

Response to Submitter Evidence/Statements where there are Outstanding Matters in Contention

Network Utilities Topic

Issue/Plan Provision	Submitter Evidence	Response
<p>1. General</p>	<p>Chorus, Spark and Vodafone (S117.025, S117.039, S118.025, S118.039, S119.025, S119.039) [Statement from Tom Anderson, pp10-13]</p> <p>Chorus's, Spark's and Vodafone's original submissions sought that a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the PDP be added, including 3 new objectives under that heading. They also sought the addition of a new policy to the NU-Network Utilities chapter seeking the integration between land development and infrastructure.</p> <p>The section 42A report (pp6-9) considered that it was unnecessary to include a new strategic direction for 'Infrastructure' in Part 2 of the PDP.</p> <p>In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states:</p> <p><i>"The intent of both submission points was to provide direction in the District Plan to ensure integration between land development and infrastructure provision, so that any new development in the Central Hawke's Bay, regardless of its zoning, is appropriately serviced by infrastructure. As such integration is provided for up front, rather than as an after-thought.</i></p> <p><i>In terms of the Strategic Objective that was sought, the basis of the Officer's rejection is that the National Planning Standards do not require such direction to be provide as Strategic, noting that the National Planning Standards state that key strategic or significant matters must be located under the strategic direction heading "unless they are better located in other more specific chapters" and that the Strategic Objective sought relates broadly to infrastructure. The Officer considers that the matters relating to infrastructure are discrete and therefore there is no need for a Strategic Objective.</i></p> <p><i>In my view, while the National Planning Standards do not require an infrastructure integration strategic objective, Councils can still choose to include one should it be considered warranted. I note that there are Councils who have recently issued Draft of Proposed District Plan[s] that do include an infrastructure integration strategic objective, including:</i></p> <ul style="list-style-type: none"> <i>Timaru's Proposed District Plan – Strategic Direction Objective 8 is entitled 'Infrastructure' and reads:</i> <p><i>"Across the District:</i></p>	<p>If I understand Mr Anderson's evidence correctly, the submitters are now seeking only the inclusion of one new objective within a new Strategic Direction chapter within Part 2 of the PDP, called "Strategic Direction for Infrastructure".</p> <p>Within the Hawke's Bay Region, the integration of urban land development and the provision of infrastructure needed to support it is addressed under Objectives OBJ UD5 and OBJ UD6 of Chapter 3.1B Managing the Built Environment of the Hawke's Bay Regional Policy Statement (RPS), as follows:</p> <p>OBJ UD5 INTEGRATION OF LAND USE WITH SIGNIFICANT INFRASTRUCTURE (REGION) Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.</p> <p>Principal reasons and explanation Strategic infrastructure in the wider region is essential to the well-being and health and safety of people and communities. Consideration needs to be given to sequencing and costs of infrastructure development in decision making. These can have significant effects on efficiency and the economic well-being of communities. Recognition of the importance of strategic infrastructure will lead to greater weight being given to its requirements and the desirability to reduce incompatibility and conflicts.</p> <p><i>[Refer also OBJ32 and OBJ33 (Chapter 3.13 – Maintenance and Enhancement of Physical Infrastructure) re: recognising and providing for operation, maintenance and development of physical infrastructure, and specific locational requirements]</i></p> <p>OBJ UD6 INTEGRATION OF TRANSPORT INFRASTRUCTURE WITH DEVELOPMENT (REGION) Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:</p> <ol style="list-style-type: none"> limiting network congestion; reducing dependency on private motor vehicles; reducing emission of contaminants to air and energy use; and promoting the use of active transport modes. <p>Principal reasons and explanation Development that is not well integrated with transport infrastructure can result in increased car dependency, higher energy use, greater traffic volumes, and inefficient freight movement. Land use patterns that are integrated with transport infrastructure minimise energy</p> <p>The objectives seek to ensure that the rate and location of development and settlement patterns are integrated with the provision of 'strategic and other infrastructure', and the planning and provision of 'transport infrastructure' is integrated with development and settlement patterns and facilitates the movement of people and the provision of services throughout the Region.</p> <p>Section 75(3) of the Resource Management Act specifies that a district plan must give effect to any regional policy statement.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;</p> <p>ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;</p> <p>iii. drinking water supplies are protected from the adverse effects of subdivision, use and development;</p> <p>iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately.”</p> <ul style="list-style-type: none"> • [...] Like the Councils in the above examples, I consider infrastructure recognition at Strategic Objective level to be warranted. Infrastructure, in my view, is critical to the functioning of an entire district. In terms of land development, the infrastructure to service such a development is best delivered as part of the initial works, rather than retrospectively. <p>[...]</p> <p>With zone based planning provisions however, such integration is not provided for in the PDP. Further, such provisions traverse multiple chapters, not just network utilities or the zone chapters.</p> <p>As such, in my view, a strategic objective relating to infrastructure integration is the most appropriate location in a District Plan to provide such guidance. Rather than the wording used in the submission, I prefer a more straightforward wording as utilised by Timaru District Council above. The nuance that was put forward in the submission point is achieved through the objective and policy framework in the Network Utility chapter. The important point to achieve at the Strategic Objective level is the integration between land use and infrastructure.</p> <p>Given this, if the Panel was to include a Strategic Objective relating to the integration of infrastructure, I do not consider there to be a need to include such a policy in the Network Utility chapter as sought by submission points 117.039 /118.039/119.039 seeking the integration between land development and infrastructure.</p> <p>I note that the Reporting Officer has misinterpreted this point in thinking it was about the co-ordination between different infrastructure providers, not the co-ordination between land development projects and the provision of infrastructure needed to serve those. However, for the reasons given above, on reflection, I do not think it is necessary to include such a policy in the</p>	<p>The 'Introduction' to the UFD – Urban Form and Development chapter of the PDP includes the following statement, which refers to the need for the PDP to give effect to the RPS:</p> <p>“The Hawke’s Bay Regional Council’s ‘Regional Policy Statement’ incorporates objectives and policies in relation to urban development and the strategic integration of infrastructure within the Hawke’s Bay Region. The Central Hawke’s Bay District Plan must give effect to the Regional Policy Statement. The Regional Policy Statement places emphasis on:</p> <ol style="list-style-type: none"> 1. Establishing compact, and strongly connected urban form throughout the Region, that achieves quality built environments that: <ol style="list-style-type: none"> a. provide for a range of housing choices and affordability; b. have a sense of character and identity; c. retain heritage values and values important to tangata whenua; d. are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient; and e. demonstrate consideration of the principles of urban design . 2. Ensuring that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms. 3. Ensuring that the planning and provision of transport infrastructure is integrated with development and settlement patterns.” <p>The Urban Form and Development chapter also includes the following objective:</p> <p>UFD-O3 Ensure that new urban development is planned for and undertaken in a manner that is consistent with the matters outlined in the Hawke’s Bay Regional Policy Statement.</p> <p>In my opinion, the Urban Form and Development chapter of the PDP gives effect to the above relevant RPS objectives.</p> <p>Therefore, I have not changed my position and consider that it is unnecessary to include a new strategic direction for ‘infrastructure’ chapter in Part 2 of the PDP.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>Network Utilities chapter, as the matter traverses multiple PDP chapters, including network utilities, zone chapters and subdivision, a more effective approach in my view is an infrastructure integration strategic objective.</i></p> <p><i>Requested relief:</i></p> <p><i>Add a new strategic direction for infrastructure, and include the following as a strategic objective under that heading:</i></p> <p><u>The provision of new infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development.</u></p>	
<p>2. Objective NU-O3</p>	<p>Hort NZ (S81.052) [Statement from Ms Lynette Wharfe, pp6-7]</p> <p>Hort NZ's original submission opposed Objective NU-O3, as they considered the objective absolute and the NPSET seeks that activities are managed 'to the extent reasonably possible' (e.g. Policy 10). They considered that this should be reflected in the objective and requested that the objective be amended as follows:</p> <p>NU-O3 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.</p> <p>In relation to Objective NU-O3, the section 42A report (paras 8.3.22-8.3.23, p35) states:</p> <p>"Hort NZ (S81.052) requests that Objective NU-O3 be amended to include the words "to the extent reasonably possible". Transpower opposes this request as they consider it would change the clear directive in the objective, to ensure network utilities are not compromised, to a subjective assessment that would not give effect to Policy 10 of NPSET. Waka Kotahi considers Hort NZ's requested amendment would imply a 'lower bar' be considered and it would add ambiguity.</p> <p>I concur with Transpower that addition of the words "to the extent reasonably possible" is subjective and inappropriate."</p> <p>Ms Wharfe, for Hort NZ, states:</p> <p>"Policy 10 of the NPSET is:</p> <p><i>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 the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.</i></p> <p><i>Policy 10 clearly indicates that there is to be consideration as to how the policy is applied by including the words "to the extent reasonably possible". The direction in the NPSET is not absolute, and that decision makers must exercise judgement in applying the policy.</i></p>	<p>I note Ms Wharfe's reference to Policy 10 of the NPSET, which indicates that there is to be consideration as to how the policy is applied by including the words "to the extent reasonably possible". The direction in the NPSET is not absolute, and decision makers must exercise judgement in applying the policy.</p> <p>Objective NU-O3 relates to network utilities generally, and not just the electricity transmission network. Therefore, Policy 10 of NPSET is of limited relevance to the objective. The phrase 'to the extent reasonably possible' in Policy 10 relates to how activities are to be managed, but the overriding purpose of that is to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.</p> <p>Therefore, I have not changed my position and consider that it is unnecessary to amend Objective NU-O3 as requested by Hort NZ.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>Given that the NPSET has a limitation on the extent to which reverse sensitivity effects must be avoided, I consider that the district plan should reflect that intent.</i></p> <p><i>In addition, NU-O3 applies to all network utilities, not just the National Grid, so would not anticipate a more stringent objective for network utilities that are not of national significance.</i></p> <p><i>Therefore, I do not support the s42A Report recommendation to not amend NU-O3 as sought by HortNZ and support the inclusion of a clause which recognises that it may not always be possible to achieve the objective as proposed.</i></p> <p><i>I do, however, seek that the additional wording is placed at the end of the objective rather than in the middle:</i></p> <p><i>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, to the extent reasonably possible."</i></p>	
3. Objective NU-O3	<p>Federated Farmers (FS25.12) [Statement from Rhea Dasent, p8] Ms Dasent states in the table attached to her evidence: <i>"The Section 42a Report has accidentally omitted Federated Farmers opposition to Transpower S79.023 regarding NU-O3, and has instead incorrectly recorded our further submission onto NU-O2.</i> <i>Federated Farmers supports the recommendation to retain NU-O3."</i></p> <p>In relation to Objective NU-O2, the s42A [para 8.2.9, p30] report states: <i>"Federated Farmers (FS25.12) opposes in part Transpower's submission point. They agree with the submitter that the National Grid is distinct from other network utilities due to the NPSET. Federated Farmers do not want other network utilities, such as local electricity distribution, to be included in any provisions that are intended to meet the requirements of the NPSET, so a separate objective may be necessary. However, they oppose any regulations that exceed the requirements of NPSET (specifically Policies 10 and 11) and NZECP:34 (specifically Sections 2.3 and 2.4)."</i></p> <p>In relation to Objective NU-O3, the s42A [para 8.2.23, p31] report states: Federated Farmers (FS25.13, FS25.14, FS25.15) opposes the submitters seeking to protect network utilities, as they consider that "Network utilities are not an RMA s6 matter, nor do they have a special status above other activities, instead they must co-exist with other activities such as farming. Only the National Grid has buffer corridors/yards to meet NPS-ET policies 10 and 11, other network utilities are not included in this NPS. Easement agreements are the instrument that should be used by network utilities to manage their assets that are located on private land".</p>	<p>I consider that I have not made any error in my section 42A report with respect to referencing the correct Federated Farmers' submission point relating to Objective NU-O2. It appears that Ms Dasent has got their submission point reference for NU-O2 (and Transpower's submission point) confused with their further submission point for NU-O3.</p> <p>Regardless, Ms Dasent advises in her evidence that Federated Farmers supports my recommendation to retain NU-O2 and NU-O3 as notified.</p> <p>I have therefore not changed my recommendations in relation to Objectives NU-O2 and NU-O3.</p>

Issue/Plan Provision	Submitter Evidence	Response
<p>4. New Policy NU-PXX</p>	<p>Transpower (S79.026) [Statement from Pauline Whitney, pp9-13]</p> <p>Transpower's original submission sought that a new policy be added to the PDP in relation to managing the adverse effects of the planning and development of the National Grid, to give effect to Policies 1-8 of NPSET, as set out below:</p> <p><u>NU-PXX Manage the adverse effects of the planning and development of the National Grid by:</u></p> <ol style="list-style-type: none"> 1. <u>Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process.</u> 2. <u>Having regard to the functional and operational needs of the network.</u> 3. <u>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.</u> 4. <u>Seeking to avoid significant adverse effects on other areas of natural character and other natural features and landscapes in the coastal environment.</u> 5. <u>Avoiding, remedying or mitigating other adverse effects.</u> <p><u>In the event of any conflict with any other objectives and policies within the Plan, Policy NU-PXX takes precedence.</u></p> <p>In relation to this submission point, the s42A report (p71) stated the following: <i>New Policy – National Grid</i></p> <p><i>Transpower (S79.026) request the addition of a new policy relating to managing the effects of the National Grid electricity transmission network, as they consider that such a policy would give effect to Policies 1-8 of the NPSET (these policies are set out above in this report, in the Analysis section of Key Issue 5).</i></p> <p><i>I consider 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 unnecessary.</i></p> <p>In her statement of evidence on behalf of Transpower, Ms Whitney states: <i>"[...]The officer has recommended to retain NU-P2 (with a minor amendment), retain NU-P3 with an amendment to recognise constraints, and to not provide a new National Grid specific policy. I support in part the recommendations but remain opposed to the lack of provision of a National Grid specific policy.</i></p>	<p>Sections 4, 5, 6 and 7 of the National Policy Statement on Electricity Transmission (NPSET) are set out below:</p> <p>4. Matter of national significance</p> <p>The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.</p> <p>5. Objective</p> <p>To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</p> <ul style="list-style-type: none"> • managing the adverse environmental effects of the network; and • managing the adverse effects of other activities on the network. <p>6. Recognition of the national benefits of transmission</p> <p>POLICY 1</p> <p>In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:</p> <ol style="list-style-type: none"> i) maintained or improved security of supply of electricity; or ii) efficient transfer of energy through a reduction of transmission losses; or iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or iv) enhanced supply of electricity through the removal of points of congestion. <p>The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>[...]</p> <p><i>One of the aspects within the NPSET which must be given effect to in district plans are provisions relating to enabling the National Grid. Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. Associated with the development of National Grid assets is the potential for adverse environmental effects. Policies 2 to 9 relate to management of the environmental effects of electricity transmission. In particular, Policy 2 states: "In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network".</i></p> <p><i>Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements.</i></p> <p><i>Policy 6 of the NPSET seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards. Given the nature of existing assets within the district and very confined nature of existing settlements, the policy approach proposed by Transpower is focussed on Policy 8 of the NPSET which relates to rural areas as opposed to Policy 7 (urban areas).</i></p> <p><i>In particular, Policy 8 of the NPSET provides that rather than applying a strict 'avoid' approach, the National Grid should 'seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities'.</i></p> <p><i>In summary, the NPSET requires the District Plan to include objectives and policies that:</i></p> <ul style="list-style-type: none"> - <i>Allow for the consideration of the technical constraints and operational requirements under which the National Grid operates, for example the linear nature of the transmission lines.</i> - <i>Have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the route, site and method selection.</i> - <i>Ensure new planning and development <u>seeks</u> to avoid adverse effects on more sensitive areas.</i> <p><i>While policies NU-P2 and P3 have the reference to recognising constraints, I have concerns that such 'recognition' does not carry any weight in context of the avoid directive within the policies. Furthermore, the PDP policies do not reference the route, site and method selection or provide to seek to avoid directive. As notified NU-P2 and NU-P3 are more onerous than that directed</i></p>	<h2>7. Managing the environmental effects of transmission</h2> <p>POLICY 2 In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.</p> <p>POLICY 3 When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.</p> <p>POLICY 4 When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</p> <p>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.</p> <p>POLICY 6 Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.</p> <p>POLICY 7 Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.</p> <p>POLICY 8 In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.</p> <p>POLICY 9 Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection <i>Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)</i> (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph <i>Environment Health Criteria</i> (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>under the NPSET. Or, to put it another way, insofar as the NPSET is intended to be enabling of the National Grid, the proposed wording would dilute that direction.</i></p> <p><i>Transpower's more recent experience is that Councils have tended to adopt standalone National Grid specific policies and rules to recognise the national significance of the National Grid and give effect to the NPSET.</i></p> <p><i>[...]</i></p> <p><i>[...] On reflection, I do not consider policies NU-P2 and NU-P3 can be amended so that they give effect to the NPSET. For clarity, I do support the officer recommended amendment to policy NU-P3 but do not consider this adequately gives effect to NPSET.</i></p> <p><i>Based on the above I support the provisions of a specific National Grid policy as follows: (text sought I the Transpower submission is shown as blue text and additional provisions I support through my evidence are shown as green text).</i></p>	<p>Under the NPSET, the development of the electricity transmission network (National Grid), as well as its operation, maintenance and upgrading, is a matter of national importance.</p> <p>On reflection, I consider that the importance of the National Grid under the NPSET justifies the inclusion of a specific policy in the PDP relating to managing the adverse effects of the planning and development of the National Grid. While I generally support the wording requested by the submitter (for the reasons outlined in Ms Whitney's evidence), I consider that clause 3 of the new policy should be amended to refer to 'In rural environments', so that it is consistent with Policy 8. I also consider that clauses 2 and 5 should be combined and amended, so that it aligns better with Policy 3 of the NPSET.</p> <p>Therefore, I have changed my position and recommend that a new Policy NU-PX be inserted into the NU – Network Utilities chapter, to read as follows:</p> <p><u>NU-PX Manage the adverse effects of the planning and development of the National Grid by:</u></p> <ol style="list-style-type: none"> <u>1. Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process.</u> <u>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).</u> <u>3. Seeking to avoid significant adverse effects on other areas of natural character and other natural features and landscapes in the coastal environment.</u> <u>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.</u> <p><u>In the event of any conflict with any other objectives and policies within the Plan, Policy NU-PX takes precedence.</u></p> <p>I therefore recommend that the following submissions and further submissions be accepted in part:</p> <ul style="list-style-type: none"> - Transpower, S79.026 - Forest and Bird, FS9.386 - Federated Farmers, FS25.16 - Kāinga Ora, FS23.117 <p>I recommend that the following further submissions be rejected:</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>Policy NU-Pa</p> <p><i>Manage the adverse effects of the planning and development of the National Grid by:</i></p> <p><i>1. Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process.</i></p> <p><i>2. Having regard to the functional and or operational needs of the network.</i></p> <p><i>3. 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); and areas of high recreational value or high amenity in rural areas; Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4); and Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3).</i></p> <p><i>4. Seeking to avoid significant adverse effects on other areas of natural character, and other natural features and landscapes in the coastal environment, and indigenous biodiversity values that meet the criteria in Policy P11(b) of the NZCPS.</i></p> <p><i>5. Avoiding, remedying or mitigating other adverse effects to the extent practicable.</i></p> <p><i>In the event of any conflict with any other objectives and policies within the Plan, Policy NU-Pa takes precedence.</i></p>	<ul style="list-style-type: none"> - Transpower, FS18.6 - Kāinga Ora, FS23.76 <p>In my opinion, the recommended new policy does not represent a significant departure from the Proposed Plan as notified, and it gives effect to the objective and policies of the NPSET, Objective NU-O2 of the PDP (which is for the adverse effects of network utilities on the environment to be avoided, remedied or mitigated, while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements), and the objectives of the NFL – Natural Features and Landscapes, CE – Coastal Environment, HH – Heritage, SASM – Sites of Significance, TREE – Notable Trees, and the ECO – Ecosystems and Indigenous Biodiversity chapters.</p> <p>The new policy will not have any greater environmental, economic, social, or cultural costs than the notified provisions, but may have greater economic and social benefits in relation to recognising the national significance of the electricity transmission network.</p> <p>The above recommendation is considered to improve the effectiveness of provisions without changing the policy approach, therefore a s32AA re-evaluation is not warranted.</p>
5. Policy NU-P5	<p>Transpower (S79.030) [Statement from Pauline Whitney, pp15-16]</p> <p>Transpower’s original submission sought amendments to clauses 6 and 7 of Policy NU-P5, including:</p> <ul style="list-style-type: none"> - To ensure clarity in the application of the policy, inclusion of reference to earthworks and vertical holes - Replacement of the term ‘subdivision near the National Grid’ with ‘National Grid Subdivision Corridor’ 	<p>Ms Whitney considers that the words “<i>To the extent reasonably possible</i>” at the beginning of Policy NU-P5 are unnecessary, and requests that they be deleted.</p> <p>With reference to my recommendation to insert a new Policy NU-PXX relating to adverse effects on the National Grid, in response to the Panel’s Minute 21 Direction (refer to pages 2-6 of the <i>Council Reply on ‘Network Utilities’, ‘Renewable Energy’ & ‘Transport’ – Hearing 7 – Janeen Kydd-Smith, Stella Morgan & Rowena Macdonald On Behalf of Central Hawke’s Bay District Council</i>, dated 27 January 2023), I consider that it is no longer necessary or appropriate to</p>

Issue/Plan Provision	Submitter Evidence	Response
	<ul style="list-style-type: none"> - Removal of reference to 'designated Transpower substation' on the basis Transpower is not seeking restrictions beyond the designation boundary; and - Inclusion of a directive to avoid reverse sensitivity effects and ensure the grid is not compromised. <p>In relation to Policy NU-P5, the section 42A report (pp78-80) stated: <i>"Transpower (S79.030) requests that Policy NU-P5 (6) and (7) be amended. I concur with the amendments sought by the submitter, for the reasons outlined in their submission."</i></p> <p>In her statement of evidence on behalf of Transpower, Ms Whitney states: <i>"[...] The officer has recommended amendments to the policy both in the upfront section and within clauses 6 and 7. I support the recommended amendments to clause 6 on the basis they reflect the relief sought in the Transpower submission and give effect to Policy 10 of the NPSET. While the sought directive to 'avoid reverse sensitivity effects' has been included in the chapeau as opposed to the National Grid specific clauses 6 and 7, I accept the placement of the directive. My outstanding concern with the policy relates to the recommended text at the start of the policy "To the extent reasonably possible ...". While I accept the term is used within the NPSET Policy 10, within context of Policy NU-P5 I do not consider the wording has any benefit or assists in the interpretation of the policy. In my opinion, the policy would equally work with the starting directive "To manage ..." The PDP has a clear and defined corridor management framework in which to manage the effects on the National Grid. Through the corridor framework it is possible to manage the effects and therefore the wording as recommended by the reporting officer is not required. Parties could argue that it is not reasonably possible to not locate their dwelling or packing shed within the National Grid Yard as there is no alternative site available. Such a proposition is contrary to the NPSET and clear directive within policies 10 and 11. Based on the above I would support amendment to Policy NU-P5 as follows (amendment proposed by the s42A report are shown as red text, and amendments supported in this evidence are shown as green text):</i></p>	<p>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. Also, if new Policy NU-PXX is accepted by the Panel, clause 6 of Policy NU-P5 would no longer be required.</p> <p>On the basis of the above, I have changed my position and recommend that the words "To the extent reasonably possible" not be added to the first paragraph of Policy NU-P5.</p> <p>This amendment to my recommendation does not change the recommendation in my s42A report in relation to Transpower's submission point (S79.030) on this policy, which is that it be accepted in part.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p data-bbox="380 315 506 337">Policy NU-P5</p> <p data-bbox="380 367 1136 529">To the extent reasonably possible, manage protect network utilities from the adverse effects of subdivision, use and development to avoid adverse reverse sensitivity effects on network utilities where it 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:</p> <p data-bbox="380 570 422 592">.....</p> <p data-bbox="380 618 1136 776">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 substation to ensure the electricity transmission network is not compromised;</p> <p data-bbox="380 808 1136 902">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 data-bbox="365 930 1083 979">In her Executive Verbal Summary presented at the hearing on behalf of Transpower, Ms Witney states:</p> <p data-bbox="365 987 1136 1320">“1.8 Specific to Policy NU-P5, my outstanding concern with the policy relates to the recommended text at the start of the policy “To the extent reasonably possible...”. While I accept the term is used within the NPSET Policy 10, within context of Policy NU-P5 I do not consider the wording has any benefit or assists the interpretation of the policy. In my opinion the policy would equally work with the starting directive “To manage...”. The PDP has a clear and defined corridor management framework in which to manage the effects on the National Grid. Through the corridor framework it is possible to manage the effects and therefore the wording as recommended by the reporting officer is not required. Parties could argue that it is not reasonably possible to not locate their dwelling or packing shed within the National Grid Yard as there is no alternative site available. Such a proposition is contrary to the NPSET and clear directive within Policies 10 and 11.”</p>	

Issue/Plan Provision	Submitter Evidence	Response
	<p>In her supplementary statement of evidence on behalf of Transpower, relating to the provision of a separate National Grid policy (that would replace clause 6 of Policy NU-P5), Ms Whitney states:</p> <p><i>“1.4 The parties agreed on the provision of a separate National Grid Policy and framework, with the majority of wording agreed upon. However, there are outstanding amendments sought by the parties.</i></p> <p>[...]</p> <p><i>1.11 The two outstanding matters within the proposed stand-alone policy relate to the term ‘to the extent reasonably possible’, and the use of the terms ‘inappropriate’ and ‘sensitive activities’.</i></p> <p>[...]</p> <p><i>“1.6 For the avoidance of doubt, the policy supported by Transpower is as follows:</i></p> <p>Adverse effects on the National Grid</p> <p>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:</p> <p>(a) avoid reverse sensitivity effects where they may compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(b) ensure that buildings and activities do not compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(c) 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.”</p>	
6. Policy NU-P5	<p>Hort NZ (S81.053, S81.054) [Statement from Lynnette Wharfe, pp7-10]</p> <p>Hort NZ’s original submission requested that the policy be amended to ensure that it reflects Objective NU-O3, to ‘recognise and provide for’ network utilities, and they considered 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 are easements for gas pipelines, and it is not necessary for the PDP to regulate activities managed by easements.</p> <p>In relation to Policy NU-P5, the section 42A report (pp78-80) stated:</p> <p><i>“Hort NZ (S81.053, S81.054) request 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 request that NU-P5(5) be deleted (relating to managing land disturbance and activities in the vicinity of gas transmission pipelines), as there are easements for gas pipelines, and it is</i></p>	<p>Policy NU-P5 gives effect to Objectives NU-O1 and NU-O3, as stated below (as I recommend they be amended to read in response to other submission points):</p> <p>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, integrate with urban development, contribute to the economy and enable people and communities to provide for their health, safety and wellbeing.</p> <p>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.</p> <p>I note that Ms Wharfe considers that the words ‘avoid adverse reverse sensitivity effects’ in Policy NU-P5 is specific to the National Grid, as it arises from Policy 10</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>not necessary for the PDP to regulate activities managed by easements. First Gas (FS3.10, FS3.11) opposes the amendments sought by Hort NZ and considers that NU-P5(5) is important in establishing a planning framework that manages reverse sensitivity effects on the nationally significant gas transmission network.</i></p> <p><i>I note that Policies 10 and 11 of NPSET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network. Policy 10 is:</i></p> <p><i>“In achieving the purpose of the Act, decision-makers <u>must to the extent reasonably possible manage activities to avoid reverse sensitivity effects</u> on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”</i></p> <p><i>With reference to Policy 10 of NPSET, I consider that Policy NU-P5 should be amended to better reflect the wording of Policy 10 of NPSET, and for that reason, I concur in part with the amendment sought by Hort NZ.</i></p> <p><i>However, I do not support Hort NZ’s request to delete the word ‘protect’, and I concur with Transpower (FS18.9) and Waka Kotahi (FS16.19) that deleting the word ‘protect’ would create ambiguity and result in a subjective assessment being made, where there would only remain a requirement to ‘ensure that the adverse effects of subdivision, use and development, do not, to the extent reasonably possible, constrain or compromise’ network utilities. Policy 10 of NPSET uses the word ‘avoid’, and I consider that it is a suitable replacement for the word ‘protect’ in relation to reverse sensitivity effects. I also consider that it is important to include the word ‘avoid’ as Policy NU-P5 gives effect to Objective NU-O1, which is to 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, integrate with urban development, contribute to the economy and that enable people and communities to provide for their health, safety and wellbeing.</i></p> <p><i>With regard to Hort NZ’s request to delete Policy NU-P5(5), I note 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:</i></p> <p><i>“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.”</i></p> <p><i>I therefore consider that it is appropriate to retain Policy NU-P5(5).”</i></p> <p>”</p>	<p>of the NPSET, and she considers that it should be located only in clause 6 of NU-P5, as sought by Transpower.</p> <p>In my s42A report, I recommended that the words ‘to avoid reverse sensitivity’ be inserted within the first paragraph (or chapeau) of the policy. I concur with Ms Wharfe that the reference to ‘avoiding reverse sensitivity effects’ is specific to the NPSET (which I recommend be addressed by way of the insertion of a new policy NU-PXX relating specifically to adverse effects on the National Grid) and that reverse sensitivity is not the focus of all clauses in Policy NU-P5. For that reason, I concur with Ms Wharfe that the words should not be included in the chapeau of the policy.</p> <p>Ms Wharfe supports the addition of the words “to the extent reasonably possible’ in the first part of the policy, which derive from Policy 10 of the NPSET. I have recommended above that Ms Whitney’s request to delete these words from Policy NU-P5 be accepted. Therefore, I reject Ms Wharfe’s request.</p> <p>Ms Wharfe requests an amendment to clause 5 of the policy, which refers to ‘managing land disturbance and activities in the vicinity of gas transmission pipelines’ – she requests that the words ‘in the vicinity’ be replaced with the words ‘within the legal easements’. I do not support the amendment sought, as the width of existing legal easements may not match the 20m setback for residential activities from the Gas Transmission Network that the Reporting Officers have recommended in response to submissions for Hearing 3 on the Rural Topic (refer to the Right of Reply for HS3). I therefore remain of the opinion that clause 5 should be retained as notified.</p> <p>With regard to clause 6 of the policy, given my recommendation to include a new policy NU-PXX relating specifically to adverse effects on the National Grid, this clause is no longer required and I recommend that it be deleted.</p> <p>Ms Wharfe also requests that clause 8 of the policy be amended to ensure that subdivision of sites containing a network utility retain the ability for the network utility operator to access, operate, maintain, repair and upgrade their network utility ‘via legal easement agreements’. I do not consider that it is necessary to specify in the policy that legal easement agreements are the mechanism to be used because, within the Subdivision chapter of the PDP, Assessment Matter SUB-AM10 enables the consent authority to consider (as a matter of control or discretion), when assessing subdivision consent applications, whether there is a need for easements ‘to meet network operator requirements’.</p> <p>On the basis of the above, I have changed my position, and recommend that Policy NU-P5 be amended as follows:</p> <p>NU-P5 To <u>manage</u> protect network utilities from the adverse effects of subdivision, use and development <u>to ensure</u> that may constrain or compromise the safe, effective,</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>In her statement of evidence on behalf of Hort NZ, Ms Wharfe states: “[...]” <i>I do not support the recommended wording. I do support the addition of a limitation of ‘to the extent reasonably possible’ as it provides the ability to manage according to limitations of specific situations.</i></p> <p><i>However, the intent of the changes are to make the policy reflect the wording of the NPSET.</i></p> <p><i>NU-P5 applies to all network utilities – not just the National Grid.</i></p> <p><i>As stated above, I do not support applying the framework of the NPSET to all network utilities as they are not of national significance.</i></p> <p><i>It would be more appropriate that there is a separate policy for the National Grid where Policy 10 of the NPSET is given effect to, noting that the NPSET does not include any policies to ‘protect’.</i></p> <p><i>In addition, NU-O3 refers to ‘incompatible subdivision, use and development’ but the recommended amendments remove ‘adverse effects’ and so the clause applies to ‘subdivision, use and development’ per se, with no refinement as to what subdivision use and development it would apply to.</i></p> <p><i>The recommended policy will place considerable constraints on activities that occur around network utilities which was not anticipated in the proposed plan.</i></p> <p><i>In my opinion the policy should implement NU-O1 to recognise and provide for network utilities. This does not imply ‘protection’ or ‘avoiding’ reverse sensitivity effects.</i></p> <p><i>No submission appears to have specifically sought the inclusion of reverse sensitivity effects in NU-P5 other than Transpower in respect to the National Grid.</i></p> <p><i>‘Avoiding reverse sensitivity effects’ is specific to the National Grid arising from Policy 10 of the NPSET so would be better located in clause 6 of NU-P5, as sought by Transpower.</i></p> <p><i>HortNZ sought the deletion of clause 5 regarding gas transmission lines. If the clause is to be retained, it should be limited to within the legal easements that existing for the gas pipeline.</i></p> <p><i>Therefore, I would support an alternative policy as follows:</i></p> <p>NU-P5 To the extent reasonably possible, manage the adverse effects of subdivision, use and development to ensure that the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities is not constrained or compromised by incompatible activities, including by:</p>	<p>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:</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, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid; 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. <p>And that a new Policy NU-PXX be inserted as follows:</p> <p><u>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:</u></p> <ol style="list-style-type: none"> 1. <u>Avoid reverse sensitivity effects where it may compromise the operation, maintenance, upgrading and development of the National Grid;</u> 2. <u>Ensure that buildings and structures do not compromise the operation, maintenance, upgrading and development of the National Grid; and</u> 3. <u>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.</u> <p>These amendments do not otherwise change my recommendations in relation to the submission points on this policy.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<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 <u>within the legal easements</u> 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, within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid substation to avoid reverse sensitivity and 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 ensuring subdivision of sites containing a network <u>utility activity</u> retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility <u>via legal easement agreements.</u> 8. <p><i>If a stronger policy is sought for the National Grid, then there should be a specific policy for the National Grid.</i></p> <p><i>HortNZ also sought that NU-P5(6) be amended to better reflect the location of activities to be either within the National Grid Subdivision corridor or the National Grid Yard.”</i></p> <p><i>The s42A Report is recommending similar changes which provide the necessary clarification.”</i></p> <p>In their supplementary joint statement of evidence on behalf of Hort NZ and Federated Farmers, relating to the provision of a separate National Grid Policy, Ms Wharfe and Ms Dasent state:</p> <p><i>“ The parties have agreed:</i></p> <ul style="list-style-type: none"> • <i>that a standalone policy for the National Grid to give effect to the NPS-ET is supported;</i> • <i>that NU-P5 in the s42A Report was taken as a starting point for the discussion;</i> • <i>that the policy shall have three subclauses regarding reverse sensitivity, buildings/structures, and subdivision;</i> 	

Issue/Plan Provision	Submitter Evidence	Response
	<ul style="list-style-type: none"> the draft wording is mostly agreed, however the draft policy below shows underlining on words that are not agreed with Transpower. <p>Adverse effects on the National Grid</p> <p>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:</p> <p>(a) avoid reverse sensitivity effects <u>arising from sensitive activities</u> where they may compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(b) ensure that <u>inappropriate buildings and structures</u> do not compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(c) manage <u>inappropriate</u> subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.”</p>	
7. Policy NU-P5	<p>Federated Farmers (FS25.23, FS25.24, FS25.25) opposed Transpower’s submission point (S79.030) requesting that Policy NU-P5 be amended, and they supported Hort NZ’s submission points (S81.053, S81.054) seeking amendments to Policy NU-P5 [Statement of evidence from Rhea Dasent on behalf of Federated Farmers, pp3-5]</p> <p>Federated Farmers’ original further submission opposed Transpower seeking to avoid reverse sensitivity because they considered it was inconsistent with the NPSET Policy 10 which only requires avoidance to the extent reasonably possible, and they opposed any provisions that exceed the requirements of NPSET (specifically Policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4).</p> <p>Federated Farmers’ original further submission supported Hort NZ seeking to recognise and provide for network utilities, rather than protecting them. They considered network utilities do not have an RMA status above any other activities. They agreed with the submitter that easement agreements already manage any issues around gas pipelines and district plan regulation is unnecessary, as there is 100% easement coverage wherever gas pipelines cross private land, which require setbacks for activities and earthworks. They considered an easement agreement on a Certificate of Title is much more informative and specific to the landowner than district plan provisions.</p>	<p>The matters raised in the further submission from Federated Farmers have been addressed above in relation to the submission points of Transpower and Hort NZ.</p> <p>The amendments I recommend in relation to those submissions points do not change the recommendations in my s42A report in relation to Federated Farmers’ further submission points on this policy.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>In her statement of evidence on behalf of Federated Farmers, Ms Dasent states:</p> <p><i>“The District Plan must be careful to ensure different treatment for utilities that are located on their own property, like roads and rail, with utilities that occur on land that is owner by someone else, often a farmer, like electricity transmission and distribution lines, and gas transmission. Provisions that enable the network utility operator freedom and flexibility to conduct their activities and to prevent other incompatible activities from establishing will be appropriate where the utility is on land that is owned by the network operator. But it will be inappropriate to unduly restrict and limit existing farming by the farmer who owns the land, for the benefit of the utility that is built upon their property.</i></p> <p><i>We are concerned that provisions intended to manage the effects of urban development on network utilities will end up unnecessarily restricting farming.</i></p> <p>[With reference to the s42A Officer’s recommended amendments to Policy NU-P5] <i>While it is commendable that wording similar to the NPS-ET is used here, it must be remembered that the NPS only applies to the National Grid and not to other utilities. ‘Avoiding reverse sensitivity’ is the direction given in the NPS-ET specifically for the National Grid, not for other utilities. Federated Farmers recommends that this phrasing is shifted into the clause 6 that is specific to the National Grid.</i></p> <p><i>It is reasonable to manage adverse effects on existing network utilities, however upgrading and development are different. Existing activities like farming shouldn’t be constrained for the future upgrading or development of network utilities. It is difficult to define what future upgrading or development of may be, even firm proposals will be subject to change.”</i></p> <div data-bbox="373 1019 1150 1271" style="border: 1px solid black; padding: 5px;"> <p>Federated-Farmers-Recommendation¶</p> <p>¶</p> <p>NU-P5-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 and maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:¶</p> </div>	

Issue/Plan Provision	Submitter Evidence	Response
	<p>1. → managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;¶</p> <p>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;¶</p> <p>3. → managing access to the railway corridor and to the national and regional road network;¶</p> <p>4. → managing light spill and glare from activities on road users;¶</p> <p>5. → managing land disturbance and activities within the legal easements in the vicinity of gas transmission pipelines;¶</p> <p>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 substation to avoid reverse sensitivity 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 distribution lines and support structures; and ¶</p> <p>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 <u>via legal easement agreements</u>.¶</p> <p>¶</p> <p>In their supplementary joint statement of evidence on behalf of Hort NZ and Federated Farmers, relating to the provision of a separate National Grid Policy, Ms Wharfe and Ms Dasent state:</p> <p>“ The parties have agreed:</p> <ul style="list-style-type: none"> • that a standalone policy for the National Grid to give effect to the NPS-ET is supported; • that NU-P5 in the s42A Report was taken as a starting point for the discussion; • that the policy shall have three subclauses regarding reverse sensitivity, buildings/structures, and subdivision; 	

Issue/Plan Provision	Submitter Evidence	Response
	<ul style="list-style-type: none"> the draft wording is mostly agreed, however the draft policy below shows underlining on words that are not agreed with Transpower. <p>Adverse effects on the National Grid</p> <p>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:</p> <p>(a) avoid reverse sensitivity effects <u>arising from sensitive activities</u> where they may compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(b) ensure that <u>inappropriate buildings and structures</u> do not compromise the operation, maintenance, upgrading and development of the National Grid; and</p> <p>(c) manage <u>inappropriate</u> subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.”</p>	
<p>8. Rule NU-R2 Standard NU-S1</p>	<p>Chorus, Spark and Vodafone (S117.043, S117.047, S118.043, S118.047, S119.043, S119.047) [Statement from Tom Anderson, pp13-16]</p> <p>Chorus’s, Spark’s and Vodafone’s original submissions sought some ‘minor tweaks’ to Rule NU-R2 to better align it with permitted upgrading under the NESTF, as set out below:</p> <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>Mr Anderson submitted that it does not make sense for a network utility operator, who is not a ‘facility operator’ (as defined under the NESTF), to be subject to different standards under the PDP, when the same activities carried out by facility operators are permitted under the NESTF. I concur with Mr Anderson, particularly as he explained to the Panel that it is a simple process for Wireless Internet Service Providers to become a facility operator under the NESTF.</p> <p>In the s42A report, I asked the submitters to provide information to the Panel on how they saw the PDP and the NESTF interacting, and preferably with some case studies. Mr Anderson clarified that the following NESTF Regulations support the amendments sought by the submitters:</p> <ul style="list-style-type: none"> Regulation 42(2)(c), in relation to Rule NU-R2(1)(a)(i)(a); Regulation 42(3)(a), in relation to Rule NU-R2(1)(a)(v)(c); Regulations 31(3) and 33(3)(a), in relation to Rule NU-R2(1)(a)(x)(a); Regulation 33(3)(b) in relation to Rule NU-R2(1)(a)(x)(b); Regulation 42(3)(a) in relation to Rule NU-R2(1)(a)(x)(c); and Regulation 20(3)(d) in relation to Standards NU-S1(14), (15), (22) and (23). <p>While Mr Anderson did not refer to it, I note that Regulation 27(3)(b)(iii) supports the amendments the submitters are seeking to be made to Rule NU-R2(1)(a)(x)(a) in relation to the size of a new antenna replacing an existing antenna in road reserve (i.e., 3.5m in length and 70mm in width).</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>d. ... vi. ... vii. ... viii. ... ix. ...</p> <p>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. ...' Chorus's, Spark's and Vodafone's original submissions also sought some changes to Standard NU-S1 Gross Floor Area and Dimensions, to better provide for current telecommunications technologies and ensure alignment with the NESTF (as well as a change to the title of the Standard, so that it referred to 'Structure Dimensions'), as follows: Amend NU-S1 as follows: 'NU-S1 Gross Floor Area andStructure 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. ...' In relation to Rule NU-R2, the section 42A report (pp99-100) stated:</p>	<p>On the basis of the above, I support the amendments sought by Chorus, Vodafone and Spark and I have changed my position, and recommend 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 2m3m 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. ...</p> <p>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 andSize and Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ...'</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>"As a starting point I note that the installation and operation of antennae, cabinets, small cell units, and telecommunications lines are regulated by the NESTF and the District Plan rules will not apply to these. When an activity does not comply with the NESTF, the activity status under the District Plan can become relevant (see Regs 14-18). As such, I do not consider there is a particular need for the District Plan provisions to mirror the NESTF provisions, as they will either apply to different network utilities or, where a telecommunication activity does not comply with the NESTF, the District Plan is only relevant in terms of identifying the activity status. It may be helpful if Chorus, Spark and Vodafone could provide information to the Panel as to how they see the Plan and the NESTF interacting, preferably with some case studies.</i></p> <p><i>The effect of the changes requested would be to permit the replacement of an existing pole, where the new pole height is no more than 1m above the height of the existing pole it is replacing, and it would also permit the replacement of an existing antenna, where the new antenna does not exceed 3.5m in length and 700mm in width, or exceed the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater. They request the changes to better align Rule NU-R2 with permitted upgrading under the National Environmental Standards for Telecommunication Facilities 2016 (NESTF).</i></p> <p><i>Currently, under the rule, the replacement pole must not exceed the height of the existing pole, and the replacement antenna must not exceed the maximum dimension of the existing antenna by more than 20 percent. Where the new antenna is attached to a facility, it must not increase the height of the facility, unless the height increase is a result of an increase in the size of the new antenna only.</i></p> <p><i>Subpart 2 of the NESTF includes rules for the following:</i></p> <ul style="list-style-type: none"> • <i>antennas on existing poles in road reserve</i> • <i>antennas on existing poles with antennas not in road reserve and in residential zone</i> • <i>antennas on existing poles with antennas not in road reserve and not in residential zone</i> • <i>antennas on buildings</i> • <i>aerial telecommunication lines</i> <p><i>In relation to the amendments to Rule NU-R2(1)(a)(x) sought by the submitters, the amended dimensions for replacement antennas (i.e., 3.5m in length and 700mm in width) appears to only relate to antenna on existing poles in road reserve (under Regulation 27(3) of the NESTF). For the replacement antenna on buildings, the size rules under Regulation 37 of the NESTF do not seem to align with the amendment sought by the submitters. Again, it would be helpful if the submitters could clarify how the amendments sought better align with the provisions of the NESTF.</i></p> <p><i>Regardless of the above, I note that Subpart 5 of the NESTF specifies when district plan rules are relevant (i.e., trees and vegetation in road reserve, significant trees, historic heritage values, visual amenity landscapes, significant habitats for indigenous vegetation, significant habitats for indigenous fauna, outstanding natural features or landscapes, places adjoining the coastal marine area, and rivers and lakes). Where the district plan rules apply, the regulated activity must either comply with them or be</i></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.</p> <p>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.</p> <p>23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>...</p> <p>I therefore recommend that the following submissions relating to Rule NU-R2 be accepted:</p> <ul style="list-style-type: none"> - Chorus, S117.043 - Spark, S118.043 - Vodafone, S119.043 <p>I recommend that the following further submission be rejected:</p> <ul style="list-style-type: none"> - Forest & Bird, FS9.471 <p>The above recommendation is considered to improve the effectiveness of provisions without changing the policy approach, therefore a s32AA re-evaluation is not warranted.</p> <p>The above recommended amendments to Standard NU-S1 do not change the recommendations in my s42A report in relation to Chorus, Spark and Vodafone's submissions on this Standard.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>assessed as a <i>Controlled, Restricted Discretionary, Discretionary or Non-complying Activity</i> depending on the District Plan rule not complied with. If the activity is a <i>Controlled or Restricted Discretionary Activity</i> under the NESTF, it is the NESTF rather than the District Plan that sets the matters for control / discretion.</p> <p><i>Given the above, I do not support the amendments sought by the submitters."</i></p> <p>In relation to Standard NU-S1, the s42A report stated (pp123-124):</p> <p><i>"I do 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, I consider that the title could be amended to 'Size and Dimensions'.</i></p> <p><i>With regard to the amendments to Standard NU-S1(14), (15), (22) and (23), I consider that it is unnecessary for them to align perfectly with the NESTF, as the rules (to which the standards apply) exclude network utilities regulated by an NES (i.e., telecommunications buildings and structures regulated by the NESTF will not be subject to the PDP rules and standards)."</i></p> <p>In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states:</p> <p><i>"The NESTF applies to all facility operators. A facility operator is defined in the NESTF as:</i></p> <ul style="list-style-type: none"> <i>(a) a network operator (as defined in section 5 of the Telecommunications Act 2001); or</i> <i>(b) the Crown (as defined in section 2(1) of the Public Finance Act 1989); or</i> <i>(c) a Crown agent (as defined in section 10(1) of the Crown Entities Act 2004)</i> <p><i>Chorus, Spark and Vodafone are all facility operators. However, not every business who provides a telecommunications network is a facility operator. Some smaller internet providers, often referred to as Wireless Internet Service Providers or WISPs, operate without being deemed a network operator under the Telecommunications Act 2001. However, they meet the definition of a network utility operator under the RMA.</i></p> <p><i>As such, WISPs provide a telecommunication infrastructure which would require assessment against the District Plan and not the NESTF.</i></p> <p><i>By having differences in the permitted sizes between the District Plan and the NESTF, essentially what happens is the same piece of telecommunications infrastructure, for example an antenna, can be installed by a facility operator under the NESTF as a permitted activity, or installed by a WISP as a network utility operator under the District Plan with a resource consent. However, the effects of the antenna are the same. Essentially the NESTF creates a</i></p>	

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>permitted baseline argument for the WISP to utilise in a resource consent application which makes it difficult for a consent planner to turn down or find that the effects are such that notification is required. It also creates additional levels of complexity for a smaller internet provider as they do not have the benefit of the NESTF."</i></p>	
<p>9. Assessment Matter NU-AER3</p>	<p>Hort NZ (S81.058) [Statement from Lynette Wharfe, pp10-11]</p> <p>Hort NZ's original submission considered that the policy framework does not seek to 'protect' network utilities, but rather manage activities. They requested that Assessment Matter NU-AER3 be amended as follows:</p> <p>'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.'</p> <p>The section 42A report (p165) stated:</p> <p>"Policy NU-P5, as I have recommended it be amended in response to submission points, is "To the extent reasonably possible, manage subdivision, use and development to avoid adverse reverse sensitivity effects on network utilities..." Therefore, the environmental result is the avoidance of reverse sensitivity effects on network utilities (by managing subdivision, use and development to the extent reasonably possible). I therefore consider that NU-AER3 should be amended as follows:</p> <p>NU-AER3 Avoidance of adverse effects on Protection of network utilities from other land use activities which may adversely affect them."</p> <p>In her statement of evidence on behalf of Hort NZ, Ms Wharfe states:</p> <p><i>"Given the other changes sought in this evidence I consider that the AER will need to be revisited when decisions on submissions are made.</i></p> <p><i>In particular, HortNZ has sought that reverse sensitivity apply only to the National Grid and that other network utilities are not compromised or constrained by subdivision use and development.</i></p> <p><i>Such an approach should be reflected in AER3:</i></p> <p><i>Network utilities are not constrained or compromised by incompatible activities and reverse sensitivity effects are avoided to the extent reasonably possible on the National Grid."</i></p>	<p>I concur with Ms Wharfe and consider that it is appropriate to amend Assessment Matter NU-AER3 to reflect the amendments I have recommended be made to Objective NU-O3 and Policy NU-P5 (as set out above), in response to submission points. However, I consider that there is no need to specifically mention the 'National Grid'.</p> <p>Therefore, I have changed my position, and recommend that Assessment Matter NU-AER3 be amended as follows:</p> <p>NU-AER3 Protection of <u>The safe, effective, secure and efficient operation, maintenance, upgrading and development of</u> network utilities <u>is not constrained or compromised by subdivision, use and development.</u> from other land use activities which may adversely affect them."</p> <p>The amendments I recommend in relation to Hort NZ's submission point do not change the recommendation in my s42A report.</p>
<p>10. Definition – Gas Distribution Network</p>	<p>Federated Farmers (FS25.1) [Statement from Rhea Dasent, page 16]</p> <p>Federated Farmer's original further submission opposed Powerco's request (S56.002) to add a new definition of 'Gas Distribution Network', because they</p>	<p>As I advised in my s42A report, I do not consider that the inclusion of a definition for "Gas Distribution Network" is essential, however, if the Hearings Panel is of a mind to include one, I have provided some wording.</p> <p>I have therefore not changed my position.</p>

Issue/Plan Provision	Submitter Evidence	Response				
	<p>considered it was a subject that did not need RMA regulation, easement agreements are the appropriate mechanism.</p> <p>The section 42A report (paras 14.3.51-14.3.54, p170-171) stated:</p> <p>“Powerco (S56.002) considers 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.</p> <p>I note 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 section 42A report (p. 5) for that topic made the following recommendation:</p> <p>4.3 Analysis</p> <p><u>S56 Powerco Ltd</u></p> <p>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:</p> <p>Legend – Gas TransmissionDistribution Network (Takapau Pipeline – Low Intermediate Pressure)</p> <p>The PDP includes the following definition of ‘Gas Transmission Network’:</p> <table border="1" data-bbox="369 885 1113 1026"> <tr> <td data-bbox="369 885 688 1026">GAS TRANSMISSION NETWORK</td> <td data-bbox="688 885 1113 1026">any gas or liquid petroleum pipeline with a pressure greater than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the transmission network.</td> </tr> </table> <p>While I consider that it is 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:</p> <table border="1" data-bbox="369 1149 1113 1265"> <tr> <td data-bbox="369 1149 688 1265">GAS DISTRIBUTION NETWORK</td> <td data-bbox="688 1149 1113 1265"><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></td> </tr> </table> <p>In her statement of evidence on behalf of Federated Farmers, Ms Dasent states:</p>	GAS TRANSMISSION NETWORK	any gas or liquid petroleum pipeline with a pressure greater than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the transmission network.	GAS DISTRIBUTION NETWORK	<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>	
GAS TRANSMISSION NETWORK	any gas or liquid petroleum pipeline with a pressure greater than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the transmission network.					
GAS DISTRIBUTION NETWORK	<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>					

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>"Federated Farmers opposes the new definition as being unnecessary and an example of regulatory creep. A definition will make it tempting to include new regulations for this topic at a later date. Gas pipelines over property are managed by legal easement agreements and district plan provisions are unnecessary.</i></p>	
<p>11. Definition – Gas Transmission Network</p>	<p>Federated Farmers (S121.235) [Statement from Rhea Dasent, page 14] Federated Farmer’s original submission sought the deletion of the definition of ‘Gas Transmission Network’. The section 42A report (paras 14.3.11-14.3.12, p163-164) stated: <i>"Federated Farmers (S121.235) seeks the deletion of the definition of ‘Gas Transmission Network’, as they oppose all provisions for the Gas Transmission Network. First Gas (FS3.003) opposes Federated Farmers’ submission, as they consider the definition critical in framing the PDP provisions which seek to protect and enable the nationally significant gas transmission network. I consider 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, I recommend that the definition be retained as notified."</i></p>	<p>For the reasons set out in my section 42A report, I have not changed my position.</p>
<p>12. Definition of ‘Maintenance’</p>	<p>Chorus, Spark and Vodafone (S117.009, S118.009, S119.009) [Statement from Tom Anderson, p9] Chorus’s, Spark’s and Vodafone’s original submissions sought that the definition of ‘maintenance’ be retained as notified. The section 42A report (p165) stated:</p>	<p>I concur 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”.</p> <p>Therefore, I have changed my position and recommend that the definition of ‘maintenance’ be amended as follows in response to the relevant submission points:</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><u>Definitions – 'Maintenance'</u></p> <p>14.3.18 Chorus (S117.009), Spark (S118.009), Vodafone (S119.009), Transpower (S79.005), Centralines (S90.003) and Waka Kotahi (S78.001) support the definition of 'Maintenance' and request that it be retained as notified. First Gas (FS3.004) supports Transpower's submission point.</p> <p>14.3.19 <u>Hot</u> NZ (S81.019) submits 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 therefore request that the definition of 'Maintenance' be amended as follows:</p> <p>'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, <u>voltage</u>, size and scale within the same or similar position and for the same or similar purpose."</p> <p>14.3.20 Federated Farmers (S121.239) submit that the definition must not stray into 'upgrading', which they consider could create some significant adverse effects on landowners and surrounding land uses, and therefore request that the definition be amended as follows:</p> <p>'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, <u>voltage</u>, size and scale, within the same or similar position and for the same or similar purpose. <u>Also includes the addition of extra lines to existing or replacement poles or other support structures.</u>"</p> <p>14.3.21 First Gas (FS3.005) and Waka Kotahi (FS16.1) oppose Federated Farmers' submission point. Waka Kotahi considers the amendments requested by the submitter would make the scope of maintenance too narrow.</p> <p>14.3.22 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 <u>Standards</u> NU-S1 to NU-S8 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).</p> <p>14.3.23 I concur with <u>Hot</u> NZ and Federated Farmers, that it is appropriate for maintenance, that the voltage of existing lines remains the same. I also support Federated Farmers request to delete the inclusion of the addition of extra lines to existing or replacement poles or other support structures, as I consider that would fall within 'minor upgrading' or other upgrading. However, I do not support deleting the words 'similar' and 'or similar' as the limits on height and position of the network utilities to be maintained will be limited by Standards applying under the conditions for Rule NU-R1. I also consider that it would be helpful to amend the definition to clarify that it does not include minor upgrading or upgrading.</p> <p>14.3.24 I therefore recommend that the definition of Maintenance be amended as follows:</p> <div style="border: 1px dashed black; padding: 5px;"> <p>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.</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> </div> <p>In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states:</p>	<p>MAINTENANCE</p> <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>[...]</p> <p>This amendment does not otherwise change my recommendations in relation to the submission points on this definition.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>“By limiting what is defined as maintenance of lines to replacement of the same voltage, the definition limits line maintenance solely to electricity lines. It should be noted that the definition of line as recommended in the s42A Report (which I support) includes both telecommunication and electricity lines).</i></p> <p><i>In my view, the definition of maintenance should recognise both telecommunication and electricity lines, not just electricity. This can be achieved through the addition of the words “or diameter”. This means that the replacement of, for example, an existing 30mm diameter telecommunications line with a new 30mm diameter telecommunications line for purposes is, by definition, maintenance.”</i></p> <p>Mr Anderson requests that the definition of ‘maintenance’ be amended further, such that it includes the replacement of an existing line of the same voltage ‘or diameter’, as follows (Mr Anderson’s amendments are shown in bold and underlined):</p> <p>“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 <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. It does not include minor upgrading or upgrading. [...]</p>	
13. Definition – Maintenance	<p>Federated Farmers (S121.239) [Statement from Rhea Dasent, pp14-15]</p> <p>Federated Farmer’s original submission opposed the definition of ‘maintenance’. While they agreed that maintenance and repair of network utilities activities are necessary, they considered the definition of ‘maintenance’ must not stray into upgrading, which they considered could create some significant adverse effects on landowners and surrounding land uses, resulting in injurious affection under the Public Works Act. They requested that the definition be amended as follows:</p> <p>“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 <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. Also includes the addition of extra lines to existing or replacement poles or other support structures. It does not include minor upgrading or upgrading.”</p>	<p>In response to the evidence of Mr Anderson, in relation to the submission points from Chorus, Spark and Vodafone (S117.009, S118.009, S119.009), which I have referred to in this table immediately above, I have recommended that the definition of ‘Maintenance’ be amended further. I consider that the amendments I have recommended appropriately address the matters raised by Ms Dasent.</p> <p>This amendment does not otherwise change my recommendations in relation to the submission points on this definition, including Federated Farmers’ (S121.239).</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>The relevant section 42A report paragraphs are set out immediately above in this table (in relation to the submission points from Chorus, Spark and Vodafone (S117.009, S118.009, S119.009).</p> <p>Ms Dasent, for Federated Farmers, states:</p> <p><i>“Federated Farmers supports the Section 42a recommendation to exclude minor upgrading, and that lines must be the same voltage.</i></p> <p><i>However if it is recognised that the voltage must remain the same in order to be considered maintenance, then the height, size and scale must also be the same to be considered maintenance. Increases in height, size and scale are likely to cause an injurious affection on landowners and are more likely to fall into the definition of minor upgrading and upgrading.</i></p> <p><i>For this reason, Federated Farmers submits that ‘or similar’ is deleted from the definition:</i></p> <p>“MAINTENANCE <i>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.”</i></p>	
<p>14. Definition – National Grid Yard</p>	<p>Hort NZ (S81.021) [Statement from Lynette Wharfe, p11]</p> <p>Hort NZ’s original submission opposed in part the definition of ‘National Grid Yard’, as they considered it is not clear and applies a 12m distance from all support structures. They considered that there should be a differentiation between poles and towers and requested that the notified definition be replaced as follows:</p> <p>“NATIONAL GRID YARD <i>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 centreline of the transmission line and from the outer edge of any support structure. The centre line at</i></p>	<p>For the reasons set out in my section 42A report, I have not changed my position.</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>any point is a straight line between the centre points of the two support structures at each end of the span.</p> <p><u>The area located within:</u></p> <ul style="list-style-type: none"> - <u>12m in any direction from the visible outer edge of a National Grid tower; or</u> - <u>10m in any direction from a National Grid single pole or pi-pole; or</u> - <u>The area located within 10m either side of the centre line of any overhead 110kV National Grid line on single or pi-pole; or</u> - <u>The area located within 12m either side of the centre line of any overhead National Grid line on towers.”</u> <p>The section 42A report (p165) stated:</p> <p>“14.3.39 In response to Federated Farmers’ submission points on setbacks from the National Grid for Hearing 3 Rural Topic, Key Issue 18¹ (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), my s42A Reporting Officer’s Right of Reply stated the following:²</p> <p style="padding-left: 40px;">“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.</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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</p>	

¹ S121.199, S121.200, S121.229 & S121.230 and FS25.87, FS25.99, FS25.102 & FS25.104 opposing submissions of Transpower).

² 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.

Issue/Plan Provision	Submitter Evidence	Response
	<p>prevent the types of inappropriate development contemplated by the NPSET from occurring.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 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.</p>	

Issue/Plan Provision	Submitter Evidence	Response
	<p>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.</p> <p>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.</p> <p>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."</p> <p>14.3.40 For the same reasons I have outlined above, regarding retaining a 12m setback for buildings and structures, I do 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. I also consider that it is unnecessary to amend the definition to apply only to the '100kV Fernhill-Woodville A, and the 110kV Fernhill-Woodville B'. I therefore recommend that the definition of National Grid Yard be retained as notified."</p> <p>In her evidence for Hort NZ, Ms Wharfe [paras 10.3-10.9, p11] stated: <i>"The main issue with the setback from the pole is not sensitive activities (NPSET Policy 10 and 11) but rather it is access for maintenance and being able to have sufficient room for machinery.</i> <i>Transpower seek the same distance for a tower and a pole, regardless of the fact that the type of structure is different.</i> <i>Transpower contend that NZECP34.2001 is not appropriate for the National Grid.</i> <i>I note that NZECP34:2001 Para 2.1 states:</i></p>	

Issue/Plan Provision	Submitter Evidence	Response
	<p><i>The minimum distances also ensure that the support structures can be accessed for inspection and maintenance.</i></p> <p><i>I have been involved in a number of site visits with growers and Transpower where there has been less than 12 metres setback from horticultural structures and pole replacements have been able to be undertaken. Requiring a 12 metre setback in such instances would have been excessive and a waste of highly productive land.</i></p> <p><i>Given the majority of the National Grid structures in Central Hawkes Bay are single poles this is an important issue in terms of balancing the needs of the National Grid with the ability of growers to utilise their land.</i></p> <p><i>Therefore I support the use of 10m as the setback from a National Grid pole support structure.</i></p>	
<p>15. Definition – Nationally Significant Infrastructure</p>	<p>Kāinga Ora (FS23.159, FS23.14, FS23.101) made further submissions opposing submission points from Chorus, Spark and Vodafone (S117.011, S118.011, S119011) requesting that the definition of ‘Nationally Significant Infrastructure’ be amended to include ‘Telecommunications networks’, on the basis that they were inconsistent with Kāinga Ora’s primary submission.</p> <p>The section 42A report (p169) stated:</p> <p><i>“I concur with the submitters that telecommunications networks are nationally significant infrastructure, and recommend that the definition be amended to include them ...”</i></p> <p>In his evidence for Kainga Ora, Mr Michael Campbell [paras 3.1-3.11] stated:</p> <p><i>“While I acknowledge that telecommunications networks are important infrastructure, I question its elevation into the definition of Nationally Significant Infrastructure.</i></p> <p><i>I have checked the National Planning Standards and there is no definition for Nationally Significant Infrastructure. I do note that in the National Policy Statement: Urban Development 2020 (updated May 2022), the following definition of Nationally Significant Infrastructure is provided:</i></p> <p><i>“nationally significant infrastructure means all of the following:</i></p> <ul style="list-style-type: none"> <i>(a) State highways</i> <i>(b) the national grid electricity transmission network</i> <i>(c) renewable electricity generation facilities that connect with the national grid</i> <i>(d) the high-pressure gas transmission pipeline network operating in the North Island</i> <i>(e) the refinery pipeline between Marsden Point and Wiri</i> <i>(f) the New Zealand rail network (including light rail)</i> 	<p>‘Infrastructure’ is defined in the RMA as follows:</p> <p>infrastructure means—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 <p>The Hawke’s Bay Regional Resource Management Plan (RRMP) includes the following general definition of ‘Strategic Infrastructure’:</p>

Issue/Plan Provision	Submitter Evidence	Response
	<p>(g) rapid transit services (as defined in this clause)</p> <p>(h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers</p> <p>(i) the port facilities (but note the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002.”</p> <p>The above definition is generally consistent with the current definition of Nationally Significant Infrastructure as proposed in the PDP, given that the district does not have any rapid transit services (as defined), an airport with a regular passenger service, or a port.</p> <p>Telecommunications networks would include a broad spectrum of Telecommunication facilities and devices, many of which serve a local need rather than a national need. Telecommunication is defined in the Telecommunications Act 2001 as “the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not”. If that is generally what is meant by the inclusion of telecommunications network in the definition of nationally significant infrastructure, then any Local Area Network would be included.</p> <p>I have reviewed the NU – Network Utilities section of the PDP. The only reference to Nationally Significant Infrastructure is:</p> <p>“Where incompatible activities have been allowed to establish too close to certain nationally or regionally significant network utilities...”</p> <p>The above reference refers to both nationally and regionally significant infrastructure, and in my opinion, this is sufficient to manage any effects on such infrastructure. I also note that Policy NU-P1 seeks to: “Recognise the national, regional and local importance and benefits of network utilities”.</p> <p>In my opinion, it is inappropriate to elevate telecommunications networks to the same status as Nationally Significant Infrastructure as provided for by the NPS-UD and the current PDP definition.”</p>	<p>9.225A Strategic Infrastructure</p> <p>Those necessary facilities, services and installations which are of greater than local significance, and can include infrastructure that is nationally significant. The following are examples of strategic infrastructure:</p> <ul style="list-style-type: none"> a) strategic transport networks b) Hawke’s Bay Regional Airport c) Port of Napier d) Omarunui Regional Landfill e) strategic telecommunications and radiocommunications facilities f) the electricity transmission network and electricity distribution networks g) renewable electricity generation activities h) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas i) public or community sewage treatment plants and associated reticulation and disposal systems; j) public water supply intakes, treatment plants and distribution systems k) public or community rural water storage infrastructure, including distribution systems l) public or community drainage systems, including stormwater systems m) flood protection schemes n) other strategic network utilities. <p>As can be seen above, ‘strategic telecommunications facilities’ are included in the definition of Strategic Infrastructure’, being “...those necessary facilities, services and installations which are of greater than local significance, and can include infrastructure that is nationally significant [emphasis added]”.</p> <p>While telecommunications facilities may be locally based and service the local population, they are often part of a wider, integrated telecommunications network. In my opinion, ‘telecommunications facilities’ can be of local, regional and national significance, as they provide communications services that are critical to the social, cultural, economic wellbeing, and health and safety of individuals and communities, enabling districts and regions to communicate with the rest of New Zealand and the world. They can also provide important communications during a civil emergency event.</p> <p>I note that the Civil Defence Emergency Management Act 2002 includes ‘telecommunications network’ in the definition of a ‘lifeline utility’ which: “means an entity named or described in Part A of Schedule 1, or that carries on a business described in Part B of Schedule 1”. Part B(5) of Schedule 1 includes “An entity that provides a telecommunications network (within the meaning of the Telecommunications Act 1987)”.</p> <p>In addition to being referred to in the ‘Principal Reasons’ section of the NU – Network Utilities chapter, the term ‘Nationally Significant Infrastructure’ is also used in other chapters of the PDP, in the following provisions:</p> <ul style="list-style-type: none"> - Policy ECO-P9 of the ECO – Ecosystems and Indigenous Biodiversity chapter, which reads “To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna ...”

Issue/Plan Provision	Submitter Evidence	Response
		<ul style="list-style-type: none"> - Assessment Matter NFL-AM2(3)(l) of the NFL – Natural Features and Landscapes chapter, which reads: <i>“Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure”</i>. - Assessment Matter CE-AM2(3)(l) of the CE – Coastal Environment chapter, which reads: <i>“Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure”</i>. <p>Mr Campbell was of the opinion that including telecommunications facilities within the definition of Nationally Significant Infrastructure does not sit comfortably with the definition of Nationally Significant Infrastructure in the National Policy Statement on Urban Development (2020) (NPS-UD). However, the Central Hawke’s Bay District does not fall within the definition of an Urban Environment in the NPS-UD, and the NPS-UD is not applicable. Furthermore, the provisions of the PDP that refer to Nationally Significant Infrastructure (as outlined above) apply mostly to the rural and coastal environments of the District. Therefore, I consider that there is no conflict between the definition in the NPS-UD and the PDP within the context of Central Hawke’s Bay.</p> <p>On the basis of the above, I have not changed my opinion in relation to the appropriateness of including telecommunications networks within the definition of ‘Nationally Significant Infrastructure’.</p> <p>In my opinion, the recommended amendment to the definition does not represent a significant departure from the Proposed Plan as notified, but better aligns with the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter, the NFL – Natural Features and Landscapes chapter, the CE – Coastal Environment chapter, and Part 2 of the RMA, in terms of avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>The recommended amendment will not have any greater environmental, economic, social, or cultural costs than the notified provisions, but may have greater economic and social benefits in terms of considering whether there is a practicable alternative recognising the operational and technical requirements of nationally significant telecommunications facilities when assessing resource consent applications within natural features, landscape areas and the coastal environment.</p> <p>The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore a s32AA re-evaluation is not warranted.</p>

Issue/Plan Provision	Submitter Evidence	Response
16. Definition – National Grid Subdivision Corridor	<p>Federated Farmers (S121.241) [Statement from Rhea Dasent, p15]</p> <p>Federated Farmer’s original submission opposed the definition of ‘National Grid Subdivision Corridor’. They considered that only clause a) of the definition is relevant, because the Fernhill-Woodville A and B lines are on poles, with towers are only used where the line crosses a river and likely located on Crown land. They considered that the diagram is incorrect because it is referring to the National Grid Yard, not the National Grid Subdivision Corridor.</p> <p>The section 42A report (para 14.3.35) stated the following (paras 14.3.34-14.3.35, p167):</p> <p><i>“Federated Farmers (S121.241) considers 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.</i></p> <p><i>I concur with the reasoning provided by Transpower for retaining the definition as notified.”</i></p> <p>Ms Dasent, for Federated Farmers, states:</p> <p><i>“Federated Farmers accepts the definition is retained, however the diagram must be corrected to refer to the National Grid Subdivision Corridor with the subdivision corridor widths. It is confusing to have the diagram for the NatGrid Yard in the definition of the Subdivision Corridor.</i></p>	I have not changed my position from that set out in my section 42A report.
17. Definition – National Grid Yard	<p>Federated Farmers (S121.242) [Statement from Rhea Dasent, p15-16]</p> <p>Federated Farmer’s original submission opposed the definition as they considered 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 <i>“to operate maintain, develop and upgrade the National Grid”</i>.</p> <p>The section 42A report (paras 14.3.39014.3.40, pp168-169) states:</p>	I have not changed my position from that set out in my section 42A report.

Issue/Plan Provision	Submitter Evidence	Response
	<p>“In response to Federated Farmers’ submission points on setbacks from the National Grid for Hearing 3 Rural Topic, Key Issue 18³ (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), my s42A Reporting Officer’s Right of Reply stated the following:⁴</p> <p>“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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p>	

³ S121.199, S121.200, S121.229 & S121.230 and FS25.87, FS25.99, FS25.102 & FS25.104 opposing submissions of Transpower).

⁴ 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.

Issue/Plan Provision	Submitter Evidence	Response
	<p>fences, or where Transpower has given written approval. This reflects the approach within the Central Hawke's Bay Proposed Plan.</p> <p>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 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.</p> <p>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.</p> <p>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.</p> <p>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."</p> <p>For the same reasons I have outlined above, regarding retaining a 12m setback for buildings and structures, I do 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. I also consider that it is unnecessary to amend the definition to apply only to the '100kV Fernhill-Woodville A, and the 110kV Fernhill-Woodville B'. I therefore recommend that the definition of National Grid Yard be retained as notified."</p> <p>Ms Dasent, for Federated Farmers, states:</p> <p><i>"Federated Farmers discusses the National Grid Yard in our material lodged for Hearing Stream 3 – Rural Environment topic.</i></p> <p><i>Federated Farmers submits that the National Grid Yard must be consistent with the New Zealand Code of Practice for Electrical Safety Distances NZECP34 and the National Policy Statement for Electricity Transmission, and not undermine landowners' rights awarded by their legal easement agreements</i></p>	

Issue/Plan Provision	Submitter Evidence	Response
	<i>and other legislation. We seek the 12m setback from poles be reduced to 10m to be consistent with other District Plans.”</i>	

