.050) and Vodafone (\$119.050) sought an exemption in Standard NU-S4 for pole structures within the standard, by inserting Clause (b) in Standard NU-S4(1) which states that the standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. Centralines (\$90.024) requested that a note be added to the standard to clarify that the provision does not apply to poles, lines and antenna.
- 10.6.24 The Panel agrees with the reporting planner that slim poles, with a diameter of 600mm or less, and permitted attachment to poles (which would include antenna and lines) should be exempt from the Height in Relation to Boundary standard, as such structures will not cause shading of adjacent properties. The Panel therefore recommends that Standard NU-S4(1) be amended as follows:

NU-S4 Height in Relation to Boundary	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal) Rural Production Zone General Rural Zone	<p>2. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</p> <p>Except that:</p> <p>c. Where the nearest site boundary immediately adjoins an access or part of an access held in the same ownership (wholly or partly) as the site on which the above ground building or structure is located, or it adjoins a registered right of way in favour of the site of the building or structure, the height in relation to boundary must be measured from the far side of the access or right of way.</p> <p>d. <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p><i>Note: There is no height in relation to boundary standard that applies to above ground buildings and structures in the Commercial Zone, General Industrial Zone, or within road reserve.</i></p>

Standard NU-S5

- 10.6.25 The Panel supports the PDP requirement for any new accesses to network utilities comply with the relevant transport provisions (Chorus (\$117.50), Spark (\$118.050) and Vodafone (\$119.050)). The Standard, as notified, requires activities on sites greater than 200m² in area to comply with the relevant provisions of the TRAN – Transport chapter for access, parking and loading. The Panel considers that there is potential for network utilities on larger sites to have adverse effects on the functioning of the District Roding Network, particularly in relation to vehicles needing to access a site for construction and maintenance of network utilities (e.g., wastewater treatment plants, substations, water pump stations). The Panel therefore does not support the amendment requested by the submitters.

Standards NU-S9

- 10.6.26 The NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club (\$131.002) sought an exemption for Amateur Radio Configurations from the Height in Relation to Boundary or recession Line rules because aerial poles are usually very slender (generally 114mm or less) they do not cast a shadow beyond about 10m away.
- 10.6.27 The Panel agrees with the reporting planner and does not support the amendment requested by the submitter. There is no requirement in Standard NU-S9 for poles to comply with height in relation to boundary standards for the zone where they are located (i.e., height in relation to boundary standards only apply in Standard NU-S9(15)(d) to “one pedestal dish mounted antenna pivoted less than 3m above ground with a maximum diameter of 2.5m, provided that the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail network and height in relation to boundary standards applying to buildings in the zone in which they are located”).

11. Key Issue 9 – Assessment matters, methods, principal reasons & anticipated environmental results

11.1 Proposed plan provisions

- 11.1.1 Key Issue 9 addresses submission requests to retain, delete or amend Assessment Matter NU-AM2, Methods NU-M1, NU-M2, NU-M3, NU-M6, NU-M7 and NU-M10, and Anticipated Environmental Result NU-AER3.

11.2 Submissions

- 11.2.1 There were 9 submission points and 9 further submission points on this key issue.

11.3 Reporting planner's recommendations (s42A report)

Method NU-M1

- 11.3.1 Method NU-M1 identifies other sections of the PDP that contain additional rules and standards applying to buildings and structures.
- 11.3.2 Transpower (S79.047) opposed Method NU-M1, as they considered that the list provided appears to cover all other chapters of the PDP, which appeared contrary to the intent of the National Planning Standards Mandatory Directions for provisions relating to infrastructure, as well as the Introduction to the chapter (specifically paragraph 4) which provides that a single set of rules are provided. In particular, they considered clause 6 was not clear in terms of how the ONFL provisions applied to Network Utilities, in that the Note to the Rules section provides "Rules for activities addressed in this chapter that are located within the identified ONFL and ONFs are contained in this chapter". They requested that this Method be deleted.
- 11.3.3 While the reporting planner did not support Transpower's request to delete Method NU-M1, she considered that NU-M1(6), which referred to "NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – in areas containing these features", should be deleted, as rules for network utilities located within identified ONLs and ONFs were contained within the NU – Network Utilities chapter.

Method NU-M4

- 11.3.4 Transpower (S79.049) supported reference to NPS-ET in Method NU-M4, but sought that the title be amended as the correct reference to NPS-ET. The reporting planner concurred with the submitter and recommended that the title be amended as requested by the submitter.

Method NU-M6

- 11.3.5 Transpower (S79.050) supported reference to the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001) but requested a minor correction to the title, such that the word 'Safety' should be changed to 'Safe'. The reporting planner concurred with this submission point.

Method NU-M10

- 11.3.6 CHBDC (S89.008) noted that the Subdivision section of the PDP provides for reference to the 'current Hastings District Council Engineering Code' (HDC Code) as assessment matters in relation to 'Water Supply, Wastewater Disposal, Stormwater Disposal' and 'Property Access. They requested that Method NU-M10 be amended to refer to the 'current' Hastings District Council's Code of Practice, instead of the '2011' version of the Code. The reporting planner considered that this amendment was appropriate.

NU - Principal Reasons

- 11.3.7 Transpower (S79.052) sought a minor amendment to the last sentence of the last paragraph of the NU – Principal Reasons, so that it included reference to ensuring the National Grid was not compromised. The reporting planner concurred with the submitter that the requested amendment was appropriate.

Anticipated Environmental Result NU-AER3

- 11.3.8 Hort NZ (S81.58) opposed Anticipated Environmental Result NU-AER3 as they considered the policy framework should not seek to 'protect' network utilities but rather to manage the effects of activities on network utilities. They requested that the AER be amended to reflect this approach.
- 11.3.9 The reporting planner recommended that Policy NU-P5, be amended in response to other submission points, to include "To the extent reasonably possible, manage subdivision, use and development to avoid adverse reverse sensitivity effects on network utilities...". Therefore, the environmental result was the avoidance of reverse sensitivity effects on network utilities (by managing subdivision, use and development to the extent reasonably possible). To address the concern of Hort NZ, the reporting planner considered that NU-AER3 should be amended as follows:

NU-AER3 **Avoidance of adverse effects on** Protection of network utilities from other land use activities which may adversely affect them.

11.4 Evidence to the hearing

- 11.4.1 Lynette Wharfe provided evidence on behalf of Hort NZ, seeking changes to NU-AER3 to reflect the changes sought to the objectives and policies.
- 11.4.2 Daniel Hamilton provided evidence on behalf of Transpower which focussed on the role of the National Grid. Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or supported the majority of recommendations in relation to this key issue.

11.5 Post hearing information

- 11.5.1 The reporting planner addressed NU-AER3 and the evidence from Lynette Wharfe (Hort NZ). The reporting planner agreed with Ms Wharfe and considered that it was appropriate to amend Assessment Matter NU-AER3 to reflect the amendments recommended be made to Objective NU-O3 and Policy NU-P5.

- 11.5.2 The reporting planner changed her position and recommended that Assessment Matter NU-AER3 be amended as follows:

NU-AER3	<p>Protection of <u>The safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities is not constrained or compromised by subdivision, use and development.</u> from other land use activities which may adversely affect them."</p>
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11.6 Evaluation and findings

Method NU-M1

- 11.6.1 The Panel agrees with the reporting planner and does not support Transpower's request to delete Method NU-M1(S79.047). However, the Panel considers that NU-M1(6), which refers to "NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – in areas containing these features", should be deleted, as rules for network utilities located within identified ONLs and ONFs are contained within the NU – Network Utilities chapter.

Method NU-M4

- 11.6.2 The Panel concurs with Transpower (S79.049) in introducing a reference to NPS-ET in Method NU-M4 and amending that the title to use the correct reference to NPS-ET.

Method NU-M10

- 11.6.3 CHBDC (S89.008) requested that Method NU-M10 be amended to refer to the 'current' Hastings District Council's Code of Practice (2020), instead of the '2011' version of the Code. The Panel agrees with the submitter and recommends accepting this submission point.

NU - Principal Reasons

- 11.6.4 Transpower (S79.052) sought a minor amendment to the last sentence of the last paragraph of the NU – Principal Reasons, so that it includes reference to ensuring the National Grid is not compromised. The Panel agrees with the reporting planner and the submitter that the requested amendment is appropriate.

Anticipated Environmental Result NU-AER3

- 11.6.5 The Panel agrees with the recommendation of the reporting planner in her right-of-reply in regard to Hort NZ (S81.58), and recommend amending NU-AER3 to read as follows:

NU-AER3	<p>Protection of <u>The safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities is not constrained or compromised by subdivision, use and development.</u> from other land use activities which may adversely affect them."</p>
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12. Key Issue 10 – Other matters

12.1 Proposed plan provisions

- 12.1.1 Key Issue 8 addresses submission requests to retain or amend Standards NU-S1, NU-S1, NU-S3, NU-S4, NU-S5, NU-S6, NU-S7, NU-S8 and NU-S9.

12.2 Submissions

- 12.2.1 There were 34 submission points and 28 further submission points.

12.3 Reporting planner's recommendations (s42A report)

Clarifications Sought

- 12.3.1 Transpower (S79.056, S79.061, S79.067) sought clarification whether the 'NH – Natural Hazards', 'ECO – Ecosystems and Indigenous Biodiversity' and 'NFL – Natural Features and Landscapes' provisions applied to network utility structures. Transpower (S79.086) also sought clarification of the relationship between chapters and whether the 'CE – Coastal Environment' chapter provisions apply to network utilities.
- 12.3.2 The reporting planner considered that the notes at the beginning of the 'Introduction' section, the 'notes' under the 'Rules' section, and Method NU-M1 (as recommended they be amended in response to submission points under Key Issues 3, 7 and 9) made it clear that, rules for activities located within identified ONLs and ONFs in NFL – SCHED6, provisions in other Part 2L District Wide Matters chapters also contained provisions that may be relevant to network utilities (e.g. NH – Natural Hazards, TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise).
- 12.3.3 The reporting planner noted, in relation to telecommunication facilities, that Regulation 57 of the NESTF specified that a District Plan could not make a natural hazard rule that applied to activities regulated under the NES-TF. Therefore, the NH – Natural Hazards chapter of the PDP did not apply to telecommunication facilities.

Earthworks

- 12.3.4 Transpower (S79.090) requested that the relevant National Grid rules in the 'EW – Earthworks' chapter be relocated to the 'NU – Network Utilities' chapter. In relation to a similar submission point from Transpower under Key Issue 3, the reporting planner advised the following.
- 6.3.15 I am therefore satisfied that retaining other provisions relating to network utilities within the HH - Historic Heritage, ECO – Ecosystems and indigenous biodiversity, SUB – Subdivision, ASW - Activities on the Surface of Water, EW – Earthworks, LIGHT – Light, NOISE – Noise, SIGNS – Signs and TEMP – Temporary Activities chapters complies with the National Standards and is appropriate. As I have recommended above (in response to Powerco (S56.005)), I consider that adding a reference in the 'Introduction' to the Network Utilities chapter, to the possible relevance of other chapters of the Proposed Plan to network utilities, will make it clearer to Plan users, how the Proposed Plan provisions are intended to work for network utilities.
- 12.3.5 The reporting planner therefore did not support Transpower's submission point.

Planning Maps – National Grid Corridor

- 12.3.6 Transpower (S79.128) requested that the map legend be amended to refer to “National Grid Transmission Line” as opposed to “National Grid Corridor”, as the term “National Grid Corridor” has the potential for confusion with the National Grid Subdivision Corridor, which is defined in the PDP. The term “National Grid Line” would also reflect the wording and planning map annotation in the National Planning Standards.
- 12.3.7 The reporting planner concurred with the submitter that there was a need for consistency in the use of terms used on the Planning Maps. The planner noted that ‘National Grid’ is defined in the PDP and stated that it was identified as the ‘National Grid Line on the Planning Maps’, as follows:

NATIONAL GRID	as defined in the National Policy Statement on Electricity Transmission (2008) (as set out in the box below), and as identified as the ‘National Grid Line’ on the Planning Maps. <div>means the assets used or owned by Transpower NZ Limited.</div>
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- 12.3.8 To achieve consistency with the above definition, the reporting planner recommended that the ‘National Grid Subdivision Corridor’ identified on the Planning Maps should be renamed as the ‘National Grid Line’.

12.4 Evidence to the hearing

- 12.4.1 Daniel Hamilton provided evidence on behalf of Transpower which focussed on the role of the National Grid, while Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or support the majority of recommendations in relation to this key issue.

12.5 Post Hearing information

- 12.5.1 The reporting planners right-of-reply did not address this key issue.

12.6 Evaluation and findings

Earthworks

- 12.6.1 The Panel notes that Transpower’s request (S79.090) to have the relevant National Grid rules in the ‘EW – Earthworks chapter relocated to the ‘NU – Network Utilities’ chapter was already addressed under Key Issue 3 in which we agree with the reporting planner and recommend rejecting this submission point.

Planning Maps – National Grid Corridor

- 12.6.2 The Panel agrees with the reporting planner that there is a need for consistency in the use of terms used on the Planning Maps (Transpower (S79.128)). To achieve consistency, the Panel recommends that the ‘National Grid Subdivision Corridor’ identified on the Planning Maps should be renamed as the ‘National Grid Line’.

13. Key Issue 11 – Definitions and abbreviations

13.1 Proposed plan provisions

- 13.1.1 Key Issue 8 addresses submission requests to retain or amend Standards NU-S1, NU-S1, NU-S3, NU-S4, NU-S5, NU-S6, NU-S7, NU-S8 and NU-S9.

13.2 Submissions

- 13.2.1 There were 34 submission points and 28 further submission points.

13.3 Reporting planner's recommendations (s42A report)

Definitions

Definition – 'Aerial'

- 13.3.1 Chorus (S117.003), Spark (S118.003) and Vodafone (S119.003) requested that the definition of 'Aerial' be deleted and consequential changes in the PDP be made to replace the term 'Aerial' with the term 'Antenna'.
- 13.3.2 The National Environmental Standards for Telecommunication Facilities (NES-TF) includes the following definition:
- antenna** means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit*
- 13.3.3 There is no definition of 'Aerial' in the NES-TF.
- 13.3.4 The definition of 'aerial' in the PDP is the same as the definition of 'antenna' in the NES-TF.
- 13.3.5 The reporting planner therefore concurred with Chorus, Spark and Vodafone that it was unnecessary to have a definition of aerial, and recommended that the definition of 'aerial' in the PDP be deleted from the Part 01B – Interpretation chapter, and where the word 'aerial' appears in the PDP, that it be replaced with the word 'antenna'.

Definition – 'Gas Transmission Network'

- 13.3.6 Federated Farmers (S121.235) sought the deletion of the definition of 'Gas Transmission Network', as they opposed all provisions for the Gas Transmission Network in the District. FirstGas (FS3.003) opposed Federated Farmers' submission, as they considered the definition critical in framing the PDP provisions which sought to protect and enable the nationally significant gas transmission network.
- 13.3.7 The reporting planner considered that it was appropriate to include a definition of Gas Transmission Network, as the network was identified on the PDP Maps and related to provisions within the NU-Network Utilities chapter. For that reason, the reporting planner recommended that the definition be retained as notified.

Definition – ‘Line’

- 13.3.8 Chorus (S117.008), Spark (S118.008) and Vodafone (S119.008) requested that the definition of ‘Line’ be retained as notified. Centralines (S90.002) opposed the definition, as they consider it did not clearly reference the meaning of ‘line’ as per the Electricity Act 1992 and was therefore ambiguous. Centralines requested that the notified definition of ‘Line’ be replaced with the following new wording:

LINE
 'has the same meaning as in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and any part of a line
means line as defined in Section 5 of the Telecommunications Act 2001:
means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electro-magnetic system; and includes:
a) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and
b) any part of a line; and means line as defined in section 2 of the Electricity Act 1992:
a) means works that are used or intend-ed to be used for the conveyance of electricity.

- 13.3.9 The definition of ‘Line’ in the PDP was the same as the definition in the Telecommunications Act 2001.
- 13.3.10 The reporting planner recommended that the definition of ‘Line’ in the PDP should be amended to include the definition of ‘lines’ under the Electricity Act 1992, as follows:

<p>LINE</p>	<p>has the same meaning as defined in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px;"> <p>means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system;</p> <p>means works that are used or intended to be used for the conveyance of electricity; and</p> <p>includes—</p> <p>any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</p> <p>any part of a line</p> </div>
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Definitions – ‘Maintenance’

- 13.3.11 Hort NZ (S81.019) submitted that there was no reference to ‘voltage’ in the definition of ‘Maintenance’ and noted that if the voltage of a line was changed, the setback distances in NZECP 34:2001 could increase. They therefore requested that the definition of ‘Maintenance’ be amended as follows:

MAINTENANCE
 Specifically in relation to network utilities, 'maintenance' means:

... Includes the replacement of an existing line, building or structure or other facility with another of the same or similar height, **voltage**, size and scale within the same or similar position and for the same or similar purpose.

- 13.3.12 Federated Farmers (S121.239) submitted that the definition must not stray into ‘upgrading’, which they considered could create some significant adverse effects on landowners and surrounding land uses, and therefore requested that the definition be amended as follows:

MAINTENANCE

Specifically in relation to network utilities, 'maintenance' means:

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same ~~or similar~~ height, **voltage**, size and scale, within the same ~~or similar~~ position and for the same ~~or similar~~ purpose. ~~Also includes the addition of extra lines to existing or replacement poles or other support structures.~~

- 13.3.13 Rule NU-R1 provides for the operation, maintenance, replacement and removal of network utilities (that are not regulated by an NES) as a Permitted Activity, subject to compliance with conditions relating to Size and Dimensions (NU-S1), Setbacks (NU-S2), Height for Above Ground Buildings and Structures (NU-S3), Height in Relation to Boundary (NU-S4), Access, Parking and Loading (NU-S5), Landscaping and Screening of Outdoor Areas and Parking Areas (NU-S6), Radiofrequency Radiation (NU-S7) and Electric and Magnetic Fields (NU-S8). Where compliance with any of Standard’s NU-S1 to NU-S6 is not achieved, Restricted Discretionary Activity consent is required under Rule NU-R1(2). Where compliance with Standard NU-S7 and/or Standard NU-S8 is not achieved, a Non-Complying Activity resource consent is required under Rule NU-R1(3).

- 13.3.14 The reporting planner concurred with Hort NZ and Federated Farmers that it was appropriate for ‘maintenance’ to include having the voltage of existing lines remain the same. The planner also supported Federated Farmers request to delete the inclusion of the addition of extra lines to existing or replacement poles or other support structures, as they considered that would fall within ‘minor upgrading’ or other upgrading. However, the planner did not support deleting the words ‘similar’ and ‘or similar’ as the limits on height and position of the network utilities to be maintained would be limited by Standards applying under the conditions for Rule NU-R1. The reporting planner also considered that it would be helpful to amend the definition to clarify that it did not include minor upgrading or upgrading.

- 13.3.15 The reporting planner therefore recommended that the definition of Maintenance be amended as follows:

MAINTENANCE

to keep in existing order, to prevent loss or deterioration, or to restore to working order. Does not include extending, replacing, removing or demolishing a structure, or any substantive change to the form, orientation, or outline of the structure.

Specifically in relation to network utilities, ‘maintenance’ means:

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line **of the same voltage**, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. **It does not include minor upgrading or upgrading.**

[...]

Definitions – ‘Minor Upgrading’

- 13.3.16 Transpower (S79.006) requested the inclusion of a new definition of ‘Minor Upgrading (Network Utilities)’ to the PDP to provide clarity for plan users as to what constitutes minor upgrading. Hort NZ (FS17.3) supported the inclusion of the new definition, but requested that it exclude any increase in the voltage of a line, unless the line was originally constructed at the higher voltage.
- 13.3.17 The reporting planner concurred with Transpower that it would be helpful to include a definition of ‘minor upgrading’ and with Hort NZ that the definition should exclude an increase in the voltage of a line unless the line was originally constructed at a higher voltage.
- 13.3.18 While the reporting planner generally supported the definition requested, she considered that it should be amended slightly so it was simpler, as follows:

<u>MINOR UPGRADING</u>	<u>means an increase in the carrying capacity, efficiency, safety or security of existing electricity and telecommunication lines, utilising existing support structures or replacement structures, and where the effects of the utility remain the same or similar in character, scale and intensity as those that existed prior to the commencement of the minor upgrading. It includes:</u> <u>(a) adding new circuits;</u> <u>(b) reconductoring with higher capacity conductors;</u> <u>(c) re-sagging of conductors; fitting longer or more efficient insulators;</u> <u>(d) placement of support structures within a similar location as the support structure that is replaced;</u> <u>(e) adding earthwires which may contain telecommunication lines, earthpeaks and lighting rods;</u> <u>(f) adding electrical or telecommunication fittings;</u> <u>(g) replacement of existing cross arms, including cross arms of different design but similar scale; and</u> <u>(f) installation of fibre-optic cables onto existing transmission lines.</u> <u>It excludes any increase in the voltage of a line, unless the line was originally constructed to operate at the higher voltage.</u>
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Definitions – ‘Upgrading’

- 13.3.19 Chorus (S117.022), Spark (S118.022) and Vodafone (S119.022) requested the addition of a new definition of ‘Upgrading’ (as follows) which they considered was necessary to better understand the limits in Rule ECO-R3(1)(b)(vi) of the PDP, which permits the *‘trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands)...that is...necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator’*. They proposed the following definition:

UPGRADING
means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.

- 13.3.20 Federated Farmers (FS25.3, FS25.4 and FS25.5) opposed the new definition, as they consider any upgrade, minor or not, has obligations under the PWA to address injurious affection, and the PDP must not prejudice that process.

- 13.3.21 The reporting planner supported the inclusion of a definition of ‘Upgrading (in relation to Network Utilities)’ for the purposes of clarification, but on the basis of the recommendations above, to also amend the definition of ‘Maintenance’ and to add a new definition of ‘Minor Upgrading’. The reporting planner did not support the wording requested by Chorus, Spark and Vodafone, but considered that the following definition would be more appropriate:

<u>UPGRADING (NETWORK UTILITIES)</u>	<u>means an increase in the carrying capacity, efficiency, safety or security of existing network utilities, but excludes maintenance and minor upgrading.</u>
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- 13.3.22 With regard to Rule ECO-R3(1)(b)(vi) of the PDP, in response to other submission points for Hearing Stream 1, the relevant provisions under this rule have been recommended to be deleted and included within new Rule ECO-R1A(a)(vi) relating to Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5), which reads as follows:

- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or

- 13.3.23 The reporting planner considered the rule enabled the ongoing safe and efficient operation, maintenance and upgrading of network utilities, but excluded their expansion. The key aspect of this rule was the need to exclude the expansion of network utilities, as the planner understood that could require more trimming or clearance of indigenous vegetation than was appropriate within any natural wetland identified as a SNA.

- 13.3.24 The reporting planner considered that there were issues relating to the inclusion of ‘upgrading’ within this rule, as the definition of upgrading that is recommended above may include the realignment, relocation and expansion of network utilities. Similarly, minor upgrading could have the same effects. On that basis, the planner considered that ‘upgrading’ should be deleted from Rule ECO-R1A(a)(vi). Furthermore, as the definition of ‘Maintenance’ (as recommended be amended above) related to existing network utilities, the planner considered that Rule ECO-R1A(a)(vi) should be amended so that it referred to ‘existing’ network utilities. The reporting planner considered that there was scope to make these amendments within the submission from Forest and Bird (\$75.040), which opposed Rule ECO-R3 and requested that it be amended significantly to strengthen it in line with the RMA, particularly section 6, as it allowed for significant clearance each year which would result in cumulative impacts and continued loss of biodiversity values over time.

- 13.3.25 The reporting planner therefore recommended that Rule ECO-R1A(a)(vi) be amended as follows:

ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)		
All Indigenous Vegetation Species	1. Activity Status: PER	2. Activity status where compliance not achieved: ECO-R2 to ECO-R5 apply
	Where the following conditions are met: a. Limited to trimming or clearance that is required for any of the following purposes: [...] vi. necessary to provide for the ongoing safe and efficient operation, and maintenance and	

	<p>upgrading of existing telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or</p> <p>vii. [...]</p>	
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Definition – ‘National Grid Subdivision Corridor’

- 13.3.26 Transpower (S79.008) requested that the definition of ‘National Grid Subdivision Corridor’ be retained as notified.
- 13.3.27 Federated Farmers (S121.241) considered that only clause a) of the definition was relevant and they considered that the diagram provided with the definition was incorrect because it referred to the National Grid Yard, not the National Grid Subdivision Corridor. Transpower (FS18.2) opposed Federated Farmers’ submission point, as the only towers on the Fernhill-Woodville A and B lines are those associated with crossing rivers, and, as such towers exist, it was appropriate the subdivision setback remain at 32m for those towers, noting the setback acted as a Restricted Discretionary activity trigger for resource consent. In relation to the diagram, Transpower advised that the definition itself was independent of the diagram and the text stands, and the diagram provided a visual aid to interpret and apply the National Grid Yard and Corridor definitions.
- 13.3.28 The reporting planner concurred with the reasoning provided by Transpower for retaining the definition as notified.

Definition – ‘National Grid Yard’

- 13.3.29 Hort NZ (S81.021) considered that the definition was not clear, and they opposed a 12m distance from all support structures. They considered that there should be a differentiation between poles and towers and requested that the definition be replaced with new wording. Transpower (FS18.3) opposed this submission point and considered that a 12m setback around each support structure was required for access, maintenance and safety purposes, and the notified definition reflected the nationwide transmission corridor approach.
- 13.3.30 Federated Farmers (S121.242) also opposed the definition as they considered it needed to be consistent with NZECP34 Code of Practice for Electrical Safe Distances, which required an 8m distance from 110kV pole, and therefore they considered 12m for poles is excessive. They requested that the definition be amended so that it only referred to the 110kV Fernhill-Woodville A, and the 110kV Fernhill Woodville B National Grid Line, and that the setback from a National Grid Pole be reduced from 12m to 8m. Transpower (FS18.4) opposed Federated Farmers’ submission on the basis that neither reliance on NZECP34 nor an 8m setback from support structures would give effect to or achieve the requirements of the NPS-ET “*to operate maintain, develop and upgrade the National Grid*”.

13.3.31 In response to Federated Farmers' submission points on setbacks from the National Grid for Hearing 3 Rural Topic, Key Issue 18² (where they submitted that the rules for the National Grid Yard must be consistent with the NZECP34 and NPS-ET, and not undermine landowners' rights awarded by their legal easements and other legislation), the s42A Reporting Officer's right of reply stated the following:³

Transpower advised that the National Grid in Central Hawke's Bay was established under landowner agreements in 1942, therefore, Transpower have no easements over the affected properties. They advised the hearing that, if they were to extend the National Grid in the District, they would seek a designation for the width of the National Grid Corridor under the District Plan, which would be wider than an easement.

They advised that within Central Hawke's Bay, the majority of the 700 support structures for the National Grid are single poles. The access and maintenance requirements for these are largely the same as for tower support structures. A 12m setback around each tower or support structure is required for access, maintenance and safety purposes.

Mr Cartwright (for Transpower) advised that NZECP34:2001 prescribes the minimum safe distances for the construction of buildings and structures, for the use of mobile plant, and for excavation near transmission line support structures and overhead lines. However, it does not address the wider third-party effects that compromise the National Grid and which are managed by the National Policy Statement for Electricity Transmission (NPSET). NZECP34 also does not adequately address electricity safety hazards and potential effects of the transmission lines on activities near them, it does not restrict subdivision of land near lines, it allows underbuilding, and it does not prevent the types of inappropriate development contemplated by the NPSET from occurring.

Transpower submitted that adopting an 8m setback from poles (as is provided for under NZECP34) would not provide an appropriate corridor width and would not give effect to Policies 10 and 11 of the NPSET. Transpower had been involved in rewriting the NZECP34 since 2015 but the regulations were administered by MBIE and the work was ongoing.

Transpower submitted that reliance on the setback in the NZECP34 is not sufficient to ensure the grid is not compromised. The National Grid Yard standards being sought by them are based on an engineering approach to give effect to the NPSET.

Transpower advised that they own and operate two 110kV lines within the Central Hawke's Bay District (i.e., the Woodville A and B lines). These are primarily located within the Rural Production Zone and the lines north of the Mangaonuku Stream are within the General Rural Zone.

There are three other similar districts (Waikato, Horowhenua and Waimate) which feature 110kv lines on poles, and each of their district plans has a default 12m setback from the support structures, being the same as that sought by Transpower for the Central Hawke's Bay Proposed Plan.

In response to the Panel Minute 9 Direction (issued following Hearing Stream 3), Transpower provided a table setting out the definition of National Grid Yard (which outlines the setback from support structures and relevant rules relating to setbacks from support structures from 16 district plans in New Zealand. The table shows that each of the district plans (either operative or proposed) have, in the last five years, adopted a common approach whereby all the rules require buildings and structures to be setback at least 12m from the outer visible edge of support structures (whether they are poles or towers). There are, however, some exceptions for certain activities within 8m-12m of the support structure, including horticultural structures and artificial crop protection support structures, fences, or where Transpower has given written approval. This reflects the approach within the Central Hawke's Bay Proposed Plan.

In response to the Panel Minute 9 Direction, Federated Farmers provided a table of definitions of 'National Grid Yard' from 21 district plans in the North Island (excluding City Councils and including 5 of the district plans assessed by Transpower). Based on the definitions of National Grid Yard in the district plans referred to, Federated Farmers consider that the National Grid Yard width for single poles under the definitions appears to be 10m, rather than 8m. They note that not many districts have single poles present, although there are some with pi-poles which they accept need a wider setback to single poles. On that basis, Federated Farmers have requested that the minimum setback distance they have sought

² S121.199, S121.200, S121.229 & S121.230 and FS25.87, FS25.99, FS25.102 & FS25.104 opposing submissions of Transpower).

³ Council reply on the 'Rural Environment' Topic – Hearing 3 – Rowena Macdonald and Janeen Kydd-Smith on behalf of Central Hawke's Bay District Council, dated 5 August 2022.

in their submission, for buildings and structures from poles, be changed from 8m to 10m, which they consider is an appropriate buffer distance to meet the obligations under Policy 11 of the NPSET.

Transpower notes that some district plan definitions of 'National Grid Yard' include a 10m setback from the centreline for 110kV lines on poles, however, the rules of those district plans require a 12m setback for buildings and structures from National Grid Yard support structures. As such, they submit that it is inappropriate to rely only on the definition of 'National Grid Yard' in the district plans assessed, as the definition alone does not give the full and correct account of the setbacks actually required under the rules of those plans.

I have reviewed the additional 16 district plans referred to by Federated Farmers (i.e., those plans not referred to by Transpower) and found that one of them (Whangarei District Plan) has a setback of 10m, one (Hastings District Plan) relies on the setbacks under NZECP34:2001, and one (Waitomo District Plan) does not appear to have a setback from the National Grid Yard. The remaining 13 district plans have a minimum setback of 12m.

On the basis of the above, I have not changed my position and remain of the view that it is appropriate to retain a 12m setback for buildings and structures from National Grid Yard support structures. However, I consider that it would be appropriate to amend Standards GRUZ-S13(3) and RPROZ-S15(3) of the Proposed Plan (as set out in Appendix 2), so that it is clear the 12m minimum setback is measured from the 'outer visible edge of a National Grid Yard support structure', which is consistent with how the 12m is measured under the other relevant district plans referred to by Transpower and Federated Farmers. I consider that this amendment can be made as a minor change under clause 16(2) of the First Schedule of the RMA, as an alteration of information of minor effect."

- 13.3.32 The reporting planner did not support Federated Farmers' or Hort NZ's requests to amend the definition of National Grid Yard such that it would apply to area within 8m/10m from a National Grid Pole. The planner also considered that it was unnecessary to amend the definition to apply only to the '100kV Fernhill-Woodville A, and the 110kV Fernhill-Woodville B'. The reporting planner therefore recommended that the definition of National Grid Yard be retained as notified.

Definition – 'Nationally Significant Infrastructure'

- 13.3.33 Chorus (S117.011), Spark (S118.011) and Vodafone (S119.011) requested that the definition of 'Nationally Significant Infrastructure' be amended by adding 'telecommunications networks' as a new clause f.
- 13.3.34 The reporting planner concurred with these submitters that telecommunications networks are nationally significant infrastructure, and recommend that the definition be amended to include them, as follows:

NATIONALLY SIGNIFICANT INFRASTRUCTURE	means:
	(a) State Highways;
	(b) the National Grid electricity transmission network;
	(c) national renewable electricity generation facilities that connect with the National Grid;
	(d) major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);
	(e) any railway (as defined in the Railways Act 2005).
	(f) <u>Telecommunications networks.</u>

Definition – 'Pole'

- 13.3.35 Chorus (S117.015), Spark (S118.015) and Vodafone (S119.015) requested that the definition be amended so that it referred to having 'the same meaning as in clause 4 of the NES-TF (as set out in the box below'.

- 13.3.36 The reporting planner concurred that it would be appropriate to amend the definition as requested, as it would be consistent with the approach taken in the Interpretation chapter of the PDP where a number of definitions have been taken from the RMA and National Environmental Standards. The planner therefore recommended that the definition be amended as follows:

POLE	<p><u>As defined in clause 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (as set out in the box below)</u></p> <p><u>means</u> a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas</p>
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Definition – ‘Radio Communication Facilities’ and new definition of ‘Radiocommunication’

- 13.3.37 Chorus (S117.016), Spark (S118.016) and Vodafone (S119.016) requested that the definition of ‘Radio Communication Facilities’ be amended to refer to ‘Radiocommunication’ and not ‘Radio Communication’ in order to be consistent with the Radiocommunications Act 1989 (and this term should be used consistently throughout the PDP). The reporting planner concurred that the amendment requested was appropriate, and the definition should be amended as follows:

<p>RADIO COMMUNICATION</p> <p><u>RADIOCOMMUNICATION</u></p> <p>FACILITIES</p>	<p><u>As defined in the Radiocommunications Act 1989 (as set out in the box below)</u></p> <p><u>means</u> any mast/pole, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radio communication <u>radiocommunication</u></p>
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- 13.3.38 The term ‘radio communication’ also appeared within the Introduction of the Network Utilities chapter. The reporting planner therefore recommended that the term be replaced with ‘radiocommunication’, as follows:

<p>Introduction</p> <p>The purpose of the Network Utilities chapter is to manage the construction, operation and maintenance of all network utilities. Network utilities are physical resources that provide infrastructure service networks such as water supply, sewerage, trade waste and stormwater drainage networks, roads and rail networks, cycleway and walkway networks, telecommunication networks, radio communication <u>radiocommunication</u> facilities, electricity and gas transmission and distribution networks, and associated buildings, structures, equipment and customer connections.</p> <p>[...]</p> <p>Amateur radio does not fit within the definition of network utilities and is not subject to the same rules. However, specific rules for amateur radio are included within this part of the District Plan, because they are a form of radio communications <u>radiocommunication</u> and have similar attributes.</p>	
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- 13.3.39 The submitters also requested that a new definition of ‘Radiocommunication’ be added to the PDP, which the reporting planner supported.

RADIOCOMMUNICATION	<p><u>As defined in the Radiocommunications Act 1989 (as set out in the box below)</u></p> <p><u>means any transmission or reception of signs, writing, images, sounds or intelligence of any nature by radio waves.</u></p>
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Definition – ‘Amateur Radio Configurations’

- 13.3.40 NZ Association of Radio Transmitters and Hawke’s Bay Amateur Radio Club (S131.001) requested that the following new definition of ‘Amateur Radio Configurations’ be added to the PDP.

- 13.3.41 The reporting planner noted that there was a definition in the PDP of Amateur Radio Configuration in the PDP already. However, while the reporting planner considered that the notified definition was appropriate, she considered that the reference to ‘antenna dishes’ is unnecessary and should be deleted, as follows:

AMATEUR RADIO CONFIGURATION	means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.
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Definition – ‘Gas Distribution Network’

- 13.3.42 Powerco (S56.002) considered that a new definition was needed for the gas distribution network which operated at a pressure of less than 2000 kilopascals. The Planning Maps legend provided for ‘Gas Transmission Network (Takapau Pipeline – Low Pressure)’ which incorrectly refers to the gas transmission network. The Takapau pipeline was a gas distributions network operating at a Low Intermediate Pressure (700 – 1200 kPa), and accordingly Powerco requested that a new definition of ‘Gas Distribution Network’ be added to the PDP.
- 13.3.43 The planner noted that Powerco (S56.030) requested (in relation the Hearing 5 Maps & Rezoning Requests – Mapping General) that the description on the Planning Maps be amended to referent the ‘Gas Distribution Network (Takapau Pipeline – Low Intermediate Pressure)’. The section 42A report (p. 5) for that topic, made the following recommendation:

4.3 Analysis

S56 Powerco Ltd

- 4.3.1 As advised by the pipeline owner, the Takapau gas pipeline is a distribution line. Therefore, I concur that the legend description on the Planning Maps requires correcting, and recommend the legend be amended as follows:

Legend – Gas ~~Transmission~~**Distribution** Network (Takapau Pipeline – Low ~~Intermediate~~ Pressure)

- 13.3.44 While the reporting planner considered that this amendment was not essential, in relation to the provisions of the Network Utilities chapter, adding a new definition of ‘Gas Distribution Network’ would be helpful in clarifying the differences between a Gas Transmission Network and a Gas Distribution Network, as follows:

<u>GAS DISTRIBUTION NETWORK</u>	<u>any gas pipeline with a pressure less than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the distribution network.</u>
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Abbreviations

- 13.3.45 Chorus (S117.023), Spark (S118.023) and Vodafone (S119.023) requested that the abbreviation for the ‘Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016’ be changed from ‘NES-TF’ to ‘NESTF’, and that subsequent changes were made throughout the PDP for consistency.
- 13.3.46 The reporting planner concurred with the submitters that ‘NES-TF’ in the Abbreviations table of the PDP should be amended to NESTF, as follows:

- 13.3.47 The reporting planner noted that there were no references to ‘NES-TF’ in the Network Utilities chapter (i.e., all references were to the ‘NESTF’).

13.4 Evidence to the hearing

- 13.4.1 Tom Anderson provided expert planning evidence on behalf of Chorus, Spark and Vodafone all provided identical submissions on the Network Utilities Chapter. His evidence focused on the key issue where alternative relief was sought from the s42A recommendation. Chorus, Spark and Vodafone provided evidence on the definition of maintenance. It is noted that the evidence accepted 38 of the 42 submission points in the s42A report and no further relief was sought on these.
- 13.4.2 Graeme McCarrison (Spark), Andrew Kantor (Chorus) and Colin Cline (Vodafone) provided a joint statement of evidence. Their evidence was focussed on the operations of the telecommunications companies.
- 13.4.3 Rhea Dasent provided evidence on behalf of Federated Farmers, and focussed on the definitions of Gas Transmission Network, Maintenance, National Grid Subdivision Corridor, National Grid Yard, Gas Distribution Network and Minor Upgrading.
- 13.4.4 Michael Campbell provided evidence on behalf of Kāinga Ora in relation to further submission from the telecommunications companies and the definition of ‘telecommunications networks’ within the definition of ‘Nationally Significant Infrastructure’.
- 13.4.5 Daniel Hamilton provided corporate evidence on behalf of Transpower which focussed on the role of the National Grid, while Pauline Whitney provided expert planning evidence on behalf of Transpower and generally accepted or support the majority of recommendations in relation to this key issue.

13.5 Post hearing information

- 13.5.1 The reporting planners right-of-reply addressed the definitions of Gas Distribution Network, Gas Transmission Network, National Grid Yard, Nationally Significant Infrastructure, National Grid Subdivision Corridor and National Grid Yard. The reporting planner did not change their position on these definitions.
- 13.5.2 The reporting planner addressed the definition of Maintenance in reference to the evidence of Tom Anderson (Chorus, Spark and Vodafone). The reporting planner agreed with Mr Anderson that the definition of ‘maintenance’ should recognise both telecommunication and electricity lines, not just electricity, which can be achieved through the addition of the words “or diameter”.
- 13.5.3 The reporting planner therefore changed their position and recommended that the definition of ‘maintenance’ be amended as follows in response to the relevant submission points:

MAINTENANCE	<p>to keep in existing order, to prevent loss or deterioration, or to restore to working order. Does not include extending, replacing, removing or demolishing a structure, or any substantive change to the form, orientation, or outline of the structure.</p> <p><u>Specifically in relation to network utilities, 'maintenance' means:</u> any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line <u>of the same voltage or diameter</u>, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. <u>It does not include minor upgrading or upgrading.</u></p> <p><u>[...]</u></p>
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13.6 Evaluation and findings

Definitions

Definition – 'Aerial'

- 13.6.1 Chorus (S117.003), Spark (S118.003) and Vodafone (S119.003) requested that the definition of 'Aerial' be deleted and consequential changes in the PDP be made to replace the term 'Aerial' with the term 'Antenna'.
- 13.6.2 The Panel agrees with the reporting planner and concurs with Chorus, Spark and Vodafone that the term 'aerial' be replaced with 'antenna'. As such, the Panel recommends that the definition of 'aerial' in the PDP be deleted from the Part 01B – Interpretation chapter, and where the word 'aerial' appears in the PDP, that it be replaced with the word 'antenna'.

Definition – 'Gas Transmission Network'

- 13.6.3 Federated Farmers (S121.235) sought the deletion of the definition of 'Gas Transmission Network', as they opposed all provisions for the Gas Transmission Network. FirstGas (FS3.003) opposed Federated Farmers' submission.
- 13.6.4 The Panel agrees with the reporting planner that it is appropriate to include a definition of Gas Transmission Network, as the network is identified on the PDP Maps and relates to provisions within the NU-Network Utilities chapter. For that reason, the Panel recommends that the definition be retained as notified.

Definition – 'Line'

- 13.6.5 Chorus (S117.008), Spark (S118.008) and Vodafone (S119.008) requested that the definition of 'Line' be retained as notified. Centralines (S90.002) opposed the definition, as they considered it does not clearly reference the meaning of 'line' as per the Electricity Act 1992 and is therefore ambiguous.

- 13.6.6 The Panel agrees with the reporting planner and recommends that the definition of ‘Line’ in the PDP should be amended to include the definition of ‘lines’ under the Electricity Act 1992, as follows:

LINE	<p>has the same meaning As defined in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px;"> <p>means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system;</p> <p>means works that are used or intended to be used for the conveyance of electricity; and</p> <p>includes—</p> <p>any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</p> <p>part of a line</p> </div>
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Definitions – ‘Maintenance’

- 13.6.7 Hort NZ (\$81.019) submitted that there is no reference to ‘voltage’ in the definition of ‘Maintenance’ and notes that if the voltage is changed, the setback distances in NZECP 34:2001 could increase. They requested that the definition of ‘Maintenance’ be amended as follows:

MAINTENANCE
Specifically in relation to network utilities, 'maintenance' means:

... Includes the replacement of an existing line, building or structure or other facility with another of the same or similar height, **voltage**, size and scale within the same or similar position and for the same or similar purpose.

- 13.6.8 Federated Farmers (\$121.239) submitted that the definition must not stray into ‘upgrading’, which they consider could create some significant adverse effects on landowners, and requested the definition be amended as follows:

MAINTENANCE
Specifically in relation to network utilities, 'maintenance' means:

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same ~~or similar~~ height, **voltage**, size and scale, within the same ~~or similar~~ position and for the same ~~or similar~~ purpose. ~~Also includes the addition of extra lines to existing or replacement poles or other support structures.~~

- 13.6.9 The Panel agrees with the reporting planner and concurs with Hort NZ and Federated Farmers, that it is appropriate for the definition of ‘maintenance’ to include reference to the voltage of existing lines remaining the same. The Panel also supports Federated Farmers request to delete the inclusion of the addition of extra lines to existing or replacement poles or other support structures, as they consider that would fall within ‘minor upgrading’ or other upgrading.
- 13.6.10 However, the Panel does not support deleting the words ‘or similar’ as the limits on height and location of the network utilities to be maintained will limited by the standards applying under the conditions for Rule NU-R1. Some ability for network utility operators to slightly vary the height and location of poles and other support structures should be enabled.

13.6.11 The Panel agrees with the reporting planner considers that it would be helpful to amend the definition to clarify that it does not include minor upgrading or upgrading.

13.6.12 The Panel therefore recommends that the definition of Maintenance be amended as follows:

MAINTENANCE	<p>to keep in existing order, to prevent loss or deterioration, or to restore to working order. Does not include extending, replacing, removing or demolishing a structure, or any substantive change to the form, orientation, or outline of the structure.</p> <p><u>Specifically in relation to network utilities, ‘maintenance’ means:</u> any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line <u>of the same voltage</u>, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. <u>It does not include minor upgrading or upgrading.</u></p> <p>[...]</p>
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Definitions – ‘Minor Upgrading’

13.6.13 Transpower (S79.006) requested the inclusion of a new definition of ‘Minor Upgrading (Network Utilities)’ to the PDP to provide clarity for plan users as to what constitutes minor upgrading as opposed to ‘upgrading’. Hort NZ (FS17.3) requested the new definition exclude any increase in the voltage of a line, unless the line was originally constructed at the higher voltage.

13.6.14 The Panel agrees with the reporting planner and concurs with Transpower that it would be helpful to include a definition of ‘minor upgrading’. The Panel also concurs with Hort NZ that the definition should exclude an increase in the voltage of a line unless the line was originally constructed at a higher voltage.

13.6.15 The Panel agrees with the reporting planner and supports the definition requested, and its amendment to enable simpler reading, as follows:

<u>MINOR UPGRADING</u>	<p><u>means an increase in the carrying capacity, efficiency, safety or security of existing electricity and telecommunication lines, utilising existing support structures or replacement structures, and where the effects of the utility remain the same or similar in character, scale and intensity as those that existed prior to the commencement of the minor upgrading. It includes:</u></p> <ul style="list-style-type: none"> <u>(a) adding new circuits;</u> <u>(b) reconductoring with higher capacity conductors;</u> <u>(c) re-sagging of conductors; fitting longer or more efficient insulators;</u> <u>(d) placement of support structures within a similar location as the support structure that is replaced;</u> <u>(e) adding earthwires which may contain telecommunication lines, earthpeaks and lighting rods;</u> <u>(f) adding electrical or telecommunication fittings;</u> <u>(g) replacement of existing cross arms, including cross arms of different design but similar scale; and</u> <u>(f) installation of fibre-optic cables onto existing transmission lines.</u> <p><u>It excludes any increase in the voltage of a line, unless the line was originally constructed to operate at the higher voltage.</u></p>
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Definitions – ‘Upgrading’

- 13.6.16 Chorus (S117.022), Spark (S118.022) and Vodafone (S119.022) requested the addition of a new definition of ‘Upgrading’ (as follows) which they considered is necessary to better understand the limits in Rule ECO-R3(1)(b)(vi) of the PDP:

UPGRADING

means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.

- 13.6.17 The Panel agrees with the reporting planner and supports the inclusion of a definition of ‘Upgrading (in relation to Network Utilities)’ for the purposes of clarification, and recommends the introduction of the following definition:

UPGRADING (NETWORK UTILITIES)

means an increase in the carrying capacity, efficiency, safety or security of existing network utilities, but excludes maintenance and minor upgrading.

- 13.6.18 With regard to Rule ECO-R3(1)(b)(vi) of the PDP, in response to other submission points for Hearing Stream 1, the relevant provisions under this rule have been deleted and are now included within new Rule ECO-R1A(a)(vi) relating to Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a SNA in ECO-SCHED5), which as outlined in Panel Report 1B, the Panel recommends should read as follows:

- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or

- 13.6.19 The panel considers this rule enables the ongoing safe and efficient operation, maintenance and upgrading of network utilities, but excludes their expansion. The Panel agrees with the reporting planner and considers that there are issues relating to the inclusion of ‘upgrading’ within this rule, as the definition of upgrading that is recommended above may include the realignment, relocation and expansion of network utilities. Similarly, minor upgrading could have the same effects.

- 13.6.20 On that basis, the Panel considers that ‘upgrading’ should be deleted from Rule ECO-R1A(a)(vi). Furthermore, as the definition of ‘Maintenance’ (as recommended be amended above) relates to existing network utilities, the planner considered that Rule ECO-R1A(a)(vi) should be amended so that it refers to ‘existing’ network utilities. The Panel agrees with the reporting planner that there is scope to make these amendments within the submission from Forest and Bird (S75.040), which opposed Rule ECO-R3 and requested that it be amended significantly to strengthen it in line with the RMA, particularly section 6. The Panel therefore recommends that Rule ECO-R1A(a)(vi) be amended as follows:

ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)

All Indigenous Vegetation Species

1. Activity Status: PER

Where the following conditions are met:

a. Limited to trimming or clearance that is required for any of the following purposes:

[...]

viii. necessary to provide for the ongoing safe and efficient

2. Activity status where compliance not achieved: ECO-R2 to ECO-R5 apply

	operation, and maintenance and upgrading of existing telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or	
	ix. [...]	

Definition – ‘National Grid Subdivision Corridor’

13.6.21 Transpower (S79.008) requested that the definition of ‘National Grid Subdivision Corridor’ be retained as notified. However, Federated Farmers (S121.241) considered that only clause a) of the definition is relevant and they consider that the diagram provided with the definition is incorrect because it refers to the National Grid Yard, not the National Grid Subdivision Corridor. Transpower (FS18.2) opposes Federated Farmers’ submission point, as the only towers on the Fernhill-Woodville A and B lines are those associated with crossing rivers, and as such towers exist, it is appropriate the subdivision setback remain at 32m for those towers, noting the setback acts as a Restricted Discretionary activity trigger for resource consent. In relation to the diagram, Transpower advises that the definition itself is independent of the diagram and the text stands, and the diagram provides a visual aid to interpret and apply the National Grid Yard and Corridor definitions.

13.6.22 The Panel agrees with the reporting planner and concurs with the reasoning provided by Transpower for retaining the definition (including the diagram) as notified.

Definition – ‘National Grid Yard’

13.6.23 Hort NZ (S81.021) considered that the definition of ‘National Grid Yard’ is not clear, and they opposed a 12m distance from all support structures. They considered that there should be a differentiation between poles and towers and request that the definition be replaced with new wording. Transpower (FS18.3) opposed this submission point and considers that a 12m setback around each support structure is required for access, maintenance and safety purposes, and the notified definition reflects the nationwide transmission corridor approach.

13.6.24 Federated Farmers (S121.242) also opposed the definition as they consider it needs to be consistent with NZECP34 Code of Practice for Electrical Safe Distances, which requires an 8m distance from 110kV pole, and 12m for poles is excessive. They requested that the definition be amended so that it only refers to the 110kV Fernhill-Woodville A, and the 110kv Fernhill Woodville B National Grid Line, and that the setback from a National Grid Pole be reduced from 12m to 8m. Transpower (FS18.4) opposes Federated Farmers’ submission on the basis that reliance on NZECP34 and the request to provide an 8m setback from support structures does not give effect to or achieve the requirements of the NPSET “*to operate maintain, develop and upgrade the National Grid*”.

13.6.25 Based on the recommendation made in Panel Report 3D – Key Issue 18, the Panel disagrees with the reporting planner as the Panel has agreed previously to a 10m setback either side of the centre line of a single pole and 12m for National Grid towers.

Definition – ‘Nationally Significant Infrastructure’

- 13.6.26 Chorus (S117.011), Spark (S118.011) and Vodafone (S119.011) requested that the definition of ‘Nationally Significant Infrastructure’ be amended by adding ‘telecommunications networks’ as a new clause f.
- 13.6.27 The Panel concurs with the reporting planner that the telecommunications networks are nationally significant infrastructure, and recommends that the definition be amended to include them, as follows:

NATIONALLY SIGNIFICANT INFRASTRUCTURE	means:
	(g) State Highways;
	(h) the National Grid electricity transmission network;
	(i) national renewable electricity generation facilities that connect with the National Grid;
	(j) major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki);
	(k) any railway (as defined in the Railways Act 2005).
	(l) <u>Telecommunications networks.</u>

Definition – ‘Pole’

- 13.6.28 Chorus (S117.015), Spark (S118.015) and Vodafone (S119.015) requested that the definition be amended so that it refers to having ‘the same meaning as in clause 4 of the NES-TF (as set out in the box below’.
- 13.6.29 The Panel agrees with reporting planner and concurs that it would be appropriate to amend the definition as requested, as it will be consistent with the approach taken in the Interpretation chapter of the PDP where definitions have been taken from the RMA and National Environmental Standards. The Panel therefore recommends that the definition be amended as follows:

POLE	<p><u>As defined in clause 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (as set out in the box below)</u></p> <p><u>means</u> a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas</p>
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Definition – ‘Radio Communication Facilities’ and new definition of ‘Radiocommunication’

- 13.6.30 Chorus (S117.016), Spark (S118.016) and Vodafone (S119.016) requested that the definition of ‘Radio Communication Facilities’ be amended to refer to ‘Radiocommunication’ and not ‘Radio Communication’ in order to be consistent with the Radiocommunications Act 1989 (and it should be consistent throughout the PDP). The Panel agrees with the reporting planner that the amendment requested is appropriate, and the definition should be amended as follows:

RADIO-COMMUNICATION <u>RADIOCOMMUNICATION</u> FACILITIES	<p><u>As defined in the Radiocommunications Act 1989 (as set out in the box below)</u></p> <p><u>means</u> any mast/pole, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radio communication <u>radiocommunication</u></p>
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- 13.6.31 The Panel agrees with the reporting planner and recommends that the term used within the Introduction of the Network Utilities chapter be replaced with ‘radiocommunication’, as follows:

Introduction

The purpose of the Network Utilities chapter is to manage the construction, operation and maintenance of all network utilities. Network utilities are physical resources that provide infrastructure service networks such as water supply, sewerage, trade waste and stormwater drainage networks, roads and rail networks, cycleway and walkway networks, telecommunication networks, ~~radio communication~~ **radiocommunication** facilities, electricity and gas transmission and distribution networks, and associated buildings, structures, equipment and customer connections.

[...]

Amateur radio does not fit within the definition of network utilities and is not subject to the same rules. However, specific rules for amateur radio are included within this part of the District Plan, because they are a form of ~~radio communications~~ **radiocommunication** and have similar attributes.

- 13.6.32 The Panel also agrees that a definition of ‘Radiocommunication’ be added to the PDP, as follows:

RADIOCOMMUNICATION	<u>As defined in the Radiocommunications Act 1989 (as set out in the box below)</u>
	<u>means any transmission or reception of signs, writing, images, sounds or intelligence of any nature by radio waves.</u>

Definition – ‘Amateur Radio Configurations’

- 13.6.33 NZ Association of Radio Transmitters and Hawke’s Bay Amateur Radio Club (S131.001) requested that a new definition of ‘Amateur Radio Configurations’ be added to the PDP. While the Panel notes there is a definition in the PDP of Amateur Radio Configuration in the PDP already, the Panel agrees with the reporting planner and considers that the reference to ‘antenna dishes’ is unnecessary and should be deleted, as follows:

AMATEUR RADIO CONFIGURATION	means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.
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Definition – ‘Gas Distribution Network’

- 13.6.34 Powerco (S56.002) considered that a new definition is needed for the gas distribution network which operates at a pressure of less than 2000 kilopascals. The Planning Maps legend provides for ‘Gas Transmission Network (Takapau Pipeline – Low Pressure)’ which incorrectly refers to the gas transmission network. The Takapau pipeline is a gas distributions network operating at a Low Intermediate Pressure (700 – 1200 kPa), and accordingly Powerco requests that a new definition of ‘Gas Distribution Network’ be added to the PDP.
- 13.6.35 The planner noted that Powerco (S56.030) requested (in relation the Hearing 5 Maps & Rezoning Requests – Mapping General) that the description on the Planning Maps be amended to refer to the ‘Gas Distribution Network (Takapau Pipeline – Low Intermediate Pressure)’. The s42A report (p.5) for that topic recommended correcting this reference, which the Panel agrees.
- 13.6.36 The Panel agrees that adding a new definition of ‘Gas Distribution Network’ would be helpful in clarifying the differences between a Gas Transmission Network and a Gas Distribution Network, with the term ‘Gas Distribution Network’ recommended to be defined as follows:

<u>GAS DISTRIBUTION NETWORK</u>	<u>any gas pipeline with a pressure less than 2.000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the distribution network.</u>
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Abbreviations

- 13.6.37 Chorus (S117.023), Spark (S118.023) and Vodafone (S119.023) requested that the abbreviation for the 'Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' be changed from 'NES-TF' to 'NESTF', and that subsequent changes are made throughout the PDP for consistency.
- 13.6.38 The Panel disagrees with the reporting planner that 'NES-TF' in the Abbreviations table of the PDP should be amended to NESTF, as all of the abbreviations listed in the PDP referring to national environmental standards and national policy statements use a hyphen. Thus, for consistency, the Panel recommends ensuring that all of these abbreviations in the PDP use a hyphen: for example, NES-TF, and NPS-ET.

PART C – SUMMARY OF RECOMMENDATIONS

14. Summary of recommendations

- 14.1.1 A summary table of recommended decisions against each submission point is included as Appendix B.
- 14.1.2 A tracked changes version of recommended amendments is included as Appendix A.

15. Consequential amendments and minor errors

- 15.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan. The Panel has made minor amendments to NU-O4 and NU-P1.

Appendix A – Chapter as amended

ENERGY, INFRASTRUCTURE, AND TRANSPORT

NU – Network Utilities

The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.

Introduction

The purpose of the Network Utilities chapter is to manage the construction, operation and maintenance of all network utilities. Network utilities are physical resources that provide infrastructure service networks such as water supply, sewerage, trade waste and stormwater drainage networks, roads and rail networks, cycleway and walkway networks, telecommunication networks, radio-communication facilities, electricity and gas transmission and distribution networks, and associated buildings, structures, equipment and customer connections.

Network utilities provide essential services and are critical to the efficient and ongoing functioning of the District. They enable communities to undertake everyday activities and functions and allow people to provide for their social, cultural and economic wellbeing and their health and safety.

Under the RMA, the Council is required to manage the effects of the use and development of network utilities on the environment, as it must for other land use activities. Given the essential role of network utilities, it is recognised that network utility operators require certainty as to those works which can proceed without resource consent and those which require consent.

To achieve this, the network utility provisions in the District Plan provide for the establishment, operation and maintenance of network utilities throughout the District, and manage their adverse effects on the environment (particularly in sensitive environments such as the coastal environment, outstanding landscapes, significant natural areas, areas containing cultural or historic heritage values, and areas subject to natural hazard). Because many network utilities are lineal, and traverse many parts of the District, it is considered appropriate that a single set of rules are provided which apply across the District.

In addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. NH – Natural Hazards, TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise).

Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the National Grid, and gas transmission pipelines) are contained elsewhere in the District Plan, in the respective zones in Part 3 of the District Plan, and the NOISE – Noise chapter of the District Plan.

Commented [A1]: S117.016 Chorus, S118.016 Spark, S119.016 Vodafone - Hearing 7 Network Utilities 7A, Key Issue 10

Commented [A2]: Correcting spelling error under Clause 16(2) of the First Schedule of the RMA.

Commented [A3]: S56.005 Powerco - Network Utilities Topic 7A, Key Issue 3

Commented [A4]: S117.041 Chorus, S118.041 Spark, S119.041 Vodafone - Network Utilities, Topic 7A, Key Issue 6

A number of network utility operators, including the Council, also utilise their ability to designate sites for a specified network utility purpose. Designations are identified on the Planning Maps and are listed in the District Plan.

Additional regulatory requirements, separate to the District Plan, are also relevant to network utilities, including:

- The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) which apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case of conflict or perceived conflict with any provision of this plan, the NESETA provisions prevail.
- The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) which apply to Telecommunications infrastructure, such as cabinets, antennas, poles, small-cell units and telecommunications lines. In the case of conflict or perceived conflict with any provision of this plan, the NESTF provisions must prevail.
- Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, upgrading and removal of network utility structures in the road.
- Compliance with the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34:2001, including any activities that are otherwise permitted by the plan, must comply with this regulation.
- Compliance with the Electricity (Hazards from Trees) Regulations 2003 is mandatory. All activities regulated by these regulations, including any activities that are otherwise permitted by the plan, must comply with this regulation.
- Connections to a network utility require approval of the relevant network utility operator, and works within roads require approval of the relevant road controlling authority.

In the case of conflict with any other provision of this Plan, including any rule in this Chapter, the provisions of the NESETA and NESTF must prevail.

Amateur radio does not fit within the definition of network utilities and is not subject to the same rules. However, specific rules for amateur radio are included within this part of the District Plan, because they are a form of radio-communication and have similar attributes.

The construction, operation, maintenance, replacement, removal and upgrading of cycleways or walkways located within road reserve are subject to the rules of this chapter.

Cycleways and walkways located outside road reserve fall within the definition of 'Community Facilities' and are subject to the relevant zone rules.

Commented [A5]: S117.016 Chorus, S118.016 Spark, S119.016 Vodafone - Hearing 7 Network Utilities, Key Issue 10

Issues

NU-11 Essential Role of Network Utilities

Network utilities have important functions and enable people and communities to provide for their health and safety and social, economic, and cultural wellbeing, **but can have adverse effects on the environment, often due to their technical, operational, and location-specific requirements.**

Explanation

Network utilities are physical resources which are an essential part of the District's infrastructure in providing for the efficient and ongoing functioning of the District and the social, economic and cultural well-being of people and communities, and for their health and safety. By their nature, network utilities vary in scale and significance, are located above and below ground, are dispersed throughout the District, and often have functional and/or operational needs in order to ensure a safe, efficient, secure and resilient service. This can generate specific locational requirements. The contribution to everyday life, to the economy and to connecting people and communities, including in emergencies, means that provision for the operation and development of network utilities is significant.

Commented [A6]: S56.006 Powerco - Network Utilities
Topic, 7A Key Issue 4

NU-12 Adverse Effects of Network Utilities and Amateur Radio Configuration

Some network utilities and amateur radio facilities can have adverse effects on the environment, **often due to their technical, operational, and location-specific requirements.**

Explanation

Network utilities, particularly where small-scale and/or located underground, can have only a minor impact on the environment. Some network utilities and amateur radio facilities can, however, have adverse effects on the environment. These effects may result from land disturbance in establishing them, be generated by the operation itself, or be associated with their ongoing maintenance, upgrading or development. Such effects can include visual amenity and landscape character impacts, particularly where siting in prominent areas is required for transmission or service, risks to public health and safety, and generating nuisance such as noise, vibration, lighting, and traffic effects.

The effects of network utilities and amateur radio configuration can also have greater impact on residential environments than other areas, and on sites of significance throughout the District, such as significant natural areas, outstanding landscape features, historical heritage sites and sites of significance to Māori. The siting of network utilities and amateur radio facilities can also potentially worsen risk in areas subject to natural hazards. Sometimes these adverse effects have to be balanced alongside recognising any special technical requirements or constraints which may limit where a network utility can be sited.

Commented [A7]: S56.007 Powerco - Network Utilities
Topic 7A, Key Issue 4

NU-I3

Effects of Other Activities on Network Utilities

New subdivision, land use and development may impact on the safe and efficient functioning of network utilities.

Explanation

New subdivision, land use and development in close proximity to existing network utilities can have the potential to constrain or compromise the efficient or effective operation, maintenance and development of those network utilities. In some instances, this can compromise health and safety through the location of sensitive activities close to network utilities, and through activities not adhering to safe clearances or safe distances from network utilities e.g. from electricity transmission networks (including the National Grid), high pressure gas network, overhead lines and cables, navigational aids, road and railway corridors etc.

Objectives

NU-O1 Recognise and provide for safe, effective, efficient and resilient network utilities throughout the District that provide essential and secure services and connections, including in emergencies, enabling them to integrate with urban development, contribute to the economy and that enable people and communities to provide for their the health, safety and wellbeing of people and communities.

NU-O2 The adverse effects of network utilities on the environment are avoided, remedied or mitigated, while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).

NU-O3 The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.

NU-O4: Provide for amateur radio configurations, cycleways and walkways within road reserve, electrical vehicle charging facilities outside road reserve, navigational aids, and sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices) where adverse effects on the environment are avoided, remedied or mitigated.

Commented [A8]: S117.031 Chorus, S118.031 Spark, S119.031 Vodafone and S56.009 Powerco - Network Utilities Topic 7A, Key Issue 5

Commented [A9]: NU Topic 7A Key Issue 5
Correction of minor spelling errors pursuant to Clause 16(2) of the First Schedule of the RMA.

Policies

NU-P1 Recognise the national, regional and local importance and benefits of network utilities, including as lifeline utilities during an emergency, by:

1. enabling the operation, maintenance, repair, minor upgrade or removal of network utilities throughout the District;

Commented [A10]: S57.023 FENZ - Network Utilities Topic 7A, Key Issue 6

2. providing for upgrades to, and the development of new, network utilities;
3. providing flexibility for network utilities to adopt new technologies that improve access to and efficient use of networks and services, allow for re-use of redundant services or structures, increase resilience, safety or reliability, or result in environmental benefits and enhancements; and
4. recognising the functional and operational needs of network utilities.

NU-P2

Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan asof:

1. Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4);
2. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3);
3. Significant Natural Areas (in ECO-SCHED5); and
4. Outstanding Natural Features and Landscapes (in NFL-SCHED6);

while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.

Commented [A11]: S129.022 Kainga Ora - Network Utilities Topic 7A, Key Issue 6

NU-P3

Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as:

1. High Natural Character Areas (in CE-SCHED7); and
2. Significant Amenity Features (in NFL-SCHED6);

while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.

Commented [A12]: S79.028 Transpower, S90.012 Centralines - Network Utilities Topic 7A, Key Issue 6

NU-P4

Manage the effects of network utilities on the environment by:

1. avoiding, remedying or mitigating adverse effects on:
 - a. natural and physical resources;
 - b. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;
 - c. the safe and efficient operation of other network utilities, including effects on electricity distribution and

transmission networks and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks;

- d. the health, well-being and safety of people and communities, including from exposure to radio-frequency fields and electric and magnetic fields, and by posing a significant risk or exacerbating an existing risk of natural hazards;
2. requiring compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields;
3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable;
4. encouraging the co-siting and sharing of masts, facilities, utility corridors and other innovative solutions within residential environments and roads, where technically feasible and practicable; and
5. encouraging the removal of redundant and superseded network utility facilities.

Commented [A13]: S90.013 Centralines - Network Utilities Topic 7A, Key Issue 6

NU-P5

To manage protect network utilities from the adverse effects of subdivision, use and development to ensure that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities is not constrained or compromised, and the safety and amenity values of people and the community, including by:

1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;
2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects;
3. managing access to the railway corridor and to the national and regional road network;
4. managing light spill and glare from activities on road users;
5. managing land disturbance and activities in the vicinity of gas transmission pipelines;
6. managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within

Commented [A14]: S56.015 Powerco - Network Utilities Topic 7A, Key Issue 6

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the National Grid Yard, or around a designated National Grid substation;

7.6. managing land disturbance, earthworks and vertical holes, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and

8.7. ensuring subdivision of sites containing a network activity utility retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.

Commented [A15]: S129.025 Kainga Ora - Network Utilities Topic 7A, Key Issue 6

Commented [A16]: S81.053, S81.054 Hort NZ, S79.030 Transpower - Network Utilities Topic 7A, Key Issue 6

NU-P6

To manage the effects of amateur radio configuration by designing, constructing and locating associated masts, poles and antennas and their support structures so as to avoid, remedy or mitigate adverse effects on:

1. residential character and amenity values;
2. Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4);
3. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3);
4. Significant Natural Areas (in ECO-SCHED5); and
5. Outstanding Natural Features and Landscapes (in NFL-SCHED6).

Commented [A17]: S129.026 Kainga Ora - Network Utilities Topic, Key Issue 6

NU-PX7 Manage the adverse effects of the planning and development of the National Grid by:

1. Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process.
2. In rural environments, seeking to avoid adverse effects on identified High Natural Character Areas (in CE-SCHED7), Outstanding Natural Features and Landscapes (in NFL-SCHED6), Significant Natural Areas (in ECO-SCHED5), Significant Amenity Features (in (NFL-SCHED6), Historic Heritage Items (in HH-SCHED2), Notable Trees (in TREE-SCHED4), and Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3).
3. Seeking to avoid significant adverse effects on other areas of natural character and other natural features and landscapes in the coastal environment.
4. Considering constraints imposed on achieving measures to avoid, remedy or mitigate other adverse environmental effects by the functional or operationa needs of the network.

In the event of any conflict with any other objectives and policies within the Plan, Policy NU-P7X takes precedence.

Commented [A18]: S79.026 Transpower - Network Utilities Topic 7A, Key Issue 6

- NU-P8XX** To the extent reasonably possible manage land use development (including sensitive activities), buildings, earthworks, vertical holes and structures within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, to:
1. Avoid reverse sensitivity effects where it may compromise the operation, maintenance, upgrading and development of the National Grid;
 2. Ensure that buildings and structures do not compromise the operation, maintenance, upgrading and development of the National Grid; and
 3. Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.

Commented [A19]: S79.030 Transpower, S81.053, S81.054 Hort NZ- Network Utilities Topic 7A, Key Issue 6

Rule Overview Table

Use/activity	Rule Number
Operation, maintenance, replacement and removal of existing network utilities (that are not regulated by an NES)	NU-R1
Minor upgrading of existing network utilities	NU-R2
Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) – within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator)	NU-R3
Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES), not already provided for in NU-R3 (within the National Grid Yard)	NU-R4
Cycleways or walkways within road reserve	NU-R5
Amateur radio configuration activities	NU-R6
Electrical vehicle charging facilities located outside road reserve	NU-R7

Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices)	NU-R8
Activities not otherwise provided for	NU-R9

Rules

Notes:

The following rules do not cover all network utility activities. Network utilities may be exempt from rules because they operate under designations or national environmental standards (e.g. the National Environmental Standards for Electricity Transmission Activities (2009) or the National Environmental Standards for Telecommunication Facilities (2008)). Reference should be made to the Ministry for the Environment website for the latest version of any relevant National Environmental Standards.

Rules relating to subdivision and land development involving network utilities and other activities addressed in this chapter are contained in the SUB – Subdivision chapter of the District Plan.

Rules relating to earthworks associated with activities addressed in this chapter are contained in the EW – Earthworks chapter of the District Plan.

Rules for activities addressed in this chapter that are located within the identified ONLs and ONFs are contained in this chapter.

The construction, operation, maintenance, replacement, removal and upgrading of cycleways or walkways located within road reserve are subject to the rules of this chapter.

Cycleways and walkways located outside road reserve fall within the definition of 'Community Facilities' and are subject to the relevant zone chapter rules.

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. NH – Natural Hazards, TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT - Light, and NOISE - Noise).

Commented [A20]: Section 16(2) of the First Schedule of the RMA - minor correction

Commented [A21]: S117.041 Chorus, S118.041 Spark, S119.041 Vodafone - Hearing 7 Network Utilities 7A, Key Issue 6

NU-R1 Operation, maintenance, replacement, and removal of existing network utilities (that are not regulated by an NES)

All Zones	1. Activity Status: PER Where the following conditions are met: <ol style="list-style-type: none"> a. Compliance with: <ol style="list-style-type: none"> i. NU-S1; 	2. Activity status where compliance with condition NU-R1(1)(a) is not achieved: RDIS Matters over which discretion is restricted:
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<ul style="list-style-type: none"> ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. 	<ul style="list-style-type: none"> a. Functional and operational requirements of the network utility. b. Effects on character and amenity of adjoining sites and surrounding environment. c. Effects on public health and safety. d. Impacts on the functional requirements and safe operation of other network utilities.
<ul style="list-style-type: none"> b. Compliance with: <ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). 	
3. Activity status where compliance with condition NU-R1(1)(b) is not achieved: NC	

NU-R2 Minor upgrading of existing network utilities

All Zones	1. Activity Status: PER Where the following conditions are met: <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: <ul style="list-style-type: none"> a. within <u>2m-3m</u> of the existing alignment or location; and b. within 5m of the existing alignment or location when associated with road widening, road safety or electricity clearance. ii. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not: <ul style="list-style-type: none"> a. increase the number of conductors or wires/lines by more than 100 percent. 	2. Activity status where compliance with condition NU-R2(1)(a) is not achieved: RDIS Matters over which discretion is restricted: <ul style="list-style-type: none"> a. Functional and operational needs of, and benefits derived from, the network utility. b. Purposes and necessity of the upgrading. c. Potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality and any contribution to cumulative adverse effects. d. Potential adverse effects on heritage values. e. Potential adverse effects on Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4), Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), Significant Natural Areas (in ECO-
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Commented [A22]: Minor amendment pursuant to Clause 16(2) of the First Schedule of the RMA.

Commented [A23]: S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic 7A, Key Issue 7

- b. exceed a diameter of 50mm; and
- c. have additional cross arms that exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m.
- iii. The diameter of a single replacement overhead conductor or line must not exceed the diameter of the replaced conductor or line, or 50mm, whichever is the greater.
- iv. The addition or replacement of earthwires (either overhead or underground) and underground earthgrids, may contain telecommunication lines and earthpeaks or above ground insulators on the poles.
- v. Any pole that replaces an existing pole must not:
 - a. have a diameter or width that is twice that of the replaced pole at its widest point; or
 - b. exceed three times the width of the replacement pole at its widest point, where a single pole is replaced with a pi pole; and
 - c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and
 - d. be replaced with a tower.
- vi. There must be no additional towers.
- vii. Any tower that replaces an existing tower must:
 - a. not exceed the height of the replaced tower or the maximum height limit for

SCHED5), and Outstanding Natural Features and Landscapes (in NFL-SCHED6).

- f. Potential adverse effects on natural hazards.
- g. Any measures to avoid, remedy or mitigate adverse effects.

43. Activity status where compliance with condition NU-R2(1)(b) is not achieved: DIS

4. Activity status where compliance with condition NU-R2(1)(bc) is not achieved: NC

Commented [A24]: S90.017 Centralines - Network Utilities 7A, Key Issue 7.

Commented [A28]: S81.056 HortNZ - Network Utilities 7A, Key Issue 7

Commented [A29]: S81.056 HortNZ - Network Utilities 7A, Key Issue 7

Commented [A25]: S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic 7A, Key Issue 7

	<p>above ground structures under NU-S3, whichever is the greater; and</p> <p>b. not have a footprint that exceeds the width of the existing tower by more than 25 percent.</p> <p>viii. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001.</p> <p>ix. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300mm.</p> <p>x. Where a new antenna replaces an existing antenna, the new antenna must not:</p> <p>a. <u>Exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater; and</u></p> <p>b. <u>where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater; and</u></p> <p>c. <u>where it is attached to a facility, increase the height of the facility by more than 1m, unless the height increase is a result of an increase in the size of the new antenna only.</u></p> <p>b. <u>The voltage of an existing line must not increase beyond the voltage at which the existing line has been constructed to operate.</u></p> <p>b-c. Compliance with:</p> <p>i. NU-S7 (Radio Frequency Fields); and</p>
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Commented [A26]: S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic 7A, Key Issue 7

Commented [A27]: S81.056 HortNZ - Network Utilities 7A, Key Issue 7

	ii. NU-S8 (Electric and Magnetic Fields).	
NU-R3 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) – within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator)		
All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. b. Compliance with: <ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). c. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions. d. The activity is located a minimum distance of 12 metres from the outer visible foundation of any National Grid support structure and associated stay wire, unless it: <ul style="list-style-type: none"> i. is a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 ISSN 0114-0663; or ii. is a network utility (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator that 	2. Activity status where condition NU-R3(1)(a) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational needs of, and benefits derived from, the network utility. b. Effects on public health and safety. c. Whether alternative locations, routes or other options are physically or technically practicable. d. The matters set out in policies NU-P1, NU-P2, NU-P3, NU-P4 and NU-P5. Notification: Non-notified 3. Activity status where conditions NU-R3(1)(b), NU-R3(1)(c), and/or NU-R3(1)(d), and/or NU-R3(1)(e) is not achieved: NC

Commented [A30]: S81.057 HortNZ - Network Utilities 7A, Key Issue 7

	connects to the National Grid; and e. The activity does not permanently physically impede existing vehicular access to a National Grid support structure.	
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NU-R4 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES), not already provided for in NU-R3 (within the National Grid Yard)

All Zones	1. Activity Status: PER Where the following activity conditions are met: a. Compliance with: i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. b. Compliance with: i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). c. The activity is not within the National Grid Yard.	2. Activity status where condition NU-R4(1)(a) is not achieved: RDIS Matters of discretion are restricted to: a. Functional and operational needs of, and benefits derived from, the network utility. b. Effects on public health and safety. c. Whether alternative locations, routes or other options are physically or technically practicable. d. The matters set out in policies NU-P1, NU-P2, NU-P3 and NU-P4. Notification: Non-notified
		3. Activity status where conditions NU-R4(1)(b) and/or NU-R4(1)(c) is not achieved: NC

NU-R5 Cycleways or walkways within road reserve

All Zones	1. Activity Status: PER Where the following activity conditions are met: a. The activity is not within the National Grid Yard.	2. Activity status where condition NU-R5(1)(a) is not achieved: NC

NU-R6 Amateur radio configuration activities

Commented [A31]: S81.057 HortNZ - Network Utilities 7A, Key Issue 7

Commented [A32]: S79.034 Transpower - Network Utilities 7A, Key Issue 7.

Commented [A33]: Section 16(2) of the First Schedule of the RMA - minor amendment to provide clarification and avoid potential confusion.

All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. Compliance with NU-S9 (Amateur Radio Configuration). b. Compliance with NU-S7 (Radio Frequency Fields). c. The activity is not within the National Grid Yard. d. The activity is not within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6. 	2. Activity status where condition NU-R6(1)(a) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational needs of, and benefits derived from, the amateur radio configuration. b. Effects on public health and safety. c. Where more than one standard will be infringed, the cumulative effects of all infringements considered together. d. The matters set out in policy NU-P6.
		3. Activity status where condition NU-R6(1)(d) is not achieved: DIS
		4. Activity status where conditions NU-R6(1)(b) and/or NU-R6(1)(c) is not achieved: NC
	NU-R7 Electrical vehicle charging facilities located outside road reserve	
All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. The activity is installed in association with an existing permitted or consented parking spaces, vehicle depot or garage structure. b. Compliance with: <ul style="list-style-type: none"> i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. 	2. Activity status where condition NU-R7(1)(b) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational requirements of the electrical vehicle charging facility. b. Effects on character and amenity of adjoining sites and surrounding environment and any contribution to cumulative adverse effects. c. Effects on public health and safety.

	<ul style="list-style-type: none"> c. Compliance with: <ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). d. The activity is not within the National Grid Yard. 	<ul style="list-style-type: none"> d. Potential adverse effects on heritage values. e. Potential adverse effects on: <ul style="list-style-type: none"> i. Historical Heritage Items (in HH-SCHED2), ii. Notable Trees (in TREE-SCHED4), iii. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), iv. Significant Natural Areas (in ECO-SCHED5), and v. Outstanding Natural Features and Landscapes (in NFL-SCHED6). f. Any measures to avoid, remedy or mitigate adverse effects.
		3. Activity status where condition NU-R7(1)(a) is not achieved: DIS
		4. Activity status where conditions NU-R7(1)(c) and/or NU-R7(1)(d) is not achieved: NC
NU-R8 Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices)		
All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. b. Compliance with: 	2. Activity status where condition NU-R7(1)(a) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational requirements of the aids and/or equipment. b. Effects on character and amenity of adjoining sites and surrounding environment and

	<ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). <p>c. The activity is not within the National Grid Yard.</p>	<p>any contribution to cumulative adverse effects.</p> <ul style="list-style-type: none"> c. Effects on public health and safety. d. Potential adverse effects on heritage values. e. Potential adverse effects on: <ul style="list-style-type: none"> i. Historical Heritage Items (in HH-SCHED2), ii. Notable Trees (in TREE-SCHED4), iii. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), iv. Significant Natural Areas (in ECO-SCHED5), and v. Outstanding Natural Features and Landscapes (in NFL-SCHED6). f. Any measures to avoid, remedy or mitigate adverse effects. <p>Notification: Non-notified</p>
		<p>3. Activity status where conditions NU-R7(1)(b) and/or NU-R7(1)(c) is not achieved: NC</p>
NU-R9 Activities not otherwise provided for (that are not regulated by an NES)		
All Zones	<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

Standards

NU-S1 Gross Floor Area Size and Dimensions	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ol style="list-style-type: none"> Above ground buildings and structures must not exceed a gross floor area limit of: <ol style="list-style-type: none"> 10m² (where located within road reserve); and 15m² (where located outside road reserve). A dish antenna must not exceed 1.2m in diameter. A panel antenna must: <ol style="list-style-type: none"> fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and not exceed a width of 0.7m (where located outside road reserve). A headframe must not exceed 2.5m in diameter. Omni directional 'whip' or dipole antenna must not exceed: <ol style="list-style-type: none"> 1.6m in vertical length; 60mm in diameter; and 1.5m in horizontal length. A telecommunications cabinet must not exceed a footprint of 2.5m² and height of 2m. A group of telecommunications cabinets must not exceed a combined footprint of 3m². A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 1.5m².
General Rural Zone Rural Production Zone	<ol style="list-style-type: none"> Above ground buildings and structures must not exceed a gross floor area limit of: <ol style="list-style-type: none"> 10m² (where located within road reserve); and 50m² (where located outside road reserve). <p>Except that: Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, above ground buildings and structures must not exceed a gross floor area limit of:</p> <ol style="list-style-type: none"> 10m² (where located within road reserve); and 25m² (where located outside road reserve). A dish antenna must not exceed 3m in diameter. A panel antenna must: <ol style="list-style-type: none"> fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and not exceed a width of 0.7m (where located outside road reserve). A headframe must not exceed 6m in diameter. Omni directional 'whip' or dipole antenna must not exceed: <ol style="list-style-type: none"> 1.6m in vertical length; 60mm in diameter; and

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	<p>c. 1.5m in horizontal length.</p> <p>14. A telecommunications cabinet must not exceed a footprint of 2.55m² and height of 2.5m.</p> <p>15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>16.15. A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 3.5m².</p>
Commercial Town Centre Zone	<p>17.16. Above ground buildings and structures must not exceed a gross floor area limit of:</p> <p>a. 10m² (where located within road reserve); and</p> <p>b. 50m² (where located outside road reserve).</p> <p>18.17. A dish antenna must not exceed 3m in diameter.</p> <p>19.18. A panel antenna must:</p> <p>a. fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and</p> <p>b. not exceed a width of 0.7m (where located outside road reserve).</p> <p>20.19. A headframe must not exceed 6m in diameter.</p> <p>21.20. Omni directional 'whip' or dipole antenna must not exceed:</p> <p>a. 1.6m in vertical length;</p> <p>b. 60mm in diameter; and</p> <p>c. 1.5m in horizontal length.</p> <p>22.21. A telecommunications cabinet must not exceed a footprint of 2.55m² and height of 2.5m.</p> <p>23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>24.22. A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 3.5m².</p>
General Industrial Zone	
NU-S2 Setbacks	
General Residential Zone	<p>1. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum distance of – 1.5m.</p> <p><u>Except that:</u></p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p>
Settlement Zone	
Rural Lifestyle Zone	
Large Lot Residential Zone (Coastal)	<p>2. Any part of an above ground building or structure located within road reserve – No setback requirement.</p>
Rural Production Zone	<p>3. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of – 5m.</p> <p><u>Except that:</u></p>
General Rural Zone	

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	<p>a. <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p>4. Any part of an above ground building or structure located within road reserve – No setback requirement.</p>
<p>Commercial Town Centre Zone</p> <p>General Industrial Zone</p>	<p>5. No setback requirement.</p>
<p>NU-S3 Height for Above Ground Buildings and Structures</p>	
<p>Within road reserve or the rail corridor - All Zones</p>	<p>1. Above ground buildings adjoining the General Residential Zone, Settlement Zone, Rural Lifestyle Zone or Large Lot Residential Zone (Coastal) must not exceed a height of 2.3m.</p> <p>2. Above ground buildings adjoining any other zone must not exceed a height of 3.5m.</p> <p><i>Note: See standards below applying to above ground structures for the various zones (including where they are located within road reserve and the rail corridor).</i></p>
<p>General Residential Zone</p> <p>Settlement Zone</p> <p>Rural Lifestyle Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>3. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 3.5m.</p> <p>4. <u>Where an antenna is attached to a building, the top of the antenna must not be more than 5m above the point of the and-building must not exceed a combined height of 8.5m to which it is attached.</u></p> <p>5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of <u>4.513m.</u></p> <p>Except that:</p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods <u>and GPS antennas</u> are exempt from the maximum structure height standard.</p>
<p>Rural Production Zone</p> <p>General Rural Zone</p> <p>Rural Lifestyle Zone</p>	<p>6. <u>Except as excluded in clause 4. below, a</u> Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.</p> <p>Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, they must not exceed a height of 3m.</p> <p>7. <u>Except as excluded in Clause 4 below, w</u>Where an antenna is attached to a building, the <u>top of the antenna and building must</u></p>

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	<p>not exceed a combined height 8.5m be more than 5m above the point of the building to which it is attached.</p> <p>Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, a Above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that:</p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. Above ground buildings and structures in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.</p>
<p>Commercial Town Centre Zone</p> <p>General Industrial Zone</p>	<p>10. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not be more than 5m above the point of the building to which it is attached exceed a combined height 8.5m.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 4.5m 17m.</p> <p>Except that:</p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p>
NU-S4 Height in Relation to Boundary	
<p>General Residential Zone</p> <p>Settlement Zone</p> <p>Rural Lifestyle Zone</p>	<p>1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that:</p> <p>a. Where the nearest site boundary immediately adjoins an access or part of an access held in the same ownership (wholly or partly) as the site on which the above ground</p>

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Large Lot Residential Zone (Coastal) Rural Production Zone General Rural Zone	<p>building or structure is located, or it adjoins a registered right of way in favour of the site of the building or structure, the height in relation to boundary must be measured from the far side of the access or right of way.</p> <p>a.b. <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p><i>Note: There is no height in relation to boundary standard that applies to above ground buildings and structures in the <u>Commercial Town Zone</u>, <u>General Industrial Zone</u>, or within road reserve.</i></p>
NU-S5 Access, Parking and Loading	
All Zones	<ol style="list-style-type: none"> Activities on sites greater than 200m² in area must comply with the relevant provisions of the TRAN – Transport chapter for access, parking and loading.
NU-S6 Landscaping and Screening of Outdoor Areas and Parking Areas	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal) <u>Commercial Town Centre Zone</u>	<ol style="list-style-type: none"> Outdoor storage areas and permanently formed parking areas (where required under Standard NU-S5) must be screened by: <ol style="list-style-type: none"> Landscaping to a depth of 1m with a minimum average height of 1m at the time of planting and being capable of reaching a height of 1.8m; or Fencing to a maximum height of 1.8m; or A combination of both landscaping or fencing under clauses a. and b. above.
NU-S7 Radiofrequency Radiation	
All Zones	<ol style="list-style-type: none"> If generating radio frequency fields, the activity must not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3kHz to 300GHz.
NU-S8 Electric and Magnetic Fields	
All Zones	<ol style="list-style-type: none"> If generating electric and magnetic fields, the activity must not exceed the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health physics, 2010, 99(6); 818-836) and recommendations from the World Health

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	Organisation monograph Environment Health Criteria (N0 238, June 2007).
NU-S9 Amateur Radio Configuration	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ol style="list-style-type: none"> 1. The maximum height of one support structure on a site must not exceed 20m (referred to hereafter as the 'primary structure'). 2. The primary structure on the site may be surmounted by a VHF/UHF whip or discone antenna to a maximum height of 24m. 3. Any additional support structures on a site must not exceed a height of 12m. <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
Rural Production Zone General Rural Zone Commercial Town Centre Zone General Industrial Zone	<ol style="list-style-type: none"> 4. Except as excluded in clause 5. below, one support structure on a site must not exceed a height of 20m (referred to hereafter as the 'primary structure'). 5. The primary structure on the site may be surmounted by a VHF/UHF whip or discone antenna to a maximum height of 24m. 6. Any additional support structures on a site must not exceed a height of 14m. 7. Amateur radio configuration activities in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome. 8. Amateur radio configuration activities in the Rural Production Zone must comply with Standard GlZ-S5 Buildings and structures by Waipukurau Aerodrome. <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
All Zones	<ol style="list-style-type: none"> 9. Except as required by clause 11. below, the primary structure and additional support structures must be set back a minimum distance of 1m from all boundaries. 10. All structures and support structures (including wire and <u>aerials/antennas</u>) must be contained within the site on which they are located and must not overhang any boundary. 11. Any part of an amateur radio configuration activity must be set back from any item listed as a heritage item in HH-SCHED2 and/or Site of Significance identified in SASM-SCHED3 by a minimum distance of: <ol style="list-style-type: none"> a. 100m in the Rural Production Zone, General Rural Zone and Rural Lifestyle Zone; and b. 25m in all other zones. 12. The primary structure must comply with the following dimensions:

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- a. Guyed mast – a maximum inscribed circle of no more than 1m below 9m in height and 115mm above 9m in height to the maximum height specified (above) for primary structures in the zone where it is located; or
- b. Guyed lattice mast – a maximum inscribed circle of no more than 1m below 9m in height and 0.4m above the 9m to the maximum height specified (above) for primary structures in the zone where it is located; or
- c. Self-supporting lattice mast – a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit within a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m depending on the maximum height specified (above) for primary structures in the zone where it is located; or
- d. Self-supporting tubular mast – a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit into a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m depending on the maximum height specified (above) for primary structures in the zone where it is located.

13. There must be no more than one primary structure per site.

14. Additional structures must comply with the following:

- a. A maximum of 7 poles per site; and
- b. Up to two additional structures per site may have an attached UHF or VHF ~~aerial~~ antenna, provided that the total height of the additional structures does not exceed the maximum height specified (above) for additional structures in the zone where they are located; and
- c. No more than two dishes of up to 1.2m in diameter may be attached to each additional structure; and
- d. One additional structure on a site may be a HF vertical antenna; and
- e. All additional structures must have an outside diameter of 115mm or less; and
- f. Where guy wires are used, there must not exceed a diameter of 12mm.

15. On each site, there must be no more than:

- a. one dish of up to 2m in diameter;
- b. one panel antenna of up to 2m in any dimension where it is positioned no more than 5m above natural ground level;
- c. two dishes, each being no more than 1.2m in diameter where located more than 5m above natural ground level; or
- d. one pedestal dish mounted antenna pivoted less than 3m above ground with a maximum diameter of 2.5m, provided that the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail

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	<p>network and height in relation to boundary standards applying to buildings in the zone in which they are located; or</p> <p>e. one pedestal dish mounted antenna pivoted less than 4m above ground with a maximum diameter of 5m, provided that:</p> <ul style="list-style-type: none"> i. the total height of the pedestal and the dish mounted antenna is more than 6.5m; and ii. the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail network and height in relation to boundary standards applying to buildings in the zone in which they are located.
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Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

NU-AM1 **Infringement of the gross floor area and dimensions standards**

1. Whether the increase in floorspace and/or dimensions of the building or structure will cause visual dominance and/or adversely affect the character and amenity of adjoining properties and the surrounding environment.
2. Whether the network utility utilises an existing building or structure. As far as practicable, network utilities should co-site and share facilities.
3. Whether adverse effects on amenity values can be avoided, remedied, or mitigated through planting, fencing or other amenity treatment (including minimising visual impact through design and colours).

NU-AM2 **Infringement of the setback standards**

1. Whether the reduced setback of the building or structure will cause shading or visual dominance and/or adversely affect the character and visual amenity of adjoining properties and, where relevant, within the existing streetscape and road frontage.
2. Whether the network utility utilises an existing building or structure. As far as practicable, network utilities should co-site and share facilities.
3. Whether adverse effects on amenity values can be avoided, remedied, or mitigated through planting, fencing or other amenity treatment (including minimising visual impact through design and colours).
4. Whether adverse effects on public health and safety, including on the functioning and safe operation of roads, cycleways or walkways, the rail corridor, the National Grid, or lines used for the conveyance of electricity or telecommunications, can be avoided, remedied, or mitigated, and the outcome of any consultation with the relevant road controlling authority, KiwiRail or Transpower.

5. Whether the dimensions of the site or other physical characteristics of the site preclude reasonable compliance.
6. Whether there are any characteristics or technical requirements of the proposed use that will make compliance impracticable.

NU-AM3 Infringement of the height standards and height in relation to boundary standards

1. Whether the increased height of the building or structure will cause shading or visual dominance and/or adversely affect the character and visual amenity of adjoining properties and within the existing streetscape and road frontage.
2. Whether the network utility utilises an existing building or structure. As far as practicable, network utilities should co-site and share facilities.
3. Whether the health and safety of surrounding properties and occupiers will be maintained through the building or structure being located at an adequate distance from all property boundaries.
4. Whether the building or structure will be temporary in nature.
5. Whether the proposed building or structure will penetrate into any of the building height restriction areas shown on the Planning Maps for the Waipukurau Aerodrome.

NU-AM4 Infringement of the access, parking and loading standards

1. Whether infringement of the parking and access standards will cause on-road congestion, including vehicle parking as a result of ingress and egress of vehicles to and from the site.
2. Whether on-site carparking and manoeuvring areas are adequate to meet the needs of the network utility.
3. Management of the effects of parking and access with regard to the assessment matters set out in TRAN-AM1 & TRAN-AM2.

NU-AM5 Infringement of the landscaping and screening standards

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and
 - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
 - a. security;
 - b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.
3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

NU-AM6 Infringement of the amateur radio configuration standards

1. Whether the non-compliance with the bulk, form and scale, location and number of poles, ~~aerials~~, antennas or associated supporting structures will lead to visual dominance and loss of visual amenity as viewed from adjoining properties and the surrounding neighbourhood. As part of this consideration will be given to effects on amenity on any habitable buildings and in particular the proximity and visibility of the amateur radio configuration to habitable rooms and outdoor living areas.
2. Whether the materials used and the finish of the materials, including the colour, will assist in mitigating effects.
3. Whether the location on the site and type of configuration chosen assists in mitigating visual effects.
4. Whether the proposal will reduce the ability to maintain access for maintenance, including buildings on adjoining sites.
5. Whether, in the case of pedestal antenna not complying with the height in relation to boundary standards in NU-S4, the proposal will result in the loss of sunlight and daylight to surrounding sites, particularly in relation to outdoor living areas or the main indoor living area windows of surrounding habitable buildings.

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Methods

Methods, other than the above rules, for implementing the policies:

NU-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to buildings and structures:

1. HAZS – Hazardous Substances – controls the establishment of Major Hazardous Facilities in the District.
2. HH – Historical Heritage and HH-SCHED2 – Schedule of Historical Heritage Items – in areas containing these historical heritage sites.
3. SASM – Sites and Areas of Significance to Maori and SASM-SCHED3 – Schedule of Sites and Areas of Significance to Maori – in areas containing these sites of significance to tangata whenua.
4. TREE – Notable Trees and TREE-SCHED4 – Schedule of Notable Trees – in areas containing these notable trees.
5. ECO – Ecosystems and Indigenous Biodiversity and ECO-SCHED5 – Schedule of Significant Natural Areas – in areas containing these areas of significant indigenous vegetation or significant habitats of indigenous fauna.
6. ~~NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – in areas containing these features.~~
- 7.6. CE – Coastal Environment and CE-SCHED7 – Schedule of Areas of High Natural Character – in areas containing identified high natural character in the coastal environment.

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- 8.7. RE – Renewable Energy sets direction for activities that convert renewable energy into electricity.
- 9.8. SUB – Subdivision – manages the control of subdivision of sites for the purpose of accommodating network utilities throughout the District.
- 10.9. EW – Earthworks – controls the effects of earthworks associated with activities on the environment.
- 11.10. TRAN - Transport – relevant to activities requiring vehicular access, parking and loading.
- 12.11. CL - Contaminated Land – contains planning controls that direct the requirement for consent or otherwise for activities on contaminated or potentially contaminated land.
- 13.12. OSR – Open Space and Recreation – includes provisions relevant to establishment of cycleways and walkways located outside road reserve (being recreational activities that fall within the definition of 'community facilities').
- 14.13. LIGHT – Light – controls light emissions associated with activities.
- 15.14. NOISE – Noise – controls noise associated with activities.
- 16.15. Designations – allow land to be secured for public works or other projects and facilitate the establishment of what are often necessary or essential services. Legal roads within the District, including State Highways, are designated.

NU-M2

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

These Regulations set out a national framework of permissions and consent requirements for activities on the existing high voltage electricity transmission network (the National Grid) that existed as of 14 January 2010. The regulations categorise activities that relate to the operation, maintenance, upgrading, relocation, or removal of existing transmission lines. The NES does not apply to electricity distribution lines - the lines that carry electricity from regional substations to electricity users, as these activities are covered under the District Plan provisions.

Commented [A55]: Clause 16(2) of the First Schedule of the RMA - minor amendment to correct title of NPS.

NU-M3

Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

These Regulations apply to telecommunications infrastructure, such as cabinets, antennas, poles, small-cell units, and telecommunications lines. In the case of conflict or perceived conflict with any provision of this plan, the NESTF provisions must prevail.

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NU-M4

Resource Management (National Policy Statement on Electricity Transmission) 2008

This policy statement was promulgated in response to the need to operate, maintain, develop and upgrade the high voltage transmission network as a matter of national significance.

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NU-M5 **Resource Management (National Policy Statement on Renewable Energy Generation) 2011**

The policy statement is intended to drive a consistent approach to planning for renewable electricity generation in New Zealand by giving clear government direction on the benefits of renewable electricity generation and requiring all councils to provide for it in their plans. The production of electricity will have a close relationship with the transmission of electricity from generators to substations.

Commented [A58]: Clause 16(2) of the First Schedule of the RMA - minor amendment to correct title of NPS.

NU-M6 **New Zealand Electrical Code of Practice for Electrical Distances 2001 (NZECP 34:2001)**

The Code of Practice sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards.

Commented [A59]: S79.050 Transpower - Network Utilities 7A, Key Issue 9

NU-M7 **Electricity (Hazards from Trees) Regulations 2003**

The purpose of the Regulations is to protect the security of the supply of electricity, and the safety of the public, by prescribing distances from electrical conductors within which trees must not encroach, and sets rules about who has responsibility for cutting or trimming trees that encroach on electrical conductors.

NU-M8 **National Code of Practice for Utility Operators' Access to Transport Corridors**

The National Code of Practice for Utility Operators' Access to Transport Corridors. The Code of Practice will apply to the placement, maintenance, upgrading and removal of network utility structures in the road.

NU-M9 **Operating Code Standard for Pipelines – Gas and Liquid Petroleum (NZS/AS 2885)**

This Standard ensures safe separation distances are maintained when establishing rules and considering applications for buildings, structures, and other activities near the Gas Transmission Network.

NU-M10 Engineering Code of Practice

The Engineering Code of Practice (Central Hawke's Bay District Council utilises the current Hastings District Council's Code of Practice-2011) – establishes guidelines for the design and construction of transport and service infrastructure which can be used as a means of compliance with the objectives, policies, and rules of the District Plan.

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NU-M11 Liaison

Consultation and communication with network utility operators.

Principal Reasons

The principal reasons for adopting the policies and methods:

The objectives and policies of this chapter reflect the importance of, and the contribution made by, network utilities to the health and safety and overall social and economic wellbeing of the District's community. It is therefore critical that the safe, effective, secure and efficient development, operation, maintenance and upgrading of these services are appropriately provided for, and that the local, regional and national benefits that derive from them are recognised.

The development, operation, maintenance and upgrading of network utilities can adversely affect the environmental quality of the District, such as from noise and visual effects. In some cases, given the locational, functional, and operational constraints and requirements associated with some network utilities, it may not be entirely possible to avoid, remedy or mitigate all adverse effects associated with the development, operation, maintenance or upgrading of network utilities. In these circumstances, it needs to be recognised that some adverse effects on the surrounding environment may be unavoidable in order to achieve the benefits that network utilities provide.

The Plan therefore makes provision for network utilities while managing their potential adverse effects through performance standards, recognising the local environmental characteristics in the District. Certain types of network utilities and larger-scale utilities can have a broad range of potential adverse effects, and therefore it is more appropriate that these proposals are assessed through either the resource consent or designation processes. The District Plan encourages the co-siting, or sharing of facilities or sites, as this supports efficiencies and reduces the need for infrastructure to be located elsewhere in the District, in turn, mitigating or avoiding adverse effects.

Where incompatible activities have been allowed to establish too close to certain nationally or regionally significant network utilities (e.g. a dwelling allowed close to high voltage electricity transmission lines or an electricity substation), there is increased exposure to adverse effects such as the accumulation of dust on conductors, risk to structural integrity of pylons, restricted access for maintenance, and reduction in safety distances or public safety generally. Another example is locating a dwelling close to a wastewater treatment pond, which increases the potential for objectionable odour effects on the residents of the dwelling. To protect the

adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented in the District Plan to avoid or mitigate potential reverse sensitivity effects and ensure the network utility is not compromised.

Commented [A61]: S79.052 Transpower - Network Utilities 7A, Key Issue 9

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|----------------|--|
| NU-AER1 | Safe, efficient and sustainable development, operation, maintenance and upgrading of network utilities throughout the District. |
| NU-AER2 | A District well-served by network utilities, while avoiding, remedying or mitigating significant adverse effects of them on the environment. |
| NU-AER3 | <u>Protection of The safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities is not constrained or compromised by subdivision, use and development from other land use activities which may adversely affect them.</u> |
| NU-AER4 | Protection of the health and safety of residents. |

Commented [A62]: S81.058 Hort NZ, Network Utilities Topic 7A, Key Issue 9

Appendix B – Summary of recommendations on submissions

Table: Summary of Recommended Decisions on Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S11.005	Hawke's Bay Regional Council	NU - Network Utilities	No changes	Key Issue 2	Accept in part	Accept in part	Yes (In response to other submission points)
.							
S55.015	Heritage New Zealand Pouhere Taonga	NU-P2	Retain NU-P2 as notified.	Key Issue 6	Accept in part	Accept in part	Yes
.							
S55.016	Heritage New Zealand Pouhere Taonga	NU-R4	Amend NU-R4(1) as follows: '...Where the following activity conditions are met: a. ... b. ... c. ... d. The activity is not within a site containing Historic Heritage as identified in SCHED2, and is not within an area identified as a Site or area of significance to Māori in SCHED3.' And add as follows: 2. Activity status where condition NU-R4(1)(d) is not met: RDIS. Matters of discretion are restricted to effects on heritage and cultural values.'	Key Issue 7	Reject	Reject	No (with the exception of a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA
.							
S56.001	Powerco Limited	NU - Network Utilities	Retain separate NU - Network Utilities chapter.	Key Issue 2	Accept	Accept	No
FS9.254	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S56.002	Powerco Limited	Definitions	Add new definition for 'Gas Distribution Network' as follows: 'any gas pipeline with a pressure less than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the distribution network.'	Key Issue 11	Accept	Accept	Yes
FS9.255	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
FS25.1	Federated Farmers of New Zealand		Disallow	Key Issue 11	Reject	Reject	

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Panel Report: Network Utilities

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S56.003	Powerco Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain definition of 'Network Utilities or Network Utility' as notified.	Key Issue 11	Accept	Accept	No
FS9.256	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S56.004	Powerco Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain definition of 'Network Utility Operator or Network Utility Operation' as notified.	Key Issue 11	Accept	Accept	No
FS9.257	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S56.005	Powerco Limited	NU - Introduction	Add further sentence to the end of paragraph 4 of NU - Introduction as follows: ... The objectives, policies and rules in this chapter are the only objectives, policies and rules that apply to Network Utility activities, however the following Part 2 - District-Wide Matters chapters may also be relevant to network utilities: EW - Earthworks, TRANS - Transport, HH - Historic Heritage, ECO - Ecosystems & Indigenous Biodiversity, SUB - Subdivision, EW - Earthworks, LIGHT - Light, and NOISE - Noise.'	Key Issue 3	Accept in part	Accept in part	Yes
FS9.258	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Reject	Reject	
S56.006	Powerco Limited	NU-11	Amend NU-11 as follows: 'Essential Role of Network Utilities Network utilities have important functions and enable people and communities to provide for their health and safety and social, economic, and cultural wellbeing, but can have adverse effects on the environment, often due to their technical, operational and location-specific requirements. Explanation ...'	Key Issue 4	Accept	Accept	Yes
FS9.259	Royal Forest and Bird Protection		Disallow	Key Issue 4	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Society of New Zealand Incorporated						
FS25.7	Federated Farmers of New Zealand		Disallow	Key Issue 4	Reject	Reject	
S56.007	Powerco Limited	NU-I2	Amend NU-I2 as follows: 'Adverse Effects of Network Utilities and Amateur Radio Configuration Some network utilities and amateur radio facilities can have adverse effects on the environment, often due to their technical, operational, and location-specific requirements. Explanation ...'	Key Issue 4	Accept	Accept	Yes
FS9.260	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S56.008	Powerco Limited	NU-I3	Retain NU-I3 as notified.	Key Issue 4	Accept	Accept	No
FS9.261	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S56.009	Powerco Limited	NU-O1	Amend NU-O1 as follows: 'Recognise and provide for safe, efficient and resilient network utilities throughout the District that provide essential and secure services and connections , including in emergencies, that enable people and communities to provide for their health, safety and wellbeing.'	Key Issue 5	Accept in part	Accept in part	Yes
FS9.262	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Reject	Reject	
S56.010	Powerco Limited	NU-O2	Amend NU-O2 as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated as far as reasonably practicable , while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).'	Key Issue 5	Reject	Reject	No
FS9.263	Royal Forest and Bird Protection		Disallow	Key Issue 5	Accept	Accept	

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Society of New Zealand Incorporated						
FS16.7	Waka Kotahi NZ Transport Agency		Disallow Retain NU-02 as notified in proposed plan.	Key Issue 5	Accept	Accept	
FS19.7	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Key Issue 5	Accept	Accept	
FS23.94	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
S56.011	Powerco Limited	NU-03	Retain NU-03 as notified.	Key Issue 5	Accept	Accept	No
FS9.264	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Reject	Reject	
S56.012	Powerco Limited	NU-P1	Retain NU-P1 as notified.	Key Issue 6	Accept in part	Accept in part	Yes (Insofar as a minor correction has been made with regard to spelling of 'utilities')
FS9.265	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Reject	Reject	
S56.013	Powerco Limited	NU-P2	Amend NU-P2 as follows: 'Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new network utilities on the values and attributes of areas identified in the District Plan as: 1. Historical Heritage Items'	Key Issue 6	Reject	Reject	No
FS9.266	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS7.002	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 6	Reject	Reject	
S56.014	Powerco Limited	NU-P3	Retain NU-P3 as notified.	Key Issue 6	Accept in part	Accept in part	Yes
FS23.95	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.267	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Reject	Reject	
S56.015	Powerco Limited	NU-P4	Amend NU-P4 as follows: Manage the effects of network utilities on the environment by: 1. avoiding, remedying or mitigating adverse effects on: a. natural and physical resources; b. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance; c. the safe and efficient operation of other network utilities, including effects on electricity transmission and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks; 2. requiring assessing compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields; 3. encouraging the progressive undergrounding of appropriate network utilities overhead electricity and telecommunication lines in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable; 4. encouraging the co-siting and sharing of masts, facilities, utility corridors and other innovative solutions within residential environments and roads, where technically feasible and practicable; 5. encouraging the removal of redundant and superseded network utilities facilities.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.268	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept in part	Accept in part	
FS23.96	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
S56.016	Powerco Limited	NU-P5	Retain NU-P5 as notified.	Key Issue 6	Accept in part	Accept in part	Yes

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS3.009	First Gas Limited		Allow	Key Issue 6	Accept in part	Accept in part	
FS9.269	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept in part	Accept in part	
S56.017	Powerco Limited	NU-R1	Retain NU-R1 as notified.	Key Issue 7	Accept	Accept	No
FS9.270	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S56.018	Powerco Limited	NU-R2	Retain NU-R2 as notified.	Key Issue 7	Accept in part	Accept in part	Yes
FS9.271	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S56.019	Powerco Limited	NU-R4	Retain NU-R4 as notified.	Key Issue 7	Accept	Accept	Yes (Insofar as a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA is recommended)
FS9.272	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S56.020	Powerco Limited	NU-S1	Retain NU-S1 as notified.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.273	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	Yes
S56.021	Powerco Limited	NU-S2	Retain NU-S2 as notified.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.274	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	
S56.022	Powerco Limited	NU-S3	Retain NU-S3 as notified.	Key Issue 8	Accept in part	Accept in part	Yes

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.275	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	
S56.023	Powerco Limited	NU-S4	Retain NU-S4 as notified.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.276	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	
S57.022	Fire and Emergency New Zealand	NU-O1	Retain NU-O1 as notified.	Key Issue 5	Accept in part	Accept in part	Yes
S57.023	Fire and Emergency New Zealand	NU-P1	Retain NU-P1 as notified (subject to correction of minor typo of '... including as lifeline utilities utilities ').	Key Issue 6	Accept	Accept	Yes
S64.022	Department of Conservation	NU-P2	Retain NU-P2.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.305	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
FS23.29	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Reject	Reject	
S64.023	Department of Conservation	NU-P3	Retain NU-P3.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.306	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
FS23.30	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
S64.024	Department of Conservation	NU-P4	Retain NU-P4.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.307	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part		

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS18.8	Transpower New Zealand Limited		Not stated No specific relief sought.	Key Issue 6	Accept in part		
S64.025	Department of Conservation	NU-R3	Amend NU-R3 to include 'Permitted' standard to specify the construction of new network utilities where outside of any ONFL, SNA, SASM, HNCA or SAF. Where within one of the above overlay's activity should be 'Restricted Discretionary' with appropriate matters of discretion.	Key Issue 7	Reject	Reject	No
FS9.308	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Reject	Reject	
FS18.11	Transpower New Zealand Limited		Not stated No specific relief sought.	Key Issue 7	Reject	Reject	
S64.026	Department of Conservation	NU-R4	Amend NU-R4 to include 'Permitted' standard to specify the construction of new network utilities where outside of any ONFL, SNA, SASM, HNCA or SAF. Where within one of the above overlay's activity should be 'Restricted Discretionary' with appropriate matters of discretion.	Key Issue 7	Reject	Reject	No
FS9.309	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Reject	Reject	
S64.027	Department of Conservation	NU-S1	Amend NU-S1 to include reduced footprint and height as 'Restricted Discretionary' standards for network utilities within amenity and natural area overlays. Activities beyond these to be 'Discretionary'.	Key Issue 8	Reject	Reject	No
FS9.310	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Reject	Reject	
S64.028	Department of Conservation	NU-S3	Amend NU-S3 to include reduced footprint and height as 'Restricted Discretionary' standards for network utilities within amenity and natural area overlays. Activities beyond these to be 'Discretionary'.	Key Issue 8	Reject	Reject	No
FS9.311	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Zealand Incorporated						
S78.001	Waka Kotahi NZ Transport Agency	MAINTENANCE (Definition)	Retain definition of 'Maintenance' as written.	Key Issue 11	Accept in part	Accept in part	Yes
S78.002	Waka Kotahi NZ Transport Agency	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain definition of 'Network Utilities or Network Utility' as written.	Key Issue 11	Accept	Accept	No
S78.003	Waka Kotahi NZ Transport Agency	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as written.	Key Issue 11	Accept	Accept	No
S78.013	Waka Kotahi NZ Transport Agency	NU - Network Utilities	Retain the provisions relating to network utilities within ONL/ONFs within the 'NU - Network Utilities' chapter.	Key Issue 2	Accept	Accept	No
S78.014	Waka Kotahi NZ Transport Agency	NU-I3	Retain NU-I3 as written.	Key Issue 4	Accept	Accept	No
FS23.173	Kāinga Ora - Homes and Communities		Disallow	Key Issue 4	Reject	Reject	
S78.015	Waka Kotahi NZ Transport Agency	NU-O1	Retain NU-O1 as written.	Key Issue 5	Accept in part	Accept in part	Yes
S78.016	Waka Kotahi NZ Transport Agency	NU-O2	Retain NU-O2 as written.	Key Issue 5	Accept	Accept	No
S78.017	Waka Kotahi NZ Transport Agency	NU-O3	Retain NU-O3 as written.	Key Issue 5	Accept	Accept	No
S78.018	Waka Kotahi NZ Transport Agency	NU-P1	Retain NU-P1 as written.	Key Issue 6	Accept in part	Accept in part	Yes
S78.019	Waka Kotahi NZ Transport Agency	NU-P5	Retain NU-P5 as written.	Key Issue 6	Accept in part	Accept in part	Yes
S78.020	Waka Kotahi NZ Transport Agency	NU-R1	Retain NU-R1 as written.	Key Issue 7	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S78.021	Waka Kotahi NZ Transport Agency	NU-R4	Retain NU-R4 as written.	Key Issue 7	Accept	Accept	No (Except in relation to a minor change made pursuant to Clause 16(2) of the First Schedule of the RMA)
S79.001	Transpower New Zealand Ltd	Statutory Context	Retain the 'Statutory Content [Context?]' section.	Key Issue 2	Accept	Accept	No
S79.004	Transpower New Zealand Ltd	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need'.	Key Issue 11	Accept	Accept	No
S79.005	Transpower New Zealand Ltd	MAINTENANCE (Definition)	Retain the definition of 'Maintenance', and specifically in relation to network utilities.	Key Issue 11	Accept om part	Accept om part	Yes
FS3.004	First Gas Limited		Allow	Key Issue 11	Accept in part	Accept om part	
S79.006	Transpower New Zealand Ltd	Definitions	<p>Add a new definition for 'Minor Upgrading' as follows:</p> <p>'MINOR UPGRADING (NETWORK UTILITIES) an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures, and includes any of the following activities:</p> <ul style="list-style-type: none"> • the re-conductoring of the line with higher capacity conductors • the re-sagging of conductors • the addition of longer and more efficient insulators • a support structure placement within a similar location as the support structure that is replaced • the addition of earthwire, which may contain telecommunication lines, earthpeaks and lightning rods • the addition of electrical or telecommunication fittings • support structure replacement in the same location or within the existing alignment of the transmission line corridor • the replacement of existing cross arms, including with cross arms of an alternative design of a similar scale • an increase in support structure height to achieve compliance with the clearance distances specified in NZECP34:2001 • the addition of overhead lines to provide individual service connects to a site (including any connection to a building within that site) from 	Key Issue 11	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>an existing overhead network, provided no more than one new support structure is required.</p> <p>Minor upgrading does not include:</p> <ul style="list-style-type: none"> • increasing the carrying capacity of existing structures • any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage • any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35 millimetres • the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 30 millimetres in diameter • the addition of any new circuits, lines or utility structures.' 				
FS17.3	Horticulture New Zealand		<p>Allow in part</p> <p>Accept submission to include definition of minor upgrading, but exclude any increase in voltage of the line is not minor upgrading, unless the line was originally constructed to operate at the higher voltage.</p>	Key Issue 11	Accept in part	Accept in part	
FS25.2	Federated Farmers of New Zealand		Disallow	Key Issue 11	Reject	Reject	
S79.007	Transpower New Zealand Ltd	NATIONAL GRID (Definition)	Retain definition of 'National Grid'.	Key Issue 11	Accept	Accept	No
S79.008	Transpower New Zealand Ltd	NATIONAL GRID SUBDIVISION CORRIDOR (Definition)	Retain definition of 'National Grid Subdivision Corridor'.	Key Issue 11	Accept	Accept	No
S79.009	Transpower New Zealand Ltd	NATIONAL GRID YARD (Definition)	Retain definition of 'National Grid Yard'.	Key Issue 11	Accept	Reject	No
S79.010	Transpower New Zealand Ltd	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	On the basis the relief sought in Transpower's other submission points are given effect to, Transpower is neutral on the definition.	Key Issue 11	Accept	Accept	Yes
S79.011	Transpower New Zealand Ltd	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain definition of 'Network Utility Operator or Network Utility Operation'.	Key Issue 11	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S79.012	Transpower New Zealand Ltd	OPERATIONAL NEED (Definition)	Retain definition of 'Operational Need'.	Key Issue 11	Accept	Accept	No
S79.017	Transpower New Zealand Ltd	NU - Network Utilities	Retain 'NU - Network Utilities' chapter, subject to the relief sought in other Transpower submission points, and also seeks provisions specific to the National Grid, as outlined in Transpower submission.	Key Issue 2	Accept in part	Accept in part	Yes
FS9.377	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S79.018	Transpower New Zealand Ltd	NU - Introduction	Amend paragraphs 4/5 of 'NU - Introduction' as follows: '... Because many network utilities are lineal, and traverse many parts of the District, it is considered appropriate that a single set of rules are provided which apply across the District. Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the National Grid, and gas transmission pipelines) are contained within the Network Utilities provisions of the plan. Elsewhere in the District Plan, in the respective zones in Part 3 of the District Plan, and the NOISE – Noise chapter of the District Plan...' And provide clarity as to the relationship of the 'NU - Network Utilities' chapter to other chapters in the Proposed Plan, and make amendments to the Proposed Plan to clarify the provisions and make the 'NU - Network Utilities' chapter stand alone.	Key Issue 3	Reject	Reject	No
FS9.378	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 3	Reject	Reject	
FS17.22	Horticulture New Zealand		Allow in part Ensure that provisions for the National Grid are clear, certain and accessible to plan users.	Key Issue 3	Accept	Accept	
FS23.115	Kāinga Ora - Homes and Communities		Disallow	Key Issue 3	Accept	Accept	
FS25.6	Federated Farmers of New Zealand		Allow in part	Key Issue 3	Accept	Accept	
S79.019	Transpower New Zealand Ltd	NU-I1	Retain NU-I1.	Key Issue 4	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.379	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 4	Accept in part	Accept in part	
S79.020	Transpower New Zealand Ltd	NU-I2	Retain NU-I2.	Key Issue 4	Accept in part	Accept in part	Yes
FS9.380	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 4	Accept in part	Accept in part	
S79.021	Transpower New Zealand Ltd	NU-I3	Retain NU-I3.	Key Issue 4	Accept	Accept	No
FS3.007	First Gas Limited		Allow	Key Issue 4	Accept	Accept	
FS9.381	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 4	Accept	Accept	
FS23.116	Kāinga Ora - Homes and Communities		Disallow	Key Issue 4	Reject	Accept	
S79.022	Transpower New Zealand Ltd	NU-O1	Retain NU-O1. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Key Issue 5	Accept in part	Accept in part	Yes
FS9.382	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 5	Accept in part	Accept in part	
FS25.8	Federated Farmers of New Zealand		Allow in part	Key Issue 5	Accept in part	Accept in part	
S79.023	Transpower New Zealand Ltd	NU-O2	Retain NU-O2. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Key Issue 5	Accept (Insofar as it is not recommended to amend NU-O2)	Accept (Insofar as it is not recommended to amend NU-O2)	No
FS9.383	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 5	Accept	Accept	
FS25.12	Federated Farmers of New Zealand		Allow in part	Key Issue 5	Accept	Accept	
S79.024	Transpower New Zealand Ltd	NU-O3	Retain NU-O3. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Key Issue 5	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.384	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 5	Accept	Accept	
S79.025	Transpower New Zealand Ltd	NU-P1	Retain NU-P1. Should the policy be amended, Transpower would support a specific policy to give effect to the NPSET.	Key Issue 6	Accept in part (Insofar as a minor correct has been made with regard to spelling of 'utilities')	Accept in part (Insofar as a minor correct has been made with regard to spelling of 'utilities')	Yes
FS9.385	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
S79.026	Transpower New Zealand Ltd	NU-PXX (new policy)	Add a new policy to the 'NU - Network Utilities' chapter as follows: 'Manage the adverse effects of the planning and development of the National Grid by: 1. Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process. 2. Having regard to the functional and operational needs of the network. 3. Seeking to avoid adverse effects on identified High Natural Character Areas, Outstanding Natural Features and Landscapes, Significant Natural Areas, Significant Amenity Features, and areas of high recreational value or high amenity in rural areas. 4. Seeking to avoid significant adverse effects on other areas of natural character and other natural features and landscapes in the coastal environment. 5. Avoiding, remedying or mitigating other adverse effects. In the event of any conflict with any other objectives and policies within the Plan, Policy NU-Pa takes precedence.'	Key Issue 6	Accept in part	Accept in part	No
FS9.386	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
FS17.25	Horticulture New Zealand		Allow in part Ensure that any new policy for the National Grid provides recognition that primary production activities	Key Issue 6	Reject	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			need to be provided for within the National Grid Corridor.				
FS23.117	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
FS25.16	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept in part	Accept in part	
S79.027	Transpower New Zealand Ltd	NU-P2	If a new specific National Grid policy is not provided [as per submission point S79.026], amend NU-P2 to give effect to the NPSET, including the 'seek to avoid' approach within Policy 8 of the NPSET.	Key Issue 6	Reject	Reject	No
FS9.387	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Reject	Reject	
S79.028	Transpower New Zealand Ltd	NU-P3	If a new specific National Grid policy is not provided [as per submission point S79.026], amend NU-P3 to give effect to the NPSET, including the 'seek to avoid' approach within Policy 8 of the NPSET.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.388	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
S79.029	Transpower New Zealand Ltd	NU-P4	Retain NU-P4.	Key Issue 6	Accept in part	Accept in part	Yes
FS9.389	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
S79.030	Transpower New Zealand Ltd	NU-P5	Amend NU-P5 as follows: 'To protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: 1. 6. managing land use development (including sensitive activities), buildings, earthworks, vertical holes and structures and subdivision near the National Grid, within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid	Key Issue 6	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>substation, to avoid reverse sensitivity effects and ensure the electricity transmission network is not compromised;</p> <p>7. managing land disturbance, earthworks and vertical holes, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and</p> <p>8. ensuring subdivision of sites containing a network activity retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.'</p>				
FS25.23	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept in part	Accept in part	
FS17.27	Horticulture New Zealand		Disallow	Key Issue 6	Accept in part	Accept in part	
FS23.118	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
FS9.390	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 6	Accept in part	Accept in part	
S79.031	Transpower New Zealand Ltd	NU - Rules	<p>Relocate the relevant National Grid provisions in other sections of the Proposed Plan to the 'NU - Network Utilities' chapter.</p> <p>And insert the following into the Rules Notes section:</p> <p>' ...</p> <p>Rules relating to the operation, maintenance, upgrade and development of network utilities are addressed in the NU- Network Utilities chapter of the district plan and reference is not required to other chapters.</p> <p>Rules relating to subdivision and land development involving network utilities and other activities addressed in this chapter are contained in the SUB - Subdivision chapter of the District Plan.</p> <p>Rules relating to earthworks associated with activities addressed in this chapter are contained in the EW - Earthworks chapter of the District Plan. Rules relating to subdivision, land development and earthworks within the National Grid Yard and National Grid Subdivision Corridor are addressed in this chapter. Rules for activities addressed in this chapter that are located within the identified ONL and ONFs are contained in this chapter.</p> <p>The construction, operation, maintenance,</p>	Key Issue 7	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			replacement, removal and upgrading of cycleways or walkways located within road reserve are subject to the rules of this chapter. Cycleways and walkways located outside road reserve fall within the definition of 'Community Facilities' and are subject to the relevant zone chapter rules. It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. TRANS – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, SUB – Subdivision, EW – Earthworks, LIGHT – Light, and NOISE – Noise).				
FS9.391	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Reject	Reject	
FS17.29	Horticulture New Zealand		Allow in part Ensure that provisions for the National Grid are clear, certain and accessible to plan users by retaining in the relevant zone chapters.	Key Issue 7	Accept	Accept	
FS23.119	Kāinga Ora - Homes and Communities		Disallow	Key Issue 7	Accept	Accept	
FS25.30	Federated Farmers of New Zealand		Allow in part	Key Issue 7	Accept	Accept	
S79.032	Transpower New Zealand Ltd	NU-R1	Retain NU-R1.	Key Issue 7	Accept	Accept	No
FS9.392	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S79.033	Transpower New Zealand Ltd	NU-R2	Retain NU-R2.	Key Issue 7	Accept in part	Accept in part	Yes
FS9.393	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept in part	Accept in part	
S79.034	Transpower New Zealand Ltd	NU-R3	Amend NU-R3 as follows: '1. Activity Status: PER Where the following activity conditions are met: a. d. The activity is located a minimum distance of 12	Key Issue 7	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			metres from the outer visible foundation of any National Grid support structure and associated stay wire, unless it: i. is a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 ISSN 0114-0663; or ii. is a network utility (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator that connects to the National Grid; and iii.-e. does not permanently physically impede existing vehicular access to a National Grid support structure.'				
FS9.394	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept in part	Accept in part	
S79.035	Transpower New Zealand Ltd	NU-R4	Retain NU-R4.	Key Issue 7	Accept	Accept	No (except for a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA)
FS9.395	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S79.036	Transpower New Zealand Ltd	NU-R9	Retain NU-R9.	Key Issue 7	Accept	Accept	No
FS9.396	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S79.037	Transpower New Zealand Ltd	NU-S1	Retain NU-S1.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.397	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part	Accept in part	
S79.038	Transpower New Zealand Ltd	NU-S2	Retain NU-S2.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.398	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Zealand Incorporated						
S79.039	Transpower New Zealand Ltd	NU-S3	Retain NU-S3.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.399	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part	Accept in part	
S79.040	Transpower New Zealand Ltd	NU-S4	Retain NU-S4.	Key Issue 8	Accept in part	Accept in part	Yes
FS9.400	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part	Accept in part	
S79.041	Transpower New Zealand Ltd	NU-S5	Retain NU-S5.	Key Issue 8	Accept	Accept	No
FS9.401	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S79.042	Transpower New Zealand Ltd	NU-S6	Retain NU-S6.	Key Issue 8	Accept	Accept	No
FS9.402	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S79.043	Transpower New Zealand Ltd	NU-S7	Retain NU-S7.	Key Issue 8	Accept	Accept	No
FS9.403	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S79.044	Transpower New Zealand Ltd	NU-S8	Retain NU-S8.	Key Issue 8	Accept	Accept	No
FS9.404	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S79.045	Transpower New Zealand Ltd	NU-S9	Retain NU-S9.	Key Issue 8	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.405	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S79.046	Transpower New Zealand Ltd	NU-AM2	Retain NU-AM2.	Key Issue 9	Accept	Accept	No
FS9.406	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S79.047	Transpower New Zealand Ltd	NU-M1	Delete NU-M1.	Key Issue 9	Reject	Reject	No
FS9.407	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Reject	Reject	
S79.048	Transpower New Zealand Ltd	NU-M2	Retain NU-M2.	Key Issue 9	Accept	Accept	No
FS9.408	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S79.049	Transpower New Zealand Ltd	NU-M4	Retain NU-M4, subject to amendment to the title as follows: 'NU-M4 Resource Management (National Policy Statement on Electricity Transmission) 2008'	Key Issue 9	Accept	Accept	Yes
FS9.409	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S79.050	Transpower New Zealand Ltd	NU-M6	Retain Method NU-M6, subject to a minor reference correction in the title as follows: 'NU-M6 New Zealand Electrical Code of Practice for Electrical Safety Distances 2001 (NZECP34:2001)'	Key Issue 9	Accept	Accept	Yes
FS9.410	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S79.051	Transpower New Zealand Ltd	NU-M7	Retain NU-M7.	Key Issue 9	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.411	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S79.052	Transpower New Zealand Ltd	NU - Principal Reasons	Retain the 'NU - Principal Reasons' section, but include a reference at the end of the final paragraph as follows: '... To protect the adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented in the District Plan to avoid or mitigate potential reverse sensitivity effects and ensure the network utility is not compromised. '	Key Issue 9	Accept	Accept	Yes
FS9.412	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
FS23.120	Kāinga Ora - Homes and Communities		Disallow	Key Issue 9	Reject	Reject	
S79.056	Transpower New Zealand Ltd	NH - Natural Hazards	Clarify whether the 'NH - Natural Hazard' provisions apply to network utility structures.	Key Issue 10	Reject	Reject	No
S79.061	Transpower New Zealand Ltd	ECO - Ecosystems and Indigenous Biodiversity	Clarify whether the 'ECO - Ecosystems and Indigenous Biodiversity' provisions apply to network utilities.	Key Issue 10	Reject	Reject	No
FS9.416	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 10	Accept	Accept	
S79.067	Transpower New Zealand Ltd	NFL - Natural Features and Landscapes	Clarify whether the 'NFL - Natural Features and Landscapes' chapter provisions apply to network utilities.	Key Issue 10	Reject	Reject	No
FS9.422	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 10	Accept	Accept	
S79.086	Transpower New Zealand Ltd	CE - Coastal Environment	Clarify the relationship between chapters and whether the 'CE - Coastal Environment' chapter provisions apply to network utilities.	Key Issue 10	Reject	Reject	No
FS9.426	Royal Forest and Bird Protection Society of New		Allow	Key Issue 10	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Zealand Incorporated						
S79.090	Transpower New Zealand Ltd	EW - Earthworks	Relocate the relevant National Grid rules in the 'EW- Earthworks' chapter to the 'NU - Network Utilities' chapter.	Key Issue 10	Reject	Reject	No
FS25.77	Federated Farmers of New Zealand		Disallow	Key Issue 10	Accept	Accept	
S79.128	Transpower New Zealand Ltd	MAPS	Amend the notation of 'National Grid Corridor' on the planning maps as follows: 'National Grid Corridor Transmission Line '	Key Issue 10	Accept in part	Accept in part	Yes
S81.019	Horticulture New Zealand	MAINTENANCE (Definition)	Amend the definition of 'Maintenance' as follows: '... Specifically in relation to network utilities, 'maintenance' means: ... Includes the replacement of an existing line, building or structure or other facility with another of the same or similar height, voltage , size and scale within the same or similar position and for the same or similar purpose. ...'	Key Issue 11	Accept in part	Accept in part	Yes
S81.021	Horticulture New Zealand	NATIONAL GRID YARD (Definition)	Replace the definition of 'National Grid Yard' as follows: 'the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation or the area located within 10m either side of the centreline of an overhead 110kV National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span. The area located within: - 12m in any direction from the visible outer edge of a National Grid tower; or - 10m in any direction from a National Grid single pole or pi-pole; or	Key Issue 11	Reject	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			- the area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or - the area located within 12m either side of the centre line of any overhead National Grid line on towers.'				
FS18.3	Transpower New Zealand Limited		Disallow	Key Issue 11	Accept	Accept in part	
S81.051	Horticulture New Zealand	NU-O1	Retain NU-O1.	Key Issue 5	Accept in part	Accept in part	Yes
S81.052	Horticulture New Zealand	NU-O3	Amend NU-O3 as follows: 'The safety, maintenance, upgrade or development of network utilities is, to the extent reasonably possible , not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.'	Key Issue 5	Reject	Reject	No
FS16.11	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O3 as notified in proposed plan.	Key Issue 5	Accept	Accept	
FS18.6	Transpower New Zealand Limited		Disallow	Key Issue 5	Reject	Reject	
FS23.76	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Reject	Reject	
S81.053	Horticulture New Zealand	NU-P5	Amend NU-P5 as follows: 'To ensure that the adverse effects of subdivision, use and development, do not, to the extent reasonably possible , protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: ...'	Key Issue 6	Accept in part	Accept in part	Yes
FS3.0010	First Gas Limited		Disallow	Key Issue 6	Accept in part	Accept in part	
FS16.19	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Key Issue 6	Accept in part	Accept in part	
FS18.9	Transpower New Zealand Limited		Disallow	Key Issue 6	Accept in part	Accept in part	
FS23.77	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
FS25.24	Federated Farmers of New Zealand		Allow	Key Issue 6	Accept in part	Accept in part	
S81.054	Horticulture New Zealand	NU-P5	Delete NU-P5(5) as follows: '...5. managing land disturbance and activities in the	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			vicinity of gas transmission pipelines; ...				
FS3.011	First Gas Limited		Disallow	Key Issue 6	Accept	Accept	
FS25.25	Federated Farmers of New Zealand		Allow	Key Issue 6	Reject	Reject	
S81.055	Horticulture New Zealand	NU-P5	Amend NU-P5(6) as follows: ... 6. managing land use development (including sensitive activities) buildings, structures and subdivision near within the National Grid subdivision corridor , within the National Grid Yard, or around a designated National Grid substation. ...	Key Issue 6	Accept in part	Accept in part	Yes
FS18.10	Transpower New Zealand Limited		Allow	Key Issue 6	Accept in part	Accept in part	
FS25.26	Federated Farmers of New Zealand		Allow	Key Issue 6	Accept in part	Accept in part	
S81.056	Horticulture New Zealand	NU-R2	Amend NU-R2(1) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. ... ii. Alterations and additions to overhead electricity and telecommunications lines on existing poles must not: a. d. or increase the voltage of the line. iii. And amend NU-R2(2) as follows: '2. Activity status where compliance with condition NU-R2(1)(a) is not achieved: RDIS Matters over which discretion is restricted: a. h. Effects on affected landowners.'	Key Issue 7	Accept in part	Accept in part	Yes
FS25.31	Federated Farmers of New Zealand		Allow	Key Issue 7	Accept in part	Accept in part	
S81.057	Horticulture New Zealand	NU-R3	Clarify that 'reticulation and storage of water for irrigation purposes carried out by a network utility operator' is provided as a permitted activity within the National Grid Yard by either NU-R3 or NU-R4. For example, delete from NU-R3 as follows: 'NU-R3 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) -within the National Grid Yard	Key Issue 7	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			(other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator) All Zones 1. Activity Status: PER Where the following activity conditions are met: a. d. The activity is located a minimum distance of 12 metres from the outer visible foundation of any National Grid support structure and associated stay wire, unless it: i. ... ii. is a network utility (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator that connects to the National Grid; and ...' ...				
FS18.12	Transpower New Zealand Limited		Allow	Key Issue 7	Accept	Accept	
S81.058	Horticulture New Zealand	NU-AER3	Amend NU-AER3 as follows: 'Protection of network utilities from other land use activities which may adversely affect them. Land use activities are managed to ensure that network utilities are not compromised. '	Key Issue 9	Accept in part	Accept in part	Yes
S89.008	Central Hawkes Bay District Council	NU-M10	Amend NU-M10 as follows: 'Engineering Code of Practice The Engineering Code of Practice (Central Hawke's Bay District Council utilises the current Hastings District Council's Code of Practice 2014) - establishes guidelines for the design and construction of transport and service infrastructure which can be used as a means of compliance with the objectives, policies, and rules of the District Plan.'	Key Issue 9	Accept	Reject	Yes
FS23.2	Kāinga Ora - Homes and Communities		Allow	Key Issue 9	Accept	Reject	
S90.002	Centralines Limited	LINE (Definition)	Replace the definition of 'Line' as follows: 'has the same meaning as in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature	Key Issue 11	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>by means of any electromagnetic system; and includes any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and any part of a line means line as defined in Section 5 of the Telecommunications Act 2001: means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and Includes—</p> <p>a) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</p> <p>b) any part of a line; and means line as defined in section 2 of the Electricity Act 1992:</p> <p>a) means works that are used or intended to be used for the conveyance of electricity.'</p>				
S90.003	Centralines Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as notified.	Key Issue 11	Accept in part	Accept in part	Yes
S90.004	Centralines Limited	POLE (Definition)	Retain the definition of 'Pole' as notified.	Key Issue 11	Accept in part	Accept in part	Yes
S90.005	Centralines Limited	[General]	<p>Retain objectives and policies in 'Part 2 - Strategic Direction'.</p> <p>Add additional objectives/policies that are specific to infrastructure and renewable energy generation - for example:</p> <p>'The important infrastructure needs of the community are fulfilled, and their operation is protected'. 'The development, upgrade, maintenance, and operation of strategic infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with significant infrastructure. 'There is reduced reliance on non-renewable sources of energy, increased use of</p>	Key Issue 1	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			renewable sources of energy and greater energy conservation.'				
FS17.12	Horticulture New Zealand		Allow in part Reject submission seeking that infrastructure is 'protected'.	Key Issue 1	Accept	Accept	
FS23.7	Kāinga Ora - Homes and Communities		Disallow	Key Issue 1	Accept	Accept	
S90.006	Centralines Limited	NU - Introduction	Retain 'NU - Introduction' as notified	Key Issue 3	Accept in part	Accept in part	Yes
.							
S90.007	Centralines Limited	NU-O1	Retain NU-O1 as notified.	Key Issue 5	Accept in part	Accept in part	Yes
.							
S90.008	Centralines Limited	NU-O2	Retain NU-O2 as notified.	Key Issue 5	Accept	Accept	No
.							
S90.009	Centralines Limited	NU-O3	Retain NU-O3 as notified.	Key Issue 5	Accept	Accept	No
FS23.8	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Reject	Reject	
S90.010	Centralines Limited	NU-P1	Retain NU- P1 as notified.	Key Issue 6	Accept in part (Insofar as a minor correction has been made with regard to spelling of 'utilities')	Accept in part (Insofar as a minor correction has been made with regard to spelling of 'utilities')	Yes
.							
S90.011	Centralines Limited	NU-P2	Amend NU-P2 as follows: 'Avoid Manage adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as: ...'	Key Issue 6	Reject	Reject	No
FS23.9	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS7.003	Heritage New Zealand Pouhere Taonga		Disallow	Key Issue 6	Accept	Accept	
S90.012	Centralines Limited	NU-P3	Amend NU-P3 as follows: 'Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as: 1 High Natural Character Areas (in CE-SCHED7);	Key Issue 6	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			and 2 Significant Amenity Features (in NFL-SCHED6) unless it can be demonstrated that: a) There is an operational need or functional need that means the infrastructure's location cannot be avoided, and there are no reasonable alternatives; b) The design and location of the infrastructure is subordinate to and does not compromise the identified characteristics and values of the High Natural Character Area described in CE-SCHED7 - or the Significant Amenity Features described in NFL-SCHED6; [c)?] The natural components of the High Natural Character Area or Special Amenity Feature will continue to dominate over the influence of human activity.'				
FS23.10	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
S90.013	Centralines Limited	NU-P4	Amend NU-P4 as follows: 'Manage the effects of network utilities on the environment by: 1. avoiding, remedying or mitigating adverse effects on: a. ... b. ... c. the safe and efficient operation of other network utilities, including effects on electricity distribution and transmission networks and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks; d. ... 2. ... 3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable; 4. ... 5. ...'	Key Issue 6	Accept in part	Accept in part	Yes
.							
S90.014	Centralines Limited	NU-P5	Retain NU-P5 as notified.	Key Issue 6	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.11	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept in part	Accept in part	
S90.015	Centralines Limited	NU-R1	Retain NU-R1 as notified.	Key Issue 7	Accept	Accept	No
.							
S90.016	Centralines Limited	NU-R2	Amend NU-R2(1) as follows: '1. Activity Status: PER Where the following conditions are met: ...(…). All network utilities in existence at the date of public notification of the Hastings [Central Hawke's Bay?] District Plan provided non-compliance with the rules relating to the height, diameter or land area occupied, is not exceeded by more than 10%; or ...'	Key Issue 7	Reject	Reject	No
.							
S90.017	Centralines Limited	NU-R2	Amend NU-R2(1)(a)(iii) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. ... ii. ... iii. The diameter of a single replacement overhead conductor or line must not exceed the diameter of the replaced conductor or line or 50mm, whichever is the greater. ...'	Key Issue 7	Accept	Accept	Yes
.							
S90.018	Centralines Limited	NU-R2	Amend NU-R2(1)(a)(v)(b) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. v. Any pole that replaces an existing pole must not: a. ... b. exceed three times the width of the replacement pole at its widest point, or alternatively where a single pole is replaced with a pi bi pole structure, 4.2m as taken from the pole centres at its widest point ; and ...'	Key Issue 7	Reject	Reject	No
.							

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S90.019	Centralines Limited	NU-R2	Delete NU-R2(1)(a)(viii) or amend as follows: 'Activity Status: PER Where the following conditions are met: a. Limited to: i. viii. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001. ...'	Key Issue 7	Reject	Reject	No
S90.021	Centralines Limited	NU-S1	Amend NU-S1 as follows: 'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone 1. Above ground buildings and structures must not exceed a gross floor area limit of: a. ... b. ... c. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable. ... General Rural Zone / Rural Production Zone 9. Above ground buildings and structures must not exceed a gross floor area limit of a. ... b. ... c. ... d. ... e. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable. ... Commercial Zone / General Industrial Zone 17. Above ground buildings and structures must not exceed a gross floor area limit of: a. ... b. ... c. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable. ...'	Key Issue 8	Reject	Reject	No
S90.023	Centralines Limited	NU-S3	Amend NU-S3(3), (6) and (10) to reflect the maximum height limits for buildings in the respective	Key Issue 8	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			zone-based chapters. Amend NU-S3(5), (8) and (12) to reflect a maximum height limit of 25m.				
S90.024	Centralines Limited	NU-S4	Amend NU-S4 as follows: '1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that: a. ... Note: ... Note: The height in relation to boundary standard does not apply to lines, poles, towers, telecommunication poles, antenna, and lightning rods).	Key Issue 8	Accept in part	Accept in part	Yes
FS23.12	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept in part	Accept in part	
S117.003	Chorus New Zealand Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Key Issue 11	Accept	Accept	Yes
FS9.431	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.004	Chorus New Zealand Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Key Issue 11	Accept	Accept	No
FS9.432	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject		
S117.005	Chorus New Zealand Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Key Issue 11	Accept	Accept	No
FS9.433	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.006	Chorus New Zealand Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Key Issue 11	Accept	Accept	No
FS9.434	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Zealand Incorporated						
S117.008	Chorus New Zealand Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
FS9.436	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept in part	Accept in part	
S117.009	Chorus New Zealand Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
FS9.437	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept in part	Accept in part	
S117.010	Chorus New Zealand Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Key Issue 11	Accept	Accept	No
FS9.438	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.011	Chorus New Zealand Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid; d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks'	Key Issue 11	Accept	Accept	Yes
FS9.439	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
FS23.14	Kāinga Ora - Homes and Communities		Disallow	Key Issue 11	Reject	Reject	
S117.012	Chorus New Zealand Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Key Issue 11	Accept	Accept	No
FS9.440	Royal Forest and Bird Protection Society of New		Disallow	Key Issue 11	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Zealand Incorporated						
S117.013	Chorus New Zealand Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Key Issue 11	Accept	Accept	No
FS9.441	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.014	Chorus New Zealand Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Key Issue 11	Accept	Accept	No
FS9.442	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.015	Chorus New Zealand Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.' And insert a box around NESTF words as per other definitions.	Key Issue 11	Accept	Accept	Yes
FS9.443	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.016	Chorus New Zealand Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan). Add a new definition of 'Radiocommunication' as follows: 'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.'	Key Issue 11	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			And insert a box around Radiocommunications Act 1989 words as per other definitions.				
FS9.444	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.019	Chorus New Zealand Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Key Issue 11	Accept	Accept	No
FS9.447	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.021	Chorus New Zealand Limited	TELECOMMUNICATON (Definition)	Retain the definition of 'Telecommunication' as proposed.	Key Issue 11	Accept	Accept	No
FS9.449	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
S117.022	Chorus New Zealand Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Key Issue 11	Accept in part	Accept in part	Yes
FS9.450	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Reject	Reject	
FS25.3	Federated Farmers of New Zealand		Disallow	Key Issue 11	Reject	Reject	
S117.023	Chorus New Zealand Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: 'NES-TFNESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Key Issue 11	Accept	Reject	Yes
FS9.451	Royal Forest and Bird Protection		Disallow	Key Issue 11	Reject	Accept	

Proposed Central Hawke's Bay District Plan

Panel Report: Network Utilities

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Society of New Zealand Incorporated						
S117.025	Chorus New Zealand Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; 2. Infrastructure, including its role and function, is protected from incompatible development and activities; and 3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'	Key Issue 1	Reject	Reject	No
FS3.006	First Gas Limited		Allow	Key Issue 1	Reject	Reject	
FS9.453	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 1	Accept	Accept	
FS17.13	Horticulture New Zealand		Allow in part Reject submission seeking that infrastructure is 'protected'.	Key Issue 1	Accept	Accept	
FS23.15	Kāinga Ora - Homes and Communities		Disallow	Key Issue 1	Accept	Accept	
S117.026	Chorus New Zealand Limited	NU - Network Utilities	Retain the initial statement at the start of the 'NU - Network Utilities' chapter.	Key Issue 2	Accept	Accept	No
FS9.454	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S117.027	Chorus New Zealand Limited	NU - Introduction	Retain the 'NU - Introduction' section.	Key Issue 3	Accept in part	Accept in part	Yes
FS9.455	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Accept in part	Accept in part	
S117.028	Chorus New Zealand Limited	NU-I1	Retain NU-I1.	Key Issue 4	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.456	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Accept in part	Accept in part	
S117.029	Chorus New Zealand Limited	NU-I2	Retain NU-I2.	Key Issue 4	Accept in part	Accept in part	Yes
FS9.457	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Accept in part	Accept in part	
S117.030	Chorus New Zealand Limited	NU-I3	Retain NU-I3.	Key Issue 4	Accept	Accept	No
FS9.458	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
FS23.16	Kāinga Ora - Homes and Communities		Disallow	Key Issue 4	Reject	Reject	
S117.031	Chorus New Zealand Limited	NU-01	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Key Issue 5	Accept in part	Accept in part	Yes
FS25.9	Federated Farmers of New Zealand		Disallow	Key Issue 5	Accept in part	Accept in part	
FS16.4	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-01 as proposed by submitter S117.031.	Key Issue 5	Accept in part	Accept in part	
FS23.17	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept in part	Accept in part	
FS9.459	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Accept in part	Accept in part	
S117.032	Chorus New Zealand Limited	NU-02	Delete NU-02, and replace as follows:	Key Issue 5	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'				
FS9.460	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Accept	Accept	
FS16.8	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-02 as proposed by submitter S117.032.	Key Issue 5	Reject	Reject	
FS23.18	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
S117.033	Chorus New Zealand Limited	NU-03	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Key Issue 5	Reject	Reject	No
FS9.461	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Accept	Accept	
FS16.12	Waka Kotahi NZ Transport Agency		Disallow Retain NU-03 as notified in proposed plan.	Key Issue 5	Accept	Accept	
FS17.24	Horticulture New Zealand		Disallow	Key Issue 5	Accept	Accept	
FS23.19	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
FS25.13	Federated Farmers of New Zealand		Allow in part	Key Issue 5	Reject	Accept	
S117.034	Chorus New Zealand Limited	NU-P1	Delete NU-P1, and replace as follows: '1. Recognise the benefits of network utilities by: a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>				
FS25.20	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS16.16	Waka Kotahi NZ Transport Agency		<p>Disallow</p> <p>Retain NU-P1 as notified in proposed plan as the notified plan wording encompasses all matters raised in this submission point.</p>	Key Issue 6	Accept	Accept	
FS17.26	Horticulture New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS9.462	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
S117.035	Chorus New Zealand Limited	NU-P2	<p>Delete NU-P2, and replace as follows:</p> <p>'Adverse effects of network utilities on areas of outstanding or significant value in the coastal environment</p> <p>1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on:</p>	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;</p> <p>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</p> <p>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects.</p> <p>In all areas</p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. wetlands and lakes and rivers and their margins that have natural character;</p> <p>b. outstanding natural features and landscapes outside of the coastal environment;</p> <p>c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</p> <p>d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</p> <p>e. historic heritage.</p> <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>				
FS9.463	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS23.21	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS7.004	Heritage New Zealand Pouhere Taonga		Disallow	Key Issue 6	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S117.036	Chorus New Zealand Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilities. When considering the adverse effects of network utilities on the environment:</p> <ol style="list-style-type: none"> 1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated; 2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors; 3. decision-makers must have regard to: <ol style="list-style-type: none"> a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need; b. the time, duration or frequency of adverse effects; c. the necessity of the network utility including: <ol style="list-style-type: none"> i. the need to quickly repair and restore disrupted services; ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility; d. existing network utilities including: <ol style="list-style-type: none"> i. the complexity and connectedness of networks and services; ii. the potential for co-location and shared use of network utility corridors; e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes; f. the benefits derived from the network utility at a local, regional and national scale; g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.' 	Key Issue 6	Reject	Reject	No
FS9.464	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS23.22	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S117.037	Chorus New Zealand Limited	NU-P4	<p>Delete NU-P4, and replace as follows:</p> <p>'Adverse effects of network utilities</p>	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>Manage the adverse effects of network utilities on the environment by:</p> <ol style="list-style-type: none"> 1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals; 2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on: <ol style="list-style-type: none"> a. natural and physical resources; b. amenity values; c. sensitive activities; d. the safe and efficient operation of other network utilities; e. the health, well-being and safety of people and communities. 3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines. 4. preferring the undergrounding of new network utilities in urban areas where it is: <ol style="list-style-type: none"> a. technically feasible; b. justified by the extent of adverse visual effects; and c. viable, including where costs are proportionate to the adverse effects being avoided.' 				
FS9.465	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS23.23	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S117.038	Chorus New Zealand Limited	NU-P5	<p>Delete NU-P5, and replace as follows:</p> <p>'Adverse effects on network utilities Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p>	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; 8. managing the activities of others through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'				
FS25.27	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS23.24	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS17.28	Horticulture New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS16.20	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Key Issue 6	Accept in part	Accept in part	
FS9.466	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S117.039	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Network utilities, land use, subdivision, development and urban growth. Enable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'	Key Issue 6	Reject	Reject	No
FS9.467	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS23.20	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 6	Reject	Reject	
S117.040	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Technological advances Provide flexibility for network utilities to adopt new technologies that: 1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'	Key Issue 6	Reject	Reject	No
FS9.468	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
FS25.17	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
S117.041	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Natural hazards and network utilities. Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'				
FS9.469	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Accept	Accept	
S117.042	Chorus New Zealand Limited	NU-R1	Retain NU-R1 as proposed.	Key Issue 6	Accept	Accept	No
FS9.470	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 6	Reject	Reject	
S117.043	Chorus New Zealand Limited	NU-R2	Amend NU-R2 as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: a. within 2m 3m of the existing alignment or location; and ii. ... iii. ... iv. ... v. Any pole that replaces an existing pole must not: a. ... b. ... c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and d. ... vi. ... vii. ... viii. ... ix. ... x. Where a new antenna replaces an existing antenna, the new antenna must not:	Key Issue 7	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater ; and b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater ; and c. where it is attached to a facility, increase the height of the facility by more than 1m , unless the height increase is a result of an increase in the size of the new antenna only. ...				
FS9.471	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S117.044	Chorus New Zealand Limited	NU-R3	Retain NU-R3 as proposed.	Key Issue 7	Accept in part	Accept in part	Yes
FS9.472	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Accept in part	Accept in part	
S117.045	Chorus New Zealand Limited	NU-R4	Retain NU-R4 as proposed.	Key Issue 7	Accept	Accept	No
FS9.473	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S117.046	Chorus New Zealand Limited	NU-R8	Retain NU-R8 as proposed.	Key Issue 7	Accept	Accept	No
FS9.474	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Reject	Reject	
S117.047	Chorus New Zealand Limited	NU-S1	Amend NU-S1 as follows: 'NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... Rural Production Zone / General Rural Zone / Rural Lifestyle Zone ...	Key Issue 8	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>14. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p> <p>Commercial Zone / General Industrial Zone</p> <p>...</p> <p>22. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p>				
FS9.475	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	
S117.048	Chorus New Zealand Limited	NU-S2	<p>Amend NU-S2 as follows:</p> <p>'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>1. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>2. ...</p> <p>Rural Production Zone / General Rural Zone</p> <p>3. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>4. ...</p> <p>...</p>	Key Issue 8	Accept	Accept	Yes
FS9.476	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Reject	Reject	
S117.049	Chorus New Zealand Limited	NU-S3	<p>Amend NU-S3 as follows:</p> <p>'...</p> <p>General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>3. ...</p> <p>4. Where an antenna is can only be attached to a</p>	Key Issue 8	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>building, the antenna and building must not exceed a combined height of 8.5m. if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached.</p> <p>5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 44.5m 13m.</p> <p>Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.</p> <p>Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone</p> <p>6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m...</p> <p>7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m.</p> <p>Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. ...</p> <p>Commercial Zone / General Industrial Zone</p> <p>10. ...</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height</p>				

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			of pole and antenna) must not exceed a height of 15m25m. Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'				
FS9.477	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept in part	Accept in part	
S117.050	Chorus New Zealand Limited	NU-S4	Amend NU-S4 as follows: '1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that: a. ... b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. ...'	Key Issue 8	Accept	Accept	Yes
FS9.478	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Reject	Reject	
FS23.25	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Reject	Reject	
S117.051	Chorus New Zealand Limited	NU-S5	Amend NU-S5 as follows: '1. Any activity which requires a new vehicle access Activities on sites greater than 200m2 in area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading. '	Key Issue 8	Reject	Reject	No
FS9.479	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Accept	Accept	
FS23.26	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept	Accept	
S118.003	Spark New Zealand Trading Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Key Issue 11	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S118.004	Spark New Zealand Trading Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Key Issue 11	Accept	Accept	No
S118.005	Spark New Zealand Trading Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Key Issue 11	Accept	Accept	No
S118.006	Spark New Zealand Trading Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Key Issue 11	Accept	Accept	No
S118.008	Spark New Zealand Trading Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
S118.009	Spark New Zealand Trading Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
S118.010	Spark New Zealand Trading Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Key Issue 11	Accept	Accept	No
S118.011	Spark New Zealand Trading Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid; d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks'	Key Issue 11	Accept	Accept	Yes
FS23.101	Kāinga Ora - Homes and Communities		Disallow	Key Issue 11	Reject	Reject	
S118.012	Spark New Zealand Trading Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Key Issue 11	Accept	Accept	No
S118.013	Spark New Zealand Trading Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Key Issue 11	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S118.014	Spark New Zealand Trading Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Key Issue 11	Accept	Accept	No
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S118.015	Spark New Zealand Trading Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.' And insert a box around NESTF words as per other definitions.	Key Issue 11	Accept	Accept	Yes
.							
S118.016	Spark New Zealand Trading Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan). Add a new definition of 'Radiocommunication' as follows: 'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.' And insert a box around Radiocommunications Act 1989 words as per other definitions.	Key Issue 11	Accept	Accept	Yes
.							
S118.019	Spark New Zealand Trading Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Key Issue 11	Accept	Accept	No
.							
S118.021	Spark New Zealand Trading Limited	TELECOMMUNICATON (Definition)	Retain the definition of 'Telecommunication' as proposed.	Key Issue 11	Accept	Accept	No
.							
S118.022	Spark New Zealand Trading Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Key Issue 11	Accept in part	Accept in part	Yes
FS25.4	Federated Farmers of New Zealand		Disallow	Key Issue 11	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S118.023	Spark New Zealand Trading Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: NES-TF NESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Key Issue 11	Accept	Reject	Yes
S118.025	Spark New Zealand Trading Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; 2. Infrastructure, including its role and function, is protected from incompatible development and activities; and 3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'	Key Issue 1	Reject	Reject	No
FS23.102	Kāinga Ora – Homes and Communities		Disallow	Key Issue 1	Accept	Accept	
S118.026	Spark New Zealand Trading Limited	NU – Network Utilities	Retain the initial statement at the start of the 'NU – Network Utilities' chapter.	Key Issue 2	Accept	Accept	No
S118.027	Spark New Zealand Trading Limited	NU – Introduction	Retain the 'NU – Introduction' section.	Key Issue 3	Accept in part	Accept in part	Yes
S118.028	Spark New Zealand Trading Limited	NU-I1	Retain NU-I1.	Key Issue 4	Accept in part	Accept in part	Yes
S118.029	Spark New Zealand Trading Limited	NU-I2	Retain NU-I2.	Key Issue 4	Accept in part	Accept in part	Yes
S118.030	Spark New Zealand Trading Limited	NU-I3	Retain NU-I3.	Key Issue 4	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.103	Kāinga Ora – Homes and Communities		Disallow	Key Issue 4	Reject	Reject	
S118.031	Spark New Zealand Trading Limited	NU-01	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Key Issue 5	Accept in part	Accept in part	Yes
FS16.5	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-01 as proposed by submitter S118.031.	Key Issue 5	Accept in part	Accept in part	
FS23.104	Kāinga Ora – Homes and Communities		Disallow	Key Issue 5	Accept in part	Accept in part	
FS25.10	Federated Farmers of New Zealand		Disallow	Key Issue 5	Accept in part	Accept in part	
S118.032	Spark New Zealand Trading Limited	NU-02	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Key Issue 5	Reject	Reject	No
FS16.9	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-02 as proposed by submitter S118.032.	Key Issue 5	Reject	Reject	
FS23.105	Kāinga Ora – Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
S118.033	Spark New Zealand Trading Limited	NU-03	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety,	Key Issue 5	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			maintenance, upgrade and development of network utilities.'				
FS16.13	Waka Kotahi NZ Transport Agency		Disallow Retain NU-03 as notified in proposed plan.	Key Issue 5	Accept	Accept	
FS23.106	Kāinga Ora – Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
FS25.14	Federated Farmers of New Zealand		Disallow	Key Issue 5	Accept	Accept	
S118.034	Spark New Zealand Trading Limited	NU-P1	<p>Delete NU-P1, and replace as follows:</p> <p>'1. Recognise the benefits of network utilities by:</p> <p>a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;</p> <p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>	Key Issue 6	Reject	Reject	No
FS16.17	Waka Kotahi NZ Transport Agency		Disallow Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.	Key Issue 6	Accept	Accept	
FS23.107	Kāinga Ora – Homes and Communities		Disallow	Key Issue 6	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS25.21	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
S118.035	Spark New Zealand Trading Limited	NU-P2	<p>Delete NU-P2, and replace as follows:</p> <p>'Adverse effects of network utilities on areas of outstanding or significant value</p> <p>In the coastal environment</p> <p>1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on:</p> <p>a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;</p> <p>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</p> <p>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects.</p> <p>In all areas</p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. wetlands and lakes and rivers and their margins that have natural character;</p> <p>b. outstanding natural features and landscapes outside of the coastal environment;</p> <p>c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</p> <p>d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</p> <p>e. historic heritage.</p> <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S118.036	Spark New Zealand Trading Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilities</p> <p>When considering the adverse effects of network utilities on the environment:</p> <ol style="list-style-type: none"> 1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated; 2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors; 3. decision-makers must have regard to: <ol style="list-style-type: none"> a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need; b. the time, duration or frequency of adverse effects; c. the necessity of the network utility including: <ol style="list-style-type: none"> i. the need to quickly repair and restore disrupted services; ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility; d. existing network utilities including: <ol style="list-style-type: none"> i. the complexity and connectedness of networks and services; ii. the potential for co-location and shared use of network utility corridors; e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes; f. the benefits derived from the network utility at a local, regional and national scale; g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.' 	Key Issue 6	Reject	Reject	No
FS23.108	Kāinga Ora – Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S118.037	Spark New Zealand Trading Limited	NU-P4	<p>Delete NU-P4, and replace as follows:</p> <p>'Adverse effects of network utilities. Manage the adverse effects of network utilities on the environment by:</p> <ol style="list-style-type: none"> 1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade 	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals;</p> <p>2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on:</p> <ul style="list-style-type: none"> a. natural and physical resources; b. amenity values; c. sensitive activities; d. the safe and efficient operation of other network utilities; e. the health, well-being and safety of people and communities. <p>3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines.</p> <p>4. preferring the undergrounding of new network utilities in urban areas where it is:</p> <ul style="list-style-type: none"> a. technically feasible; b. justified by the extent of adverse visual effects; and c. viable, including where costs are proportionate to the adverse effects being avoided.' 				
FS23.109	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S118.038	Spark New Zealand Trading Limited	NU-P5	<p>Delete NU-P5, and replace as follows:</p> <p>'Adverse effects on network utilities</p> <p>Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p> <ul style="list-style-type: none"> 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas;</p> <p>5. requiring subdivision of sites containing significant electricity distribution lines to:</p> <p>a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and</p> <p>b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions;</p> <p>6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines;</p> <p>7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline;</p> <p>8. managing the activities of others through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'</p>				
FS25.28	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS23.110	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS16.21	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Key Issue 6	Accept in part	Accept in part	
S118.039	Spark New Zealand Trading Limited	NU-PXX (new policy)	<p>Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows:</p> <p>'Network utilities, land use, subdivision, development and urban growth</p> <p>Enable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'</p>	Key Issue 6	Reject	Reject	No
S118.040	Spark New Zealand Trading Limited	NU-PXX (new policy)	<p>Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows:</p> <p>'Technological advances</p> <p>Provide flexibility for network utilities to adopt new technologies that:</p>	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'				
FS25.18	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
S118.041	Spark New Zealand Trading Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Natural hazards and network utilities Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and 2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'	Key Issue 6	Reject	Reject	No
.							
S118.042	Spark New Zealand Trading Limited	NU-R1	Retain NU-R1 as proposed.	Key Issue 7	Accept	Accept	No
.							
S118.043	Spark New Zealand Trading Limited	NU-R2	Amend NU-R2 as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: a. within 2m3m of the existing alignment or location; and ii. ... iii. ... iv. ...	Key Issue 7	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			v. Any pole that replaces an existing pole must not: a. ... b. ... c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and d. ... vi. ... vii. ... viii. ... ix. ... x. Where a new antenna replaces an existing antenna, the new antenna must not: a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater ; and b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater ; and c. where it is attached to a facility, increase the height of the facility by more than 1m , unless the height increase is a result of an increase in the size of the new antenna only. ...				
S118.044	Spark New Zealand Trading Limited	NU-R3	Retain NU-R3 as proposed.	Key Issue 7	Accept in part	Accept in part	Yes
S118.045	Spark New Zealand Trading Limited	NU-R4	Retain NU-R4 as proposed.	Key Issue 7	Accept	Accept	No
S118.046	Spark New Zealand Trading Limited	NU-R8	Retain NU-R8 as proposed.	Key Issue 7	Accept	Accept	No
S118.047	Spark New Zealand Trading Limited	NU-S1	Amend NU-S1 as follows: 'NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... Rural Production Zone / General Rural Zone / Rural Lifestyle Zone ...	Key Issue 8	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>14. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p> <p>Commercial Zone / General Industrial Zone</p> <p>...</p> <p>22. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p>				
S118.048	Spark New Zealand Trading Limited	NU-S2	<p>Amend NU-S2 as follows:</p> <p>'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>1. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>2. ...</p> <p>Rural Production Zone / General Rural Zone</p> <p>3. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>4. ...</p> <p>...</p>	Key Issue 8	Accept	Accept	Yes
S118.049	Spark New Zealand Trading Limited	NU-S3	<p>Amend NU-S3 as follows:</p> <p>'...</p> <p>General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>3. ...</p> <p>4. Where an antenna is attached to a building, the antenna and building must not exceed a combined height of 8.5m. if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached.</p> <p>5. Above ground structures (poles, towers, and telecommunication poles, including combined height</p>	Key Issue 8	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>of pole and antenna) must not exceed a height of 11.5m 13m. Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.</p> <p>Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone</p> <p>6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m...</p> <p>7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. ...</p> <p>Commercial Zone / General Industrial Zone</p> <p>10. ...</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 45m25m. Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'</p>				

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.111	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept in part	Accept in part	
S118.050	Spark New Zealand Trading Limited	NU-S4	Amend NU-S4 as follows: '1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that: a. ... b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. ...' ...	Key Issue 8	Accept	Accept	Yes
FS23.112	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Reject	Reject	
S118.051	Spark New Zealand Trading Limited	NU-S5	Amend NU-S5 as follows: '1. Any activity which requires a new vehicle access Activities on sites greater than 200m ² in area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading. '	Key Issue 8	Reject	Reject	No
FS23.113	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept	Accept	
S119.003	Vodafone New Zealand Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Key Issue 11	Accept	Accept	Yes
.							
S119.004	Vodafone New Zealand Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.005	Vodafone New Zealand Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.006	Vodafone New Zealand Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.008	Vodafone New Zealand Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
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S119.009	Vodafone New Zealand Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Key Issue 11	Accept in part	Accept in part	Yes
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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S119.010	Vodafone New Zealand Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Key Issue 11	Accept	Accept	No
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S119.011	Vodafone New Zealand Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid; d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks	Key Issue 11	Accept	Accept	Yes
FS23.159	Kāinga Ora - Homes and Communities		Disallow	Key Issue 11	Reject	Reject	
S119.012	Vodafone New Zealand Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.013	Vodafone New Zealand Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.014	Vodafone New Zealand Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Key Issue 11	Accept	Accept	No
.							
S119.015	Vodafone New Zealand Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.' And insert a box around NESTF words as per other definitions.	Key Issue 11	Accept	Accept	Yes
.							
S119.016	Vodafone New Zealand Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan).	Key Issue 11	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			Add a new definition of 'Radiocommunication' as follows: 'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.' And insert a box around Radiocommunications Act 1989 words as per other definitions.				
S119.019	Vodafone New Zealand Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Key Issue 11	Accept	Accept	No
S119.021	Vodafone New Zealand Limited	TELECOMMUNICATON (Definition)	Retain the definition of 'Telecommunication' as proposed.	Key Issue 11	Accept	Accept	No
S119.022	Vodafone New Zealand Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Key Issue 11	Accept in part	Accept in part	Yes
FS25.5	Federated Farmers of New Zealand		Disallow	Key Issue 11	Reject	Reject	
S119.023	Vodafone New Zealand Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: NES-TE NESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Key Issue 11	Accept	Reject	Yes
S119.025	Vodafone New Zealand Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled;	Key Issue 1	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			2. Infrastructure, including its role and function, is protected from incompatible development and activities; and 3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'				
FS23.160	Kāinga Ora - Homes and Communities		Disallow	Key Issue 1	Accept	Accept	
S119.026	Vodafone New Zealand Limited	NU - Network Utilities	Retain the initial statement at the start of the 'NU - Network Utilities' chapter.	Key Issue 2	Accept	Accept	No
S119.027	Vodafone New Zealand Limited	NU - Introduction	Retain the 'NU - Introduction' section.	Key Issue 3	Accept in part	Accept in part	Yes
S119.028	Vodafone New Zealand Limited	NU-I1	Retain NU-I1.	Key Issue 4	Accept in part	Accept in part	Yes
S119.029	Vodafone New Zealand Limited	NU-I2	Retain NU-I2.	Key Issue 4	Accept in part	Accept in part	Yes
S119.030	Vodafone New Zealand Limited	NU-I3	Retain NU-I3.	Key Issue 4	Accept	Accept	No
FS23.161	Kāinga Ora - Homes and Communities		Disallow	Key Issue 4	Reject	Reject	
S119.031	Vodafone New Zealand Limited	NU-O1	Delete NU-O1, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Key Issue 5	Accept in part	Accept in part	Yes
FS16.6	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-O1 as proposed by submitter S119.031.	Key Issue 5	Accept in part	Accept in part	
FS23.162	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept in part	Accept in part	
FS25.11	Federated Farmers of New Zealand		Disallow	Key Issue 5	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S119.032	Vodafone New Zealand Limited	NU-02	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Key Issue 5	Reject	Reject	No
FS16.10	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-02 as proposed by submitter S119.032.	Key Issue 5	Reject	Reject	
FS23.163	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
S119.033	Vodafone New Zealand Limited	NU-03	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Key Issue 5	Reject	Reject	No
FS16.14	Waka Kotahi NZ Transport Agency		Disallow Retain NU-03 as notified in proposed plan.	Key Issue 5	Accept	Accept	
FS23.164	Kāinga Ora - Homes and Communities		Disallow	Key Issue 5	Accept	Accept	
FS25.15	Federated Farmers of New Zealand		Disallow	Key Issue 5	Accept	Accept	
S119.034	Vodafone New Zealand Limited	NU-P1	Delete NU-P1, and replace as follows: '1. Recognise the benefits of network utilities by: a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district; b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district; c. providing for significant upgrades to, and the development of new, network utilities; d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency. The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			communities and provide for their health and safety, including through: a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy; b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles; c. effective, reliable and future-proofed communications networks and services; d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'				
FS25.22	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
FS23.165	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS16.18	Waka Kotahi NZ Transport Agency		Disallow Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.	Key Issue 6	Accept	Accept	
S119.035	Vodafone New Zealand Limited	NU-P2	Delete NU-P2, and replace as follows: 'Adverse effects of network utilities on areas of outstanding or significant value In the coastal environment 1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on: a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes; b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS; 2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects. In all areas	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <ul style="list-style-type: none"> a. wetlands and lakes and rivers and their margins that have natural character; b. outstanding natural features and landscapes outside of the coastal environment; c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment; d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua; e. historic heritage. <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>				
FS23.166	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S119.036	Vodafone New Zealand Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilities</p> <p>When considering the adverse effects of network utilities on the environment:</p> <ul style="list-style-type: none"> 1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated; 2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors; 3. decision-makers must have regard to: <ul style="list-style-type: none"> a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need; b. the time, duration or frequency of adverse effects; c. the necessity of the network utility including: <ul style="list-style-type: none"> i. the need to quickly repair and restore disrupted services; ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility; d. existing network utilities including: 	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			i. the complexity and connectedness of networks and services; ii. the potential for co-location and shared use of network utility corridors; e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes; f. the benefits derived from the network utility at a local, regional and national scale; g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.'				
FS23.167	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S119.037	Vodafone New Zealand Limited	NU-P4	Delete NU-P4, and replace as follows: 'Adverse effects of network utilities. Manage the adverse effects of network utilities on the environment by: 1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals; 2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on: a. natural and physical resources; b. amenity values; c. sensitive activities; d. the safe and efficient operation of other network utilities; e. the health, well-being and safety of people and communities. 3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines. 4. preferring the undergrounding of new network utilities in urban areas where it is: a. technically feasible; b. justified by the extent of adverse visual effects; and. viable, including where costs are	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			proportionate to the adverse effects being avoided.'				
FS23.168	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
S119.038	Vodafone New Zealand Limited	NU-P5	<p>Delete NU-P5, and replace as follows:</p> <p>'Adverse effects on network utilities Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p> <ol style="list-style-type: none"> 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: <ol style="list-style-type: none"> a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; 8. managing the activities of others through setbacks and design controls where it is necessary to achieve appropriate protection of a network utility.' 	Key Issue 6	Reject	Reject	No
FS16.22	Waka Kotahi NZ Transport Agency		<p>Disallow</p> <p>Retain Policy NU-P5 as notified in proposed plan.</p>	Key Issue 6	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.169	Kāinga Ora - Homes and Communities		Disallow	Key Issue 6	Accept	Accept	
FS25.29	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
S119.039	Vodafone New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Network utilities, land use, subdivision, development and urban growth. Enable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'	Key Issue 6	Reject	Reject	No
.							
S119.040	Vodafone New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Technological advances Provide flexibility for network utilities to adopt new technologies that: 1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'	Key Issue 6	Reject	Reject	No
FS25.19	Federated Farmers of New Zealand		Disallow	Key Issue 6	Accept	Accept	
S119.041	Vodafone New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Natural hazards and network utilities Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and 2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'	Key Issue 6	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S119.042	Vodafone New Zealand Limited	NU-R1	Retain NU-R1 as proposed.	Key Issue 7	Accept	Accept	No
S119.043	Vodafone New Zealand Limited	NU-R2	<p>Amend NU-R2 as follows:</p> <p>'1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be:</p> <p>a. within 2m3m of the existing alignment or location; and</p> <p>ii. ...</p> <p>iii. ...</p> <p>iv. ...</p> <p>v. Any pole that replaces an existing pole must not:</p> <p>a. ...</p> <p>b. ...</p> <p>c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and</p> <p>d. ...</p> <p>vi. ...</p> <p>vii. ...</p> <p>viii. ...</p> <p>ix. ...</p> <p>x. Where a new antenna replaces an existing antenna, the new antenna must not:</p> <p>a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>c. where it is attached to a facility, increase the height of the facility by more than 1m, unless the height increase is a result of an increase in the size of the new antenna only.</p> <p>...</p>	Key Issue 7	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S119.044	Vodafone New Zealand Limited	NU-R3	Retain NU-R3 as proposed.	Key Issue 7	Accept in part	Accept in part	Yes
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S119.045	Vodafone New Zealand Limited	NU-R4	Retain NU-R4 as proposed.	Key Issue 7	Accept	Accept	No
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S119.046	Vodafone New Zealand Limited	NU-R8	Retain NU-R8 as proposed.	Key Issue 7	Accept	Accept	No
.							
S119.047	Vodafone New Zealand Limited	NU-S1	<p>Amend NU-S1 as follows:</p> <p>'NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>...</p> <p>Rural Production Zone / General Rural Zone / Rural Lifestyle Zone</p> <p>...</p> <p>14. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p> <p>Commercial Zone / General Industrial Zone</p> <p>...</p> <p>22. A telecommunications cabinet must not exceed a footprint of 2.5m² 5m² and height of 2m 2.5m.23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p>	Key Issue 8	Accept in part	Accept in part	Yes
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S119.048	Vodafone New Zealand Limited	NU-S2	<p>Amend NU-S2 as follows:</p> <p>'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>1. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>2. ...</p> <p>Rural Production Zone / General Rural Zone</p> <p>3. Any part of an above ground building or structure...</p> <p>Except that:</p>	Key Issue 8	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. 4.				
S119.049	Vodafone New Zealand Limited	NU-S3	Amend NU-S3 as follows: '... General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) 3. ... 4. Where an antenna is can only be attached to a building, the antenna and building must not exceed a combined height of 8.5m. if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached. 5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 14.5m 13m . Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard. Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone 6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m... 7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. Except that: a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m. 8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that: a. ...	Key Issue 8	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			b. Lightning rods and GPS antennas are exempt from the maximum structure height standard. 9. ... Commercial Zone / General Industrial Zone 10. ... 11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. 12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 45m 25m . Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'				
FS23.170	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept in part	Accept in part	
S119.050	Vodafone New Zealand Limited	NU-S4	Amend NU-S4 as follows: '1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that: a. ... b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. ...'	Key Issue 8	Accept	Accept	Yes
FS23.171	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Reject	Reject	
S119.051	Vodafone New Zealand Limited	NU-S5	Amend NU-S5 as follows: '1. Any activity which requires a new vehicle access Activities on sites greater than 200m ² in area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading. '	Key Issue 8	Reject	Reject	No
FS23.172	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Accept	Accept	
S121.235	Federated Farmers of New Zealand	GAS TRANSMISSION NETWORK (Definition)	Delete the definition of 'Gas Transmission Network'.	Key Issue 11	Reject	Reject	No
FS3.003	First Gas Limited		Disallow	Key Issue 11	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS9.235	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept	Accept	
S121.239	Federated Farmers of New Zealand	MAINTENANCE (Definition)	Amend the definition of 'Maintenance' as follows: '... Specifically in relation to network utilities, 'maintenance' means: any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, voltage , size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures. ...'	Key Issue 11	Accept in part	Accept in part	Yes
FS16.1	Waka Kotahi NZ Transport Agency		Disallow Retain the maintenance definition as notified in proposed plan.	Key Issue 11	Accept in part	Accept in part	
FS9.239	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept in part	Accept in part	
FS3.005	First Gas Limited		Disallow	Key Issue 11	Accept in part	Accept in part	
S121.241	Federated Farmers of New Zealand	NATIONAL GRID SUBDIVISION CORRIDOR (Definition)	Amend the definition of 'National Grid Subdivision Corridor' as follows: 'the area measured either side of the centreline of above ground National Grid line as follows: a. 14m for 110Kv national grid lines on single poles b. 32m for 110Kv transmission lines on towers...' And correct the accompanying diagram.	Key Issue 11	Reject	Reject	No
FS9.241	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept	Accept	
FS18.2	Transpower New Zealand Limited		Disallow	Key Issue 11	Accept	Accept	
S121.242	Federated Farmers of New Zealand	NATIONAL GRID YARD (Definition)	Amend the definition of 'National Grid Yard' as follows: 'For the 110kv Fernhill-Woodville A, and the 110kv Fernhill-Woodville B:	Key Issue 11	Reject	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			<p>- the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation tower, and 8m from a National Grid pole,</p> <p>- or the area located within 10m either side of the centreline of an overhead 110Kv National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span.'</p>				
FS9.242	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 11	Accept	Accept in part	
FS18.4	Transpower New Zealand Limited		Disallow	Key Issue 11	Accept	Accept in part	
S129.014	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-I1	Retain NU-I1 as notified.	Key Issue 4	Accept in Part	Accept in Part	Yes
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S129.015	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-I2	Retain NU-I2 as notified.	Key Issue 4	Accept in part	Accept in part	Yes
.							
S129.016	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-I3	<p>Amend NU-I3 as follows: 'Effects of Other Activities on Network Utilities Where not appropriately managed, New subdivision, land use and development may impact on the safe and efficient functioning of network utilities. Explanation Where not appropriately managed, New subdivision, land use and development in close</p>	Key Issue 4	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			proximity to existing network utilities can have the potential to constrain or compromise the efficient or effective operation, maintenance and development of those network utilities. In some instances, this can compromise health and safety through the location of sensitive activities close to network utilities, and through activities not adhering to safe clearances or safe distances from network utilities e.g. from electricity transmission networks (including the National Grid), high pressure gas network, overhead lines and cables, navigational aids, road and railway corridors etc.'				
FS3.008	First Gas Limited		Disallow	Key Issue 4	Accept	Accept	
FS16.3	Waka Kotahi NZ Transport Agency		Disallow Retain NU-I3 as notified in proposed plan.	Key Issue 4	Accept	Accept	
FS17.23	Horticulture New Zealand		Allow	Key Issue 4	Accept	Accept	
FS18.5	Transpower New Zealand Limited		Disallow	Key Issue 4	Accept	Accept	
S129.017	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-O1	Retain NU-O1 as notified.	Key Issue 5	Accept in part	Accept in part	Yes
S129.018	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-O2	Retain NU-O2 as notified.	Key Issue 5	Accept	Accept	No
S129.019	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-O3	Amend NU-O3 as follows: 'The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible and/or inappropriate subdivision, land use or development, including the potential for where it is likely to result in reverse sensitivity effects. '	Key Issue 5	Reject	Reject	No
FS16.15	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O3 as notified in proposed plan.	Key Issue 5	Accept	Accept	
S129.020	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-O4	Retain NU-O4 as notified.	Key Issue 5	Accept	Accept	No
S129.021	Kāinga Ora - Homes and	NU-P1	Retain NU-P1 as notified.	Key Issue 6	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Communities (Kainga Ora)						(Insofar as a minor correct has been made with regard to spelling of 'utilities')
S129.022	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-P2	Amend NU-P2 as follows: 'Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as of: 1. Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4); 2. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3); 3. Significant Natural Areas (in ECO-SCHED5); and 4. Outstanding Natural Features and Landscapes (in NFL-SCHED6); while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.'	Key Issue 6	Accept	Accept	Yes
S129.023	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-P3	Delete NU-P3.	Key Issue 6	Reject	Reject	No
FS18.7	Transpower New Zealand Limited		Allow in part The submission point be allowed if the relief sought in Transpower's submission on NU-P3 is not granted.	Key Issue 6	Accept	Accept	
S129.024	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-P4	Retain NU-P4 as notified.	Key Issue 6	Accept in part	Accept in part	Yes
S129.025	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-P5	Amend NU-P5 as follows: 'To protect network utilities from the adverse effects of inappropriate subdivision, use and development that where it may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: 1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility; 2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise	Key Issue 6	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			contour to avoid reverse sensitivity effects; 3. managing access to the railway corridor and to the national and regional road network land transport network ; 4. managing light spill and glare from activities on road users; 5. managing land disturbance and activities in the vicinity of gas transmission pipelines; 6. managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid substation; 7. managing land disturbance, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and 8. ensuring subdivision of sites containing a network utility activity retain does not unnecessarily compromise the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.'				
FS3.012	First Gas Limited		Disallow	Key Issue 6	Accept in part	Accept in part	
FS16.23	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Key Issue 6	Accept in part	Accept in part	
S129.026	Kāinga Ora - Homes and Communities (Kainga Ora)	NU-P6	Amend NU-P6 as follows: 'To manage the effects of amateur radio configuration by designing, constructing and locating associated masts, poles and antennas and their support structures so as to avoid, remedy or mitigate adverse effects on: 1. residential character and amenity values ; ...'	Key Issue 6	Accept in part	Accept in part	Yes
S131.001	NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club	Definitions	Include a definition of 'Amateur Radio Configurations' as follows: 'means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators' [Note: Proposed Plan already includes definition of 'Amateur Radio Configuration' as 'means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.']	Key Issue 11	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S131.002	NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club	NU-S9	Exempt 'Amateur Radio Configurations' from 'Height in Relation to Boundary' or 'Recession Line' rules.	Key Issue 8	Reject	Reject	No