

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of Hearing Stream 3 for the Rural
Environment topic of the Proposed Central Hawkes
Bay District Plan.

BY FEDERATED FARMERS OF NEW ZEALAND

TO Central Hawke's Bay District Council

Statement of Evidence

**Rhea Dasent
On behalf of Federated Farmers**

2 June 2022



INTRODUCTION

1. This Statement of Evidence is for Hearing Stream 3 for: *Rural Land Resource / General Rural Zone / Rural Production Zone / Rural Lifestyle Zone / and Subdivision - Rural*.
2. My name is Rhea Jane Dasent and I am a senior regional policy advisor for Federated Farmers of New Zealand. I am authorised to speak on behalf of Federated Farmers.
3. I have thirteen years of experience in resource management issues to do with farming, having worked for Federated Farmers as a regional policy advisor since 2009. My role is to provide policy advice and advocacy on behalf of Federated Farmers members in processes arising under the Resource Management Act, Local Government Act and Local Government (Rating) Act. I analyse, submit, present at hearings and conduct Environment Court appeals on behalf of members. My work is informed and mandated by our elected representatives and local members. I also have practical farming experience, being currently employed on the family farm in the Hastings District.
4. I hold a Bachelor of Science Degree and a Bachelor of Arts Degree from Victoria University of Wellington, and I have previous experience as a resource consent officer working for local government.
5. My views are closely aligned with those of Federated Farmers, due to my personal farming background.
6. Federated Farmers is a voluntary membership-based organisation that represents farmers and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers and as such has a keen interest in the Central Hawke's Bay District Plan.
7. Federated Farmers made a submission and further submissions on the Rural Zones topic of the District Plan. These submissions are representative of our members' views and experiences with the management of the resources in the Central Hawke's Bay District and reflect the fact that these chapters of the proposed Plan will have a significant impact on our members' daily lives relying on the rural environment as their workplace and their home.
8. I wish to acknowledge and support submissions made by individual members of Federated Farmers.

Key Issue 1: Rural Environment Definitions

9. Federated Farmers' submission point S121.249 sought the definition of *Sensitive Activity* to separate the concepts on reverse sensitivity to nuisance effects, and reverse sensitivity to electricity transmission.

10. The Section 42a Report addresses this starting in paragraph 4.3.10 and agrees that the definition should be separated, and that the definition in the NPSET should be included specifically in relation to the national grid.
11. Federated Farmers supports the Section 42a Report recommended definition for *Sensitive Activity (National Grid)* specifically that it is consistent with the NPS-ET definition.
12. Federated Farmers agrees with the Section 42a Recommendations for the definitions *Ancillary Buildings, Sensitive Activity, Shelterbelt, Sensitive Activity (National Grid)* and *Land-based Primary Production* in paragraph 4.5.1.

Key Issue 2 – Strategic Direction, Rural Land Resource

13. Federated Farmers was satisfied with the Strategic Direction, submitting to retain the Rural Land Resource strategic objectives and policies.
14. I note that other primary producer submitters were also mostly supportive, which demonstrates that the District Plan has gotten this section fairly accurate. The reverse sensitivity issue is what submitters identified needed some improvements, but this is an understandable issue that has become more and more prevalent in very recent years with the increased desire of people to move to the countryside.
15. Federated Farmers supports the Section 42a Report recommendations in paragraph 5.5.1.

Key Issue 3 – Functional Need for Rural Location

16. Federated Farmers did not submit on this topic.

Key Issue 4 – Rural Production Zone Objectives & Policies (not addressed elsewhere.)

17. Federated Farmers submitted in support in Objectives RPROZ-O1, O2, O3 and O4 and O6. The Section 42a Report has amended RPROZ-O4 in response to other submitters (paragraph 2.3.5) and I support these amendments.
18. Federated Farmers sought an amendment to RPROZ-O5, seeking that only adverse effects of a scale or character inconsistent with the rural character and farming land uses be managed. Our concern is that seeking to manage any and all effects that are part of farming will send the message that farming effects are intolerable or unacceptable.
19. The Section 42a Report in paragraph 2.3.7 recommends to reject our submission, saying that *adverse effects are potentially generated by any activity, and the subsequent rule framework includes Permitted Activity standards that apply to all activities, as well as standards that apply to specific activities.*
20. I remain concerned that the objective will inadvertently perpetuate reverse sensitivity against normal farming activities and undermines the “right to farm” strategic direction of the rural zones.

21. I remain of the opinion that RPROZ-O5 be amended to read: *Adverse effects of activities that are inconsistent with the existing primary production land uses and rural character are managed to maintain rural character and amenity.*
22. Federated Farmers sought primary production be *enabled* in the rural zones, rather than just *allowed*. We are pleased that the Section 42a Report recommends to accept our submissions on this and amend Policy RPROZ-P1 (in paragraph 2.3.13) accordingly.
23. I am satisfied with the Section 42a Report's recommended changes to the policies RPROZ-P1, RPROZ-P2 RPROZ-P4 and RPROZ-P8.

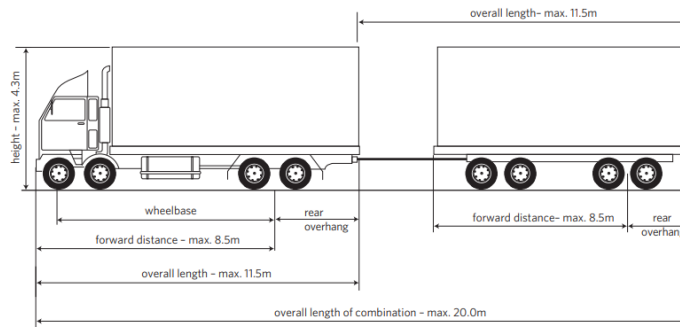
Key Issue 5 – General Rural Zone Issues, Objectives & Policies (not addressed elsewhere.)

24. Federated Farmers was supportive of the General Rural Zone objectives, however an amendment was sought for GRUZ-O3 similar to my discussion immediately above on RPROZ-O5.
25. Federated Farmers sought primary production be *enabled* in the rural zones, rather than just *allowed*. We are pleased that the Section 42a Report recommends to accept our submissions on this and amend Policy GRUZ-P1 (paragraph 3.3.11) accordingly.
26. I am satisfied with the Section 42a Report's amendments to GRUZ-O2, GRUZ-P1 and P2.

Key Issue 6 – Rural Production Zone Rules, Standards, Assessment Matters etc (not addressed elsewhere.)

27. Federated Farmers submitted in opposition to RPROZ-S5 for the Setback from Roads and Rail Network, specifically because we opposed the 20m setback for stockyards and loading ramps/races. These need to be accessible to trucks, and being roadside is the most accessible location and best for functionality. Federated Farmers was concerned that the setback would reduce the functionality of the yards and ramps, and would exacerbate reverse sensitivity as if yards were too unattractive to be near a public place.
28. However, I have since found out that the maximum length of a stock truck and trailer is 20m¹, so a 20m setback to allow the truck to park fully off the road while loading/unloading is not unreasonable. The purpose of the rule being traffic safety is sensible.

¹ <https://www.nzta.govt.nz/assets/resources/factsheets/13c/docs/13c-heavy-trailers.pdf>



- 29. I am pleased that the setback does not apply to any existing yards and ramps, nor does it apply to local roads.
- 30. Therefore I accept the Section 42a Report’s recommendation in paragraph 4.3.34.

Key Issue 7 – General Rural Zone Rules, Standards, Assessment Matters etc. (not addressed elsewhere.)

- 31. Similar to the discussion immediately above, Federated Farmers submitted in opposition to GRUZ-S4 Setback from Roads and Rail Network. As above, I accept the Section 42a Report’s recommendation in paragraph 5.3.24.

Key Issue 8 – Rural Lifestyle Zone Provisions (not addressed elsewhere.)

- 32. Federated Farmers did not submit on Rural Lifestyle Zone provisions.

Key Issue 9 – Shading from Trees

- 33. Federated Farmers sought amendment of policies GRUZ-P6 and RPROZ-P6, and deletion of rules GRUZ-S6 and RPROZ-S7 for shading of land and roads. This was because the nuisance effect of trees on a property boundary is already regulated under Property Law Act. We also opposed the use of the term *avoid* as it means prohibit, and sought that the issue be *managed* instead. It is our concern that farm shelterbelts will be unnecessarily restricted for no resource management gain, meaning farmers will not be able to provide shade and shelter for livestock.
- 34. Shelterbelts are an important part of the rural zones, and make a positive contribution to rural amenity as well as to production. Beef & Lamb New Zealand provide educational material for farmers on planting shelterbelts and trees for pasture growth and animal welfare purposes, such as their 8 page [Shelter Fact Sheet](#)² that demonstrates the many benefits of shelterbelts. An unnecessary limitation on tree planting will have a deleterious effect on farming.
- 35. Federated Farmers isn’t convinced that the scale of the issue of shading justifies the strict level of regulation. The policy is specific in that it is the *shading* aspect of trees that is the problem. The Operative District Plan addressed this by having a standard linked to shading of public roads between

² <https://beeflambnz.com/knowledge-hub/PDF/FS174-shelter>

10am – 2pm on the shortest day, or residential units on neighbouring properties between 9am – 4pm on the shortest day. The Operative Plan had a clear link between the issue of road shading, and the standard managing this. Federated Farmers does not consider that the proposed standards achieve this. The multiple facets focusing on tree height, length of the shelterbelt and a tree envelope contribute to a rule that is overly complicated, and redundant if the trees are on the southern side of the road.

36. Federated Farmers is not supportive of the Section 42a Report’s recommended amendment to the policy by deleting shade effects and replacing with *effects of continuous planting*. Nor do we agree with the Section 42a Report’s discussion in paragraphs 7.3.3, 7.3.4 and 7.3.8 that matters like the health of vegetation; the health of livestock; fire risk and the safety risk of windfall are relevant district-wide resource management issues and therefore need to be recognised by broadening the policy. These issues are already dealt with through biosecurity regulations for vegetation health, animal welfare regulations for livestock health, Worksafe for safety, the Property Law Act 2007 for neighbour nuisance issues, and Electricity (Hazards from Trees) Regulations 2003 for trees near powerlines.
37. It is not reasonable to prevent a shelterbelt along a farm boundary that is kilometres away from a road or building, where adverse effects of shading, fire risk or windthrow are de minimus. Even plantation forestry doesn’t have rules for the length of continuous planting, nor a maximum height, nor a tree envelope. Instead, the [National Environmental Standards for Plantation Forestry 2017](#) Section 14 has a 10m setback from boundaries and must not shade a road between 10am and 2pm on the shortest day. Shelterbelts should not have more stringent rules than plantation forestry under the NES-PF.
38. Provisions that focus on managing road shading during the shortest day to prevent dangerous ice on the road, and managing shading of existing houses on neighbouring properties, would be acceptable. I agree with the amendments suggested by Lynette Wharf for Horticulture New Zealand in paragraph 7.101 of her evidence:

Amend GRUZ-P6 and RPSOZ-P6:	<u>Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u>
Amend RPROZ-S6 and GRUZ-S6:	<p>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <p>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</p> <p>b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m)</p>

Amend GRUZ-AM2 and RPROZ-AM2:	<p><i>Shading of Land and Roads</i></p> <p>1. <i>Trees on Boundaries</i></p> <p>a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</p> <p>b. <i>The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</i></p> <p>c. <i>The degree to which trees may potentially damage structures due to wind fall or root growth.</i></p> <p>2. <i>Trees adjoining Public Roads</i></p> <p>a. <i>The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</i></p> <p>b. <i>The degree to which trees may potentially cause a road safety risk due to wind fall.</i></p>
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Key Issue 10 – Noise Provisions Specific to Rural Activities (not addressed elsewhere.)

39. Federated Farmers submitted in support of Policy NOISE-P3 and Standard NOISE-S5(7) Primary Production. We support the Section 42a Report’s recommendation to retain these provisions in paragraphs 8.3.1 and 8.3.3.

Key Issue 11 – Subdivision Provisions Specific to the Rural Zones

40. Federated Farmers did not submit on this topic.

Key Issue 12 – Provision for Artificial Crop Protection Structures, and Workers & Seasonal Workers Accommodation

41. Federated Farmers has limited interest in Key Issue 12, only being a Further Submitter.

Key Issues 13 and 14 – Intensive Primary Production .

42. Federated Farmers has limited interest in Key Issues 13 and 14, seeking that the definition of *Intensive Primary Production* does not include normal pastoral farming activities where animals are temporarily sheltered inside structures.
43. I agree with the Section 42a Report recommendation that the definition should be the same as the National Planning Standards. But I disagree that it should be separated into *Intensive Indoor Primary Production* and *Intensive Outdoor Primary Production* in paragraph 3.3.9.
44. I consider that the definition of *Intensive Outdoor Primary Production* will exacerbate my concern that normal pastoral farming will be inappropriately included and regulated.
45. Feedpads and stand-off pads do not have pasture or ground cover, yet are a normal feature of pastoral farming. Many farmers would have used feed pads or areas for weeks or even months during the 2020 drought to feed stock with supplementary feed while the rest of the farm recovers pasture. Stand-off pads are an important farm management tool to protect vulnerable soil from pugging during wet weather, or to empty out stock before transport. Neither

of these normal farm practices, which are necessary for environmental and animal welfare purposes, should be defined as intensive primary production.

46. The definition of *Intensive Primary Production* should be the same as in the National Planning Standards, but the definition of *Intensive Outdoor Primary Production* must be deleted.
47. Federated Farmers other submission point on the topic of intensive primary production was the separation of activities that are sensitive to odour and noise effects, and *sensitive activities* in terms of the National Policy Statement for Electricity Transmission. This is addressed by the Section 42a Report in Key Issue 1 for definitions. I support the Section 42a Report’s discussion in paragraph 4.3.17 and agree that the amended definitions address Federated Farmers’ submission points for Standards GRUZ-S11, RPROZ-S12 & RLZ-S6 Setback from Existing Intensive Primary Production Activities.

Key Issues 15 and 16 – Post-Harvest Facilities and Rural Industry

48. Federated Farmers interest in these topics is limited, only seeking amendments to include to rural industry as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.
49. I support the Section 42a Report’s recommendation to define *rural industry* as being unique from other industrial activities, and that it is appropriately located in the rural zones.

Key Issue 17 – Provision for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas

50. Federated Farmers submitted that provisions for airstrips and aviation must not unnecessarily regulate those that are ancillary to the farming land use and only used occasionally for spraying or fertiliser application on the farm. This use is distinct from a depot or base, and should not be regulated the same.
51. Federated Farmers was also concerned that the definition of *rural airstrips* will inappropriately capture an airstrip on a farm which is only used temporarily when fertiliser or spraying is done on that same farm, and then reverts back to grazing for livestock once work is complete.
52. I support the evidence of Lynette Wharf for Horticulture New Zealand on this topic starting on paragraph 8.92, and agree with her suggested rules:

Reference	Rule title	Status
GRUZ-R4 and RPROZ-R4	Use of rural airstrips and helicopter landing areas for agricultural aviation movements ancillary to primary production	Permitted – no conditions or noise controls
GRUZ-R5 and RPROZ-R5	Use of rural airstrips and helicopter landing areas for activities other than agricultural aviation	Permitted with conditions based on proposed GRUZ-R5 - Default RDIS.

GRUZ-RXX and RPROZ-RXX	Use of land for aircraft base or depot DIS activity as recommended in the s42A Report.	
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Key Issue 18 - Setbacks from the National Grid and Gas Transmission Network

Setbacks from the National Grid Yard.

53. Federated Farmers submitted on the National Grid Yard, seeking that all rules for the National Grid Yard must be consistent with the [New Zealand Code of Practice for Electrical Safety Distances NZECP34](#)³ and the [National Policy Statement for Electricity Transmission](#)⁴, and not undermine landowners' rights awarded by their legal easement agreements and other legislation.
54. I personally have experience with the National Grid Yard provisions in district councils around the country, having worked on this topic since 2011 when the first council included it in a plan change. With the exception of the setback from poles missing, and the vehicular access issue, the Central Hawkes Bay District Plan rule is consistent with the well-established rule I have encountered elsewhere.
55. Federated Farmers acknowledges that the National Policy Statement for Electricity Transmission (NPS-ET) is a statutory document and needs to be complied with.
56. The National Grid yard widths and setbacks must be appropriate and reasonable, and only activities that cause reverse sensitivity or can compromise national grid activities should be managed.
57. Policies 10 of the NPS-ET specifically give councils direction that activities must be managed to avoid reverse sensitivity and that the network is not compromised. Farming activities and uninhabited structures do not compromise the National Grid and should not be considered as causing reverse sensitivity:
- NPS-ET Policy 10*
In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.
58. Policy 11 of the NPS-ET seeks an *appropriate* buffer corridor. What is considered appropriate should be consistent with the setback distances provided in the NZECP34.

³ <https://www.worksafe.govt.nz/laws-and-regulations/standards/electricity-standards-and-codes-of-practice/>

⁴ <https://environment.govt.nz/publications/national-policy-statement-on-electricity-transmission/>

NPS-ET Policy 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

59. Policy 5 of the NPS-ET states that the *reasonable* requirements for transmission assets must be enabled. It is reasonable to provide for maintenance and operation of existing assets, upgrading at a scale that triggers injurious affection under the Public Works Act is another story:

NPS-ET Policy 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

60. A single setback and yard width of 12m should not be considered reasonable nor appropriate for all support structures regardless of voltage or whether in pole or tower form. Therefore, Federated Farmers opposes the deletion of the 8m setback from poles in standard GRUZ-S13/RPROZ-S15.3. This is because a single setback of 12m is more onerous than what is required in the NZECP34 for poles, and poles are the majority support structure within the district.
61. 8m is the engineering safe distance between any building and a pole (exceeding a 66kv circuit voltage) in NZECP34 Section 2.4 Table 1. This 8m setback has been calculated by engineers, the Code was developed in consultation with the Electricity Engineers' Association of NZ (Inc) and the Institution of Professional Engineers NZ, as well as with Transpower. We can all rely on this 8m setback as being robust, based on structural and electrical engineering and evidence-based.

TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES

Circuit Voltage	Pole	Tower (pylon)
11 kV to 33 kV	2 m	6 m
Exceeding 33 kV to 66 kV	6 m	9 m
Exceeding 66 kV	8 m	12 m

NZECP34 Table 1 of Section 2.4, showing the safe distances between buildings and National Grid support structures.

62. Some other district councils only have a 12m setback, but this is because of an absence of poles in their district so 8m is not relevant. Federated Farmers endeavours to submit in every district where our farming members are, and ensure that the setbacks and yard widths are consistent with NZECP34 and with the types of National Grid assets present.

63. Turning to the Transpower submission, their only discussion on the matter is to state: *an 8m setback from support structures is not considered sufficient to ensure the grid is not compromised*. There is no further reasoning or evidence provided that demonstrates why the 8m distance in NZECP34 is deficient and needs to be increased to 12m from a pole. In my view, the 8m setback will meet the requirements on NPS-ET by being an appropriate and reasonable distance from poles, that will manage reverse sensitivity effects, and ensure the National Grid is not compromised.
64. The Section 42 Report considers a single 12m setback is consistent with the definition of National Grid Yard in the District Plan (paragraph 2.3.17.) Yet this definition needs amendment to ensure it is consistent with NZECP34, and to provide reasonable yard widths that are appropriate for the National Grid assets that are in the district.
65. This is a map from the Transpower [GIS and Maps webpage](#)⁵ that shows the 110kv FHL-WDV-A and FHL-WDV-B lines crossing the Waipawa River. Yellow dots indicate single-circuit poles, and the two white squares either side of the river indicate double-circuit steel towers.



66. Under NZECP34, all these single-circuit poles need an 8m setback, and only the two towers need a 12m setback, because the voltage is 110kv, being over the 66kv threshold.
67. If 8m is deleted, the District Plan will set up a situation where an 8m distance is permitted under NZECP34, yet is not permitted under GRUZ-S13/RPROZ-S15. Transpower cannot refuse permission to allow a building setback at least 8m to a pole, because that is what NZECP34 allows. The 8m setback is sufficient

⁵ <https://www.transpower.co.nz/our-work/maps-and-gis-data>

not only for safety, but also for reverse sensitivity and thus achieves Policies 10 and 11 of the NPS-ET.

68. Vehicular access is the other matter that Federated Farmers wishes to address. Vehicular access is the other matter that Federated Farmers wishes to address. The property belongs to the private landowner, who is hosting the National Grid. The expectation is that outside the National Grid Yard, it is the property owner who decides what activities and structures go where for their own convenience and needs, not Transpower's.
69. The Section 42a Report concludes in paragraph 2.3.16 that "*...clause (2)(b)(ii) also requires that all buildings or structures must not permanently physically impede existing vehicular access to a National Grid support structure. As it relates to existing vehicular access, I consider that it is reasonable to retain that part of clause (2)(b)(ii).*" I disagree, because it is not reasonable for a district plan to regulate an aspect that is already well-managed through statutory provisions, non-statutory methods, and is unlikely to be a resource management issue in the rural zones.
70. The Electricity Act 1992 already provides Transpower with rights to enter private property to access their assets. Specifically [Section 23 Rights of Access in Respect of Existing Works](#)⁶. Access to structures for routine maintenance and operation, and during emergencies is so important, that it is protected in the Electricity Act and doesn't need further protection in a district plan.
71. Landowners already have the ability to ascertain access routes, say if they don't want Transpower to drive through a crop, or a paddock with lambing ewes, or near a dangerous activity like tree-felling. Instead, an alternative route is agreed upon between both parties. This right afforded to the landowner to set reasonable limits for access routes and timing of entry is protected under [Section 23D of the Electricity Act](#)⁷. The District Plan should not be inconsistent with Section 23D, nor undermine landowner's rights around access to their property.
72. Along with the statutory rights of access, Transpower and a landowner can together have a [Land Management Agreement](#)⁸. These detail specific rights and obligations of both parties on a case-by-case basis. Details like access routes, vegetation management, farm practices and notification of entry are able to be agreed between the landowner and Transpower. The District Plan does not need to manage vehicular access as a Resource Management Act issue.
73. In a practical sense, the open nature of farms and the rural zones means Transpower will not be "built out" of accessing their network like they might encounter in a densely developed urban area. It is likely that Transpower will drive over established tracks, or through paddocks. Farm fencing isn't considered an unreasonable barrier, instead vehicle access is through gates. If

⁶ <https://www.legislation.govt.nz/act/public/1992/0122/latest/DLM282455.html>

⁷ <https://www.legislation.govt.nz/act/public/1992/0122/latest/DLM282464.html>

⁸ <https://www.transpower.co.nz/resources/land-management-agreement>

there is a farm building or structure, Transpower can drive around it or approach from a different angle. This will be part of the negotiation between the landowner and the network utility owner and the District Plan regulation is unnecessary.

Ref:	Section 42a Recommendation:	Federated Farmers position:
GRUZ-S13 Setback from National Grid Yard and National Grid Substation		
<i>Sensitive Activities</i>	1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.	Support.
All Buildings and Structures	<p>2. Under the National Grid conductors (wires):</p> <p>a. on all sites within any part of the National Grid Yard, all buildings and structures must:</p> <p>i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or</p> <p>ii. be a fence less than 2.5m high; or</p> <p>iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or</p> <p>iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <p>a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or</p> <p>b. an artificial crop protection <u>structure</u> or crop protection support structure between 8m and 12m</p>	<p>Federated Farmers supports the deletion of b)i) Demonstration of compliance with an external code is onerous and unnecessary.</p> <p>Federated Farmers continues to seek deletion of b)ii) because vehicle access over private land is a matter between the landowner and the network utility operator.</p> <p>Federated Farmers opposes the deletion of the 8m setback from poles because:</p> <ul style="list-style-type: none"> • A single 12m setback for all structures is inconsistent with NZECP34 safety distances Section 2.4.

	<p><i>from a pole support structure and any associated stay wire, that:</i></p> <p><i>i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor;</i></p> <p><i>ii. is no more than 2.5m high;</i></p> <p><i>iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</i></p> <p><i>iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</i></p> <p><i>c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.</i></p>	<p>which provides 8m from a pole; and</p> <ul style="list-style-type: none"> • An 8m setback from poles will not compromise the National Grid as required by Policy 10 of NPS-ET; • A single 12m setback for all structures is not an appropriate buffer corridor under Policy 11 of NPS-ET.
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Setbacks from the Gas Transmission Network

74. Federated Farmers submitted that all provisions for the Gas Transmission Network be deleted, because legal easement agreements already address any issues. High pressure gas pipelines have 100% easement agreement coverage where they cross over private land, which already stipulate setbacks, no build zones, and manage other activities like earthworks for the purpose of protecting the line and safety. District Plan provisions must not undermine legal easement agreements. In addition, there are no National Policy Statements for gas transmission to give effect to.
75. It is notable that First Gas Ltd did not lodge a submission, but only further submitted. Their further submission claims that their gas transmission network has nationally significant status. This is not so. There is no National Policy Statement for gas, nor does Section 6 of the RMA give gas the status of being a matter of national importance, nor does the Gas Act 1992 assign nationally significant status for gas transmission.
76. First Gas claim that the District Plan is the best approach to managing reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures. It does not provide any reasoning as to why this is the case, nor any discussion on why their easement agreements are insufficient.
77. Their website has a page regarding [safe development near the gas transmission network specifically for councils](https://firstgas.co.nz/safety-work-home/information-councils-developers-planners-surveyors/developers-planners-and-surveyors/)⁹. It is notable that the

⁹ <https://firstgas.co.nz/safety-work-home/information-councils-developers-planners-surveyors/developers-planners-and-surveyors/>

information is for resource consent processes for development proposals. It does not advocate to councils for district plan provisions, but rather to consult with First Gas as an affected party during development proposals.

78. Their webpage explains:

First Gas has registered Easements or Designations that protect strips of land on which pipelines are located. These pipelines are to be permanently located on public and private land which is formalised on the property's title. A change in ownership does not alter these rights. First Gas has rights and obligations to access the pipeline easement to undertake its maintenance and safety monitoring and protection of the pipeline and the easement.

79. A [development guide](#)¹⁰ highlights the legal requirements for both developers and First Gas, easements and designations as methods for flagging where pipelines are, and safety aspects. There is no need for the District Council to regulate activities around gas transmission or undertake the monitoring and enforcement work on behalf of First Gas, they are entirely capable of doing this themselves via easements and designations, and have been doing so up until now.

80. The District Plan only needs to show the designated high pressure gas transmission lines on the district planning maps, and ensure that resource consent applicants are reminded to consult with the easement grantee, just as they would with any other easement grantee. First Gas can then provide the developer with any advice or material as they please.

81. As for excavation, earthworks or digging near transmission lines, [First Gas has a permit system](#)¹¹. There is no need for a District Plan to have an additional permit system by requiring a resource consent. Council staff will not have any greater knowledge than First Gas on the matter, that justifies a duplicate permit regime. First Gas even provide the permit for free in order to avoid a disincentive for applications.

82. The Section 42a Report does not go into much detail as to why residential building rules are necessary, only saying in paragraph 2.3.31 *I do not support Federated Farmer's request to delete Standards GRUZ-S12 and RPROZ-S14, as the setbacks for new residential buildings (being sensitive activities) from the Gas Transmission Network are important to ensure there are no reverse sensitivity effects on the transmission network that could interfere with its ongoing operation as infrastructure of national, regional and local importance. The setback for residential activities is also important to ensure the health and safety of owners and occupiers of the residential buildings.*

83. Two separate adverse effects are considered by the report writer here: reverse sensitivity; and health and safety.

84. There is no evidence that reverse sensitivity is a demonstrable issue in the district that justifies regulation. Has the District Council logged many

¹⁰ https://firstgas.co.nz/wp-content/uploads/FGL_Developers-Guide.pdf

¹¹ <https://firstgas.co.nz/safety-work-home/safety-for-contractors/pipeline-easement-permits/>

complaints against the gas transmission pipelines? Are the complaints undermining First Gas' confidence to continue operating? I suggest that the opposite is bigger concern: that the pipelines are "out of sight, out of mind" and that more education by the gas operator is required to ensure landowners know where the transmission pipelines cross their property.

85. The District Plan 20m setback is far in excess of the easement widths of 12 metres wide for a single pipeline, with an additional 4 metres for each additional pipeline. There is no justification why the district plan requires a setback that is 66% greater than the legal easement to manage either reverse sensitivity or safety. The easements stipulate that no structures (not just houses, but any structure) are allowed on the easement site.
86. Health and safety of owners and occupiers of buildings is a commendable concern, but this is already managed through the easements, and the safety campaigns run by First Gas, and WorkSafe monitoring and enforcement under the Gas Act 1992. First Gas has a wealth of educational and guidance material for a range of audiences, a Dial-before-you-Dig helpline, and free access to their staff for advice. First Gas clearly describe the health and safety at work obligations in their pamphlets, including this one [specifically for farmers¹²](#). This level of health and safety service provided by First Gas and WorkSafe cannot be bettered by the District Plan.
87. Therefore, all provisions (other than the mapping of the gas transmission lines) should be deleted from the District Plan.

Key Issue 20 – Provision for Emergency Services & Firefighting Water Supply in the Rural Zones

88. Federated Farmers was a further submitter, opposing Fire & Emergency New Zealand's submissions seeking a range of provisions that require rural zone properties to provide water for fire-fighting. While Federated Farmers does not want any buildings or houses to burn down, the reason for our opposition was because the water storage requirements are not going to be achievable.
89. In paragraph 4.3.30, the Section 42a Report recommends a water supply for firefighting rule for GRUZ-S15, RPROZ-S17 and RLZ – S16:

¹² <https://firstgas.co.nz/wp-content/uploads/FGL-HSE-Guide-to-First-Gas-Obtaining-Access-over-farm-property.pdf>

<u>GRUZ-S15 Water supply for firefighting</u>	
<u>RPROZ-S17 Water supply for firefighting</u>	
<u>RLZ – S16 Water supply for firefighting</u>	
<u>All buildings (excluding accessory buildings that do not include a habitable room)</u>	<p>1. <u>Where water is not supplied to a site by Council or a private community supply, or water is supplied by Council but is a restricted supply flow, access to a water supply for firefighting purposes shall be made available to all buildings on a site that is or will be:</u></p> <ol style="list-style-type: none"> <u>accessible to firefighting equipment; and</u> <u>between 6 and 90 metres from the buildings on the site; and</u> <u>on the same site as the buildings (except where the specified volume or flow of water is in a pond, dam or river that is within the required distances); and</u> <u>either:</u> <ol style="list-style-type: none"> <u>stores at least 45,000 litres, in addition to a potable water supply on the site; or</u> <u>provides at least 25 litres per second for a minimum of 30 minutes.</u> <p><u>Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</u></p> <p><u>Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.</u></p>

90.

I oppose this rule, because it is going to be a stretch for rural and lifestyle property owners to achieve. A redeeming feature of the rule is that it only applies to habitable buildings, and not all buildings. However there are many aspects that will make it unworkable:

- Requiring every existing rural building to retrofit firefighting supply is impractical and onerous.
- A 45,000 litre tank is 7.5m long, 3.45m wide and 3.2m high. This is enormous, and will be unfeasible to locate on many properties. Even 2x 25,000l tanks will take up a huge area and be difficult to position within 90m of every house.
- Such a tank would only be used once in one or two decades if you were extremely unlucky, so the cost-benefit is heavily skewed to cost. There is a strong inherent benefit to not burning your house down in the first instance.
- Being full of water with no flow as it cannot be used for potable supply, a tank would require frequent maintenance.
- Would a 45,000l dam require a resource consent to construct, and would it be allowed to be so close to a house?
- It will add an additional \$10,000 to \$15,000 cost to every rural property that does not already have the natural water source available.
- The water flow requirement in d)ii) will require a retrofit pump to achieve, which means gravity-fed systems will be forced to upgrade even though electricity to the site may be difficult to achieve. Those with existing pumps may also have to upgrade a perfectly good system to one that meets this standard.

91. I really question the need for such a rule. How many rural houses has the Central Hawkes Bay District lost to fire where the lack of stored 45,000l or higher flow were the deciding factors? The fire-fighting engines also transport water to the emergency. If their water supply is insufficient, the local fire-fighting entity should invest in an additional tanker themselves rather than passing the cost onto property owners.
92. Most rural properties already have an alternative water supply available – either their reticulated house or farm supply, a bore, or surface water such as a dam. It would be sensible to require a new farm park or lifestyle development with multiple lots that are closely space to provide firefighting water at time of subdivision consent. It is not sensible to require every existing farm or stand-alone lifestyle property to retrofit a specific firefighting water supply.
93. If the rules proceed, the Council will be committing itself to monitoring and enforcing them. Will the Council run a campaign to inform rural people of this new requirement? Will the Council assess the options (natural supply, storage or flow requirements) for every property? Will there be a fund available for people that may not be able to afford the new expense of retrofitting a suitable supply?
94. I suggest that the subdivision rules for multi-lot lifestyle/farmpark developments require a firefighting supply, and that there are no rules requiring retrofit supplies in the rural zones. The existing regulations under SNZ PAS 4509:2008, the Building Consent process for new houses, and bylaws are sufficient.

Rhea Dasent
for Federated Farmers
2 June 2022.

