

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

**AND**

**IN THE MATTER** of Hearing of Submissions and Further  
Submissions on the Proposed  
Central Hawke's Bay District Plan Review

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**Twenty-First Memorandum and Direction of the Hearings Panel**  
**DIRECTIONS FOLLOWING HEARING 7**

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**Introduction**

1. The Seventh Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was held in the Council Chamber of the Central Hawke's Bay District Council on 14 December 2022. The Hearing heard submissions on Energy, Infrastructure, Transport and Designations. The Panel also heard legal submissions on the implications for the PDP of the amendment to Section 74(2) RMA – Climate Change Response Act Documents, which came into force on 30 November 2022. The Hearing was adjourned at 4.45pm on 14 December 2022.
2. The purpose of this minute is to set out the direction with respect to the provision of further information relating to PDP Policy NU-P5 by submitters Transpower, Horticulture New Zealand and Federated Farmers.

**Policy NU-P5**

3. Policy NU-P5 contemplates that third party activities may give rise to reverse sensitivity effects on network utilities. Network utilities include the National Grid which is the subject of NU-P5(6). The Panel heard evidence from Transpower and Horticulture NZ with respect to the wording of Policy NU-P5, the application of the National Policy Statement on Electricity Transmission 2008 (NPSET) and the inclusion of the National Grid within Policy NU-P5 as a whole.
4. During questioning Transpower's representative Ms Pauline Whitney proposed to provide draft wording for a standalone National Grid specific policy with respect to reverse sensitivity to third party actions. During her submission Ms Lynette Wharfe, on behalf of Horticulture New Zealand, offered to work with Transpower on the draft policy wording. Ms Wharfe also noted that she had spoken with Ms Rhea Dasent representing Federated Farmers who had also indicated a willingness to participate as well.
5. Following submissions, the Panel also asked Council's legal counsel to consider the submissions of the three submitters with respect to the nexus and interpretation of the NPSET, the wording of Policy NU P5 and any alternative wording provided.
6. The Panel has considered the offer of all three parties to provide draft wording and consider this information to be provided in response to matters arising during the hearing with the intent to

assist the Panel in our deliberations. On that basis the Panel invites the representatives of submitters Transpower, Horticulture NZ, Federated Farmers to meet to consider:

- a. an alternative policy which addresses their concerns as to the wording of Policy NU-P5, specifically in relation to the National Grid, and to file a joint statement with proposed wording for that policy; or
  - b. alternatively, if no agreement can be reached, the three submitters may file their preferred wording for the alternative policy, with a brief (no more than 1 page) statement explaining the reasons for the change, and reference to any district plan and or case law supporting their preferred wording.
7. Statements must be filed with Council via the Hearings Administrator by close of business on Friday 13 January 2023, who will subsequently post the information to the Hearing Stream 7 webpage. The Network Utilities s42A reporting officer is then directed to address as part of their written right-of-reply, the matters raised in the submitter's statement(s) and any recommendations the writer may wish to make with respect to the retention or otherwise of the National Grid within NU-P5 and any draft wording provided. In accordance with Minute 20 this right-of-reply is to be provided to the District Council by the close-of-business on Friday 27 January 2023, which will then be circulated to all relevant parties by the close-of-business on Monday 30 January 2023.
8. Ms Davidson, the Council's legal counsel, is also invited to provide any additional matters of reply in response to Transpower, Horticulture NZ and Federated Farmers submissions relating to the interpretation of NPSET, the NU P5 and any alternative wording. This is to be filed by way of reply to submissions within the same timeframes as set out at paragraph 7.

#### **Further information requested of Transpower**

9. During the hearing the Panel requested that Transpower provide examples within other district plans where standalone policies relating to the reverse sensitivity caused by the National Grid, impacting third parties are present. This was in response to Transpower's submission in support of a proposed new Policy -National Grid (Transpower (S79.026)). Transpower is requested to provide that information on or by Friday 13 January 2023.

#### **Communications**

10. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz), or phone (06) 857 8060. The key location for up-to-date information on the hearings is the PDP Hearings Page is at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>.

**Dated 19 December 2022**



**Loretta Lovell**

Deputy Chair of the Central Hawke's Bay District Council District Plan Hearings Panel