

Before the Hearings Panel

At Central Hawke's Bay District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**

Submitters

And **Central Hawke's Bay District Council**

Respondent

**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**

Date: 27 January 2023

Introduction

1. Our full names are Janeen Anne Kydd-Smith, Stella Ann Luoni Morgan, and Rowena Clare Macdonald. We are Principal Planners and Directors of Sage Planning (HB) Limited.
2. We prepared the Section 42A Reports for the Network Utilities, Renewable Energy, and Transport topics, respectively. We have read the evidence and statements provided by submitters, and the legal submissions, relevant to those reports. We also attended the hearing on Wednesday 14 December 2022 when relevant matters were discussed.
3. We have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing 7 on this topic.
4. Specifically, this reply statement addresses matters raised in the Section 42A Reports for Network Utilities, Renewable Energy, and Transport, and in the evidence and statements by submitters for the hearing.
5. We are authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

6. Our qualifications and experience are as set out in Section 1.1 of the relevant Section 42A Reports.
7. We can confirm that we are continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

8. Section 42A report authors were asked to submit a written reply by close-of-business on Friday, 27 January 2023 (as requested in Minute 20).
9. If we have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, we have nothing further to add to what we have set out in the Section 42A Reports or evidence given at the Hearing.
10. **Appendix 1** of this Reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan (PDP) Hearings Portal on the Council website¹.
11. **Appendix 2** contains recommended amendments to PDP chapter provisions (NU – Network Utilities chapter and TRAN – Transport chapter²), with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report.
12. **Appendix 3** has updated tables of recommended responses to submissions and further submissions (Network Utilities and Renewable Energy topics³), with updated recommendations differentiated from those made in the tables in Appendix B of the respective Section 42A Reports.
13. **Appendix 4** has a table responding to matters raised in evidence relating to the Network Utilities topic, for which Janeen Kydd-Smith wishes to provide further written response.
14. **Appendix 5** has a corrected set of maps showing One Network Framework Categories applied to Central Hawke's Bay.

¹ <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>

² Note: no updated PDP chapter for RE – Renewable Energy is required, as the Reply does not result in any changes to the provisions from that contained in the version of this chapter contained in the Section 42A Report.

³ Note: no updated table of recommended response to submissions and further submissions for the Transport topic is required, as there are no changes from the recommended responses contained in the Section 42A Report.

NU – NETWORK UTILITIES (Reporting Officer: Janeen Kydd-Smith)

Policy NU-P5

15. The Panel invited⁴ representatives of submitters: Transpower; Horticulture NZ; and Federated Farmers to meet to consider:
 - a. an alternative policy which addresses their concerns as to the wording of Policy NU-P5, specifically in relation to the National Grid, and to file a joint statement with proposed wording for that policy; or
 - b. alternatively, if no agreement is reached, the three submitters may file their preferred wording for the alternative policy, with a brief (no more than 1 page) statement explaining the reasons for the change, and reference to any district plan and or case law supporting their preferred wording.
16. The parties (Ms Whitney and Mr Hamilton on behalf of Transpower, Ms Wharfe and Ms Roberts on behalf of Horticulture NZ (Hort NZ), and Ms Dasent on behalf of Federated Farmers (Fed Farmers)) met during the week of 9 January 2023. Draft policy wording was provided by Transpower prior to the meeting, with suggested amendments proposed by Ms Dasent.
17. The parties agreed that it was appropriate to include a separate National Grid policy and framework within the PDP as it will give effect to Policies 10 and 11 of the National Policy Statement for Electricity Transmission (NPSET). They also agreed to most of the wording for the new policy, but did not reach agreement on inclusion of the following words:⁵
 - The first paragraph of the policy (the chapeau) - Hort NZ and Fed Farmers sought the addition of the words *“To the extent reasonably possible”*, which Transpower did not support;
 - Clause (a) of the policy – Transpower did not agree to retaining the words *“arising from sensitive activities”*, as sought by Hort NZ and Fed Farmers;
 - Clause (b) of the policy – Hort NZ and Fed Farmers sought the inclusion of the words *“inappropriate”*, which was not supported by Transpower.

There is a discrepancy between Ms Whitney’s statement and Ms Wharfe and Ms Dasent’s joint statement, where Ms Whitney reported that Transpower did not support the inclusion of the word *“sensitive”*, while Ms Wharfe and Ms Dasent reported that Hort NZ and Fed Farmers sought the inclusion of the words *“and structures”* which was not supported by Transpower; and

 - Clause (c) of the policy - Hort NZ and Fed Farmers sought the inclusion of the words *“inappropriate”*, which was not supported by Transpower.
18. To assist the Panel, both versions of the draft policy presented by the parties are set out below.

⁴ Twenty-First Memorandum and Direction of the Hearings Panel Directions following Hearing 7, dated 19 December 2022 (the Panel’s Minute and Direction 21).

⁵ As set out in paragraph 1.5 of Ms Whitney’s response (on behalf of Transpower) to the Panel’s Minute and Direction 21, dated 13 January 2023, and as set out in the Joint Statement from Ms Dasent (on behalf of Federated Farmers) and Ms Wharfe (on behalf of Horticulture NZ) to the Panel’s Minute and Direction 21, dated 13 January 2023.

Hort NZ and Fed Farmers' Joint Version

Draft policy	Federated Farmers and HortNZ comments
<p>Adverse effects on the National Grid</p> <p><i>To the extent reasonably possible</i> 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 it may compromise the operation, maintenance, upgrading and development of the National Grid, and</p> <p>(b) ensure that <u>inappropriate</u> buildings and structures do not compromise the maintenance, upgrade, replacement, development and operation 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>Policy 10 of NPS-ET has the wording "to the extent reasonably possible, manage activities..." so it is proposed this same wording is added into the beginning of the NU-P5 policy. This is also identified in the s42A Report (9.3.57-58) as being appropriate as it better reflects the wording of the NPSET.</p> <p>Subclause (a) topic is reverse sensitivity arising from sensitive activities, being people-based activities like schools, houses and hospitals. The phrase <i>avoid reverse sensitivity effects</i> is consistent with Policy 10 of NPS-ET, noting that it is dependent on the addition of 'to the extent reasonably possible' in the start of the policy to be consistent with the NPS-ET. The NPS-ET does not provide for an absolute 'avoid'.</p> <p>Subclause (b) is for other buildings and structures, such as farm and horticulture structures, that are not linked to sensitive activities. The policy informs the rules where some structures are permitted within the yard, but others (being milking sheds, commercial greenhouses and intensive farming GRUZ S13(2)(a)iii) are non-complying.</p> <p>Subclause (c) for subdivision within the National Grid Subdivision Corridor. Subdivision that is <i>inappropriate</i> will be that which does not meet conditions SUB-S4(2) and (3). Subdivision that does meet conditions has demonstrated it will not compromise the grid, and will be able to proceed under the original activity status.</p>

Transpower's Version

[Amendments sought by Hort NZ and Fed Farmers that remain outstanding (i.e. are not agreed by Transpower) are shown as red text. Amendments sought by Transpower that remain outstanding (i.e. they are not agreed by Fed Farmers and Hort NZ) are shown as blue text. All other text was agreed by the parties.]

Adverse effects on the National Grid

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:

(a) avoid reverse sensitivity effects ~~arising from sensitive activities~~ where they may compromise the operation, maintenance, upgrading and development of the National Grid, and

(b) ensure that inappropriate buildings and sensitive activities do not compromise the operation, maintenance, upgrading and development of the National Grid; and

(c) manage inappropriate subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.

19. I consider that including a separate new policy within the PDP relating to adverse effects on the National Grid is appropriate as it would give effect to the Objective and Policies 1, 2, 10 and 11 of the NPSET.

20. With regard to the inclusion of the words “To the extent reasonably possible” at the commencement of the draft policy, Ms Wharfe and Ms Dasent support the wording as they consider it reflects the wording of Policy 10 of the NPSET.
21. Ms Whitney refers to a High Court (the Court) decision on the Auckland Unitary Plan⁶. In that case, the Court considered that, while Policy 10 was subject to the “reasonably possible” proviso, it was relatively prescriptive and decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network and “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network (being an asset of national significance) is not compromised. The Court considered this was a relatively strong directive.
22. The Court also found that, where the national grid passed over land that was not already compromised by development, a question to consider was whether it was reasonably possible to prevent compromise of the national grid in the future. The Court accepted that it would generally be possible to prevent compromise in this situation, and it would be likely that restrictions to prevent compromise would be reasonable and a not disproportionate response. Conversely, if land was already compromised (e.g., it was zoned for urban or industrial development, and development already existed adjacent to or under the electricity transmission network) then it would not generally be reasonably possible to ensure that the national grid was not compromised. However, it might be reasonably possible to ensure that the national grid was not further compromised.
23. Ms Whitney considers that the management required by NPSET Policy 10 ‘to the extent reasonably possible’ sets a high bar and reduces the discretion that might appear to be available to a decision-maker. She considers that the test is not whether the Council would like to manage activities, or even whether it is reasonably practicable. Rather, the Council is required to manage activities to the extent reasonably possible. Ms Whitney considers that, within the PDP, it is ‘reasonably possible’ for the Council to manage activities (building, subdivision, earthworks and sensitive activities) using district plan rules. Within the PDP, the permitted National Grid Yard rules provide for a range of activities (including buildings and structures) that are not inappropriate, and which give effect to the ‘extent reasonably possible’ component of Policy 10 of the NPSET. She therefore considers it appropriate for all other activities which trigger resource consent to have the ‘avoid’ directive.
24. Ms Whitney also refers to the land currently traversed by the National Grid in Central Hawke’s Bay as being zoned rural and ‘uncompromised’, insofar as there is no development presently within the National Grid Yard. Given the PDP rule framework, which provides for a range of permitted activities within the National Grid Yard, Transpower does not envisage circumstances in which it would not be possible to manage activities to avoid reverse sensitivity and direct adverse effects on the National Grid. As such, Transpower considers that the additional wording sought by Hort NZ and Fed Farmers (i.e. “To the extent reasonably possible”) is superfluous within the PDP and the Central Hawke’s Bay context. Furthermore, Ms Whitney considers that the NPSET is to be read as a whole and given the national significance of the National Grid (NPSET Objective 1) and the clear directive within the NPSET, to recognise and provide for the benefits of the Grid (Policy 1) and ensure its effective operation, maintenance, upgrading and development (Policy 2), a strong ‘avoid’ directive within the draft National Grid policy is appropriate.
25. After considering Ms Whitney’s statement, I consider that it is appropriate to reflect the wording of Policy 10 of the NPSET and to add the words “to the extent reasonably possible” at the beginning of the new draft policy. Having considered the High Court decision referred to by Ms Whitney, my

⁶ CIV-2016-404-002330 [2017] NZHC 281.

TRANSPOWER NEW ZEALAND LTD v AUCKLAND COUNCIL [2017] NZHC 281 [28 February 2017]

opinion is that including the words would not detract from or be less directive than Policy 10, as decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network. I consider that the addition of the words “to the extent reasonably possible” will enable decision makers to consider how the directive is to be achieved within the context of the environment relevant to a particular case. I note that the Court itself considered (in the case cited by Ms Whitney) whether it was reasonably possible to prevent compromise of the National Grid in that particular situation.

26. I also note that I have recommended in my section 42A report, in response to other submission points, that Policy SUB-P17 of the SUB – Subdivision chapter be amended to include the words “to the extent reasonably possible” and read as follows:

SUB-P17 To the extent reasonably possible, subdivisions are designed to avoid reverse sensitivity effects of future land use activities on regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensure that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised.

27. With regard to clause (a) of the new draft policy, I consider the inclusion of the words ‘arising from sensitive activities (as sought by Fed Farmers and Hort NZ), is unnecessary as it is clear in the first paragraph of the policy that the land use development to be managed includes ‘sensitive activities’.
28. With regard to the inclusion of the word “inappropriate” in clauses (b) and (c) of the draft policy, I concur with Ms Whitney⁷ that it is unnecessary, as it does not add any clarity or guidance to users as to what is inappropriate and it could create confusion and uncertainty.
29. It appears that none of the parties are seeking the addition of the word ‘sensitive’ in clause (b) of the draft policy. However, Fed Farmers and Hort NZ are seeking the addition of the words ‘and structures’ in clause (b). I agree that, as the PDP rules permit some structures within the National Grid Yard, it is appropriate for clause (b) to refer to buildings and ‘structures’.
30. On the basis of the above, I **have changed my position** and recommend that a new Policy NU-PXX be inserted into the NU – Network Utilities chapter, to read as follows:

NU-PXX To the extent reasonably possible manage land use development (including sensitive activities), buildings, earthworks, vertical holes and structures within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, to:

- 1. Avoid reverse sensitivity effects where it may compromise the operation, maintenance, upgrading and development of the National Grid;**
- 2. Ensure that buildings and structures do not compromise the operation, maintenance, upgrading and development of the National Grid; and**
- 3. Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.**

31. If the above new policy is adopted, Policy NU-P5 will need to be amended as clause 6 of that policy will no longer be required.
32. As stated above, a comprehensive table of responses to matters raised in evidence is attached in **Appendix 4** accompanying this Reply, including my response to the specific submissions points relating to Policy NU-P5, with reference to my recommendation above to insert a new Policy NU-PXX in the NU – Network Utilities chapter of the PDP.
33. A copy of the revised NU – Network Utilities chapter is provided in **Appendix 2** accompanying this Reply.

⁷ Paragraph 1.11.3 of Transpower’s Response to Panel Minute 21 Direction.

RE – RENEWABLE ENERGY (Reporting Officer: Stella Morgan)

Definition of ‘Environmental Compensation’

34. The Panel requested (paragraph 4, third bullet point of Minute 20) that the Reporting Officer address the following matter ‘*Final recommendation in regard to the definition of ‘environmental compensation’ in response to questions from the Panel.*’
35. During the Hearing, Chair Schofield queried whether linking the definition of ‘Environmental Compensation’ to the Renewable Energy provisions as recommended in my S42A report (paragraphs 4.3.1 -4.3.4) could have unintended consequences for other activities that might seek to adopt this approach.
36. To summarise, S75.004 Forest & Bird has sought the definition be amended as follows:
*‘Environmental Compensation:
any action (work, services, financial contribution or restrictive covenants) to compensate for, ~~or offset,~~ the environmental effects of activities that cannot be avoided, remedied, ~~or mitigated~~ **or addressed by a biodiversity offset or biodiversity compensation.** ~~Positive measures to correct, balance, or otherwise compensate for the loss of the resource or value affected.~~’*
37. Forest and Bird’s submission is that ‘Environmental compensation and environmental offsetting are not synonymous. The definition should be amended to reflect this by removing reference to compensation (or creating separate definitions)’.
38. This submission point is supported by Ngā hapū me ngā marae o Tamatea (FS5.016) who agrees ‘that the definition of environmental compensation should be clear that it is a consideration after avoidance, minimisation and off-setting has been applied’. It is opposed by Kāinga Ora (FS23.980) ‘to the extent it is consistent/inconsistent with its primary submission’.
39. In my s42A report, I note this term is only used in the PDP in relation to Renewable Energy and recommended the amendments be adopted but that the term be limited to the consideration of Renewable Energy.
40. On reflection, I agree that there may also be a range of other situations where it might be appropriate to consider environmental compensation and therefore constraining it to the provisions relating to ‘renewable energy’ is not desirable.
41. That being the case, I wish to change my recommendation, and recommend that S75.004 Forest & Bird be **accepted**, and the definition be amended as follows:

ENVIRONMENTAL COMPENSATION	any action (work, services, financial contribution or restrictive covenants) to compensate for, or offset, the environmental effects of activities that cannot be avoided, remedied, or mitigated, or addressed by a biodiversity offset or biodiversity compensation. Positive measures to correct, balance, or otherwise compensate for the loss of the resource or value affected.
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TRAN – TRANSPORT (Reporting Officer: Rowena Macdonald)

Standard TRAN-S1 Residential Parking Space Requirements (Kāinga Ora (S129.039))

42. I have considered the evidence of Michael Campbell for Kāinga Ora, with respect to the parking space requirement for 1 or 2-bdrm dwellings in table in Standard TRAN-S1. The PDP, as notified, provides for 2 parks per residential unit, and this also applies to minor residential units.
43. Kāinga Ora sought to remove requirements to regulate parking for residential activities, stating that (on pages 8 & 11 of their submission):

‘Kāinga Ora recognise that Central Hawkes Bay District does not contain an urban environment as defined within the National Policy Statement for Urban Development 2020, and therefore

mandatory removal of minimum car parking requirements does not apply. Kāinga Ora does however consider that the requirement to provide on site parking for residential activities is unnecessary regulation and does not give rise to efficient land use outcomes nor sufficiently reflect the need to provide for housing choice and current household demographic trends.'

'The PDP includes a number of transport provisions that will constrain residential development. In this regard, whilst Kāinga Ora acknowledges that the removal of minimum car parking controls is not required by the NPS-UD, it opposes the blanket approach taken to minimum car parking requirements which do not sufficiently reflect the nuances in car parking demand between households and residential units of various sizes and locations. Consistent with an approach to promote urban residential intensification and a compact urban form, Kāinga Ora seeks to reduce minimum car parking requirements of the PDP for residential activities where they are well situated relative to amenities and services, and in relation to residential activities in more remote locations, to provide differentiation in car parking requirements commensurate to likely demand. Kāinga Ora also supports greater emphasis of alternative modes of transport, including public transport, and active modes such as walking and cycling.' (paragraph 28(n)).

44. The Section 42A report made the following comments:

'6.3.13 In respect of residential activities, I do not agree with the wholesale removal of any requirement for the provision of on-site parking from the PDP as sought by Kāinga Ora, as this is an effective and legitimate method for managing any actual or potential adverse effects of car ownership on the safety and efficient functioning of residential streets. I do not agree that the on-site parking requirement does not sufficiently reflect the nuances in car parking demand between households and residential units of various sizes and locations. In my view, the parking space requirement is a threshold, and a lesser provision of on-site parking is able to be considered through a resource consent process as a Restricted Discretionary Activity (Rule TRAN-R1), where such nuances can be appropriately addressed on a case-by-case basis. This would enable the consideration of the location relative to amenities and services, and consideration of the provision of car parking requirements commensurate to likely demand.

6.3.14 I note that, in the General Residential Zone, the requirement for 2 spaces per unit can include the parks within a garage or carport, and can include a vehicle standing bay in front of a garage or carport (subject to location and dimension requirements set out in Standard TRAN-S3(5)). Therefore, the requirement for 2 parking spaces per residential unit is not excessive, in my view.

6.3.15 However, I do accept that there is merit in reconsidering application of the requirement for 2 spaces per unit as it applies to minor residential units. A minor residential unit is defined in the PDP as 'ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site'. In that context, I consider the requirement for 2 spaces to serve the primary residential unit, and a further 2 spaces to serve a minor residential unit, is excessive. I consider parking associated with a minor residential unit could be adequately and reasonably served within the parking space requirement applying to the primary residential unit. In that respect, I recommend that the parking space requirement as it applies to a minor residential unit can be deleted with minimal impact on the safe and efficient functioning of the transport network.'

45. On that basis, the Section 42A report recommended that the requirement for 2 parking spaces continue to apply per 'residential unit', but that this requirement not apply to 'minor residential units' i.e. no minimum car parking space requirements be applied to minor residential units.

46. In his evidence, Mr Campbell offers an alternative relief sought (refer paragraph 4.4 of his evidence):

'In my view, it would be prudent to reduce parking for one and two bedroom dwellings to 1 parking space. The scale of such residential activities would be similar to the effects of a minor dwelling. Reducing one and two bedroom units to only need to provide 1 parking space would provide more incentive to provide greater housing choice.'

Appendix A – Recommended Changes	
<p>Black Text – Original wording of Proposed District Plan Black Bold and <u>Underlined</u> and Strikethrough Text – Officer's recommended changes, as set out in Section 42a report. Red <u>Underlined</u> and Strikethrough Text - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.</p>	
TRAN-S1 Vehicle Parking	
Table 1 – Car Parking Spaces	
TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES
Residential <u>Activities</u> Units Minor Residential Units	<p>1 park per one and two bedroom residential units and 2 parks per <u>all other residential units</u> (can include parks within garages or carports), and where the site is located within the Residential Zone, can include a vehicle standing bay required under standard TRAN-S3(5).</p> <p><u>There are no minimum car parking space requirements for minor residential units.</u></p>

47. I have considered the above alternative relief sought and am of a mind to agree that requirement for just 1 parking space for 1 and 2-bedroom residential units is reasonable and appropriate, given the likely lower vehicle ownership rate these smaller residential units would generate. I concur with Mr Campbell that the scale of such residential activities would be similar to the effects of a minor dwelling, and that reducing 1 and 2-bedroom units to only need to provide 1 parking space would provide more incentive to provide greater housing choice.
48. However, I believe this, in combination with the removal of the requirement to apply a parking requirement to a minor residential unit, could create perverse outcomes – for example, the above amendment would result in a 2-bedroom residential unit and a 2-bedroom minor residential unit located on the same site requiring only 1 parking space to service both, whereas a single 4-bedroom residential unit on a site would require provision of 2 parking spaces. In my view, either having a graduated parking space requirement based on the number of bedrooms or removing the requirement to provide parking for minor residential units is reasonable, but not both. I consider a graduated parking space requirement based on the number of bedrooms is a more defensible and effects-based solution, and revise my recommendation accordingly.
49. On that basis, my recommendation to 'Accept in part' the submission of Kainga Ora (S129.039) remains unchanged, but I revise my recommendation in terms of amended wording of Standard TRAN-S1 to instead read as follows:

TRAN-S1 Vehicle Parking											
All Zones	<p>1. Every owner or occupier who proposes to construct or substantially reconstruct, alter, or add to a building on any site, or change the activity carried out on any land or in any building, must provide suitable areas on the site for parking in accordance with the requirements listed in the table below.</p> <p>Table 1 – Car Parking Spaces</p> <table border="1"> <thead> <tr> <th>TYPE OF ACTIVITY</th> <th>MINIMUM NUMBER OF CAR PARKING SPACES</th> </tr> </thead> <tbody> <tr> <td>Residential Units</td> <td>1 park per unit where 1 & 2-bedrooms</td> </tr> <tr> <td>Minor Residential Units</td> <td>2 parks per unit where 3+ bedrooms</td> </tr> <tr> <td></td> <td>Note: (can include parks within garages or carports), and, where the site is located within the Residential Zone, can include a vehicle standing bay required under standard TRAN-S3(5).</td> </tr> <tr> <td>...</td> <td>...</td> </tr> </tbody> </table>	TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES	Residential Units	1 park per unit where 1 & 2-bedrooms	Minor Residential Units	2 parks per unit where 3+ bedrooms		Note: (can include parks within garages or carports), and, where the site is located within the Residential Zone, can include a vehicle standing bay required under standard TRAN-S3(5).
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...	...										

Missing Sub-clauses in Standard TRAN-S1

50. In addressing this provision in my Reply, it has come to my attention that the e-Plan version of the PDP does not include sub-clauses 2 to 6 of Standard TRAN-S1. In preparing my section 42A report on this topic, I relied on the Word document version of the PDP, which includes those sub-clauses, and therefore did not pick up this discrepancy at the time.
51. When referring to Standard TRAN-S1, my section 42A report refers to sub-clauses 2 to 6 which are quoted in both the 'Analysis' section (paragraph 6.3.20) and in the 'Recommended Amendments' section (section 6.5), and read as follows (highlighted grey):

TRAN-S1 Vehicle Parking					
All Zones	<p>1. Every owner or occupier who proposes to construct or substantially reconstruct, alter, or add to a building on any site, or change the activity carried out on any land or in any building, must provide suitable areas on the site for parking in accordance with the requirements listed in the table below.</p> <p>Table 1 – Car Parking Spaces</p> <table border="1"> <thead> <tr> <th>TYPE OF ACTIVITY</th> <th>MINIMUM NUMBER OF CAR PARKING SPACES</th> </tr> </thead> <tbody> <tr> <td>...</td> <td>...</td> </tr> </tbody> </table> <p>2. Where more than one activity occurs on a site, the total parking requirements for that site must be equal to the sum of individual parking requirements for each activity.</p> <p>3. In assessing the number of parking spaces to be provided with respect to the gross floor area of any building, vehicle access and parking spaces contained within the building must not be included in the area. Where the number of spaces is based on the person capacity or other factor not directly related to gross floor area, such spaces must be assessed following receipt of a written statement from the owner, lessee or proprietor of the premises specifying the number of persons that the activity or proposed activity will accommodate.</p> <p>4. When the assessment of the number of parking spaces required in respect of the use of any land or building results in a fraction, a fraction under one half must be disregarded, and fractions of one half or more must require an additional parking space.</p> <p>5. The provision of parking on a site may be made as part of any required yard space of the zone, except that the parking space must be exclusive of land required for service lane or road and not form any part of open space provided to meet any minimum open space, landscaping and/or specific performance standards of the zone where the site is located.</p>	TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES
TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES				
...	...				

	6. Any on-site parking made available to comply with these standards must remain undiminished by the subsequent erection of any structure, storage of goods or any other use.
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52. In investigating the matter, it would appear that for an unknown reason, Isovist did not upload those particular sub-clauses to the e-Plan version prior to notification of the PDP, and therefore those sub-clauses have not been apparent to the public except via the printed hard copy versions of the PDP available at the Council offices, library and information centre.

53. These sub-clauses are of a minor technical nature relating to the interpretation of the parking space requirements and their application in various circumstances. Sub-clause 2 addresses situations where there are multiple activities occurring on a single site that may have different parking space requirements. Sub-clause 3 relates to parking space requirements based on gross floor area calculations, and what is included in that calculation and what is excluded, and also requirements where based on the person capacity or other factor. Sub-clause 4 addresses the situation where the calculation results in a fraction of a parking space. Sub-clause 5 addresses utilising the yard space of the zone for on-site parking. Sub-clause 6 clarifies that parking areas are not to be compromised by future structures or other uses.

54. In addition to the amendments proposed in relation to the parking space requirements for residential activities, it now makes more sense why Kāinga Ora also requested inclusion of a Note to follow the parking requirements table in Standard TRAN-S1:

Note: Where the above parking rates result in a fraction of a car parking space, this may be rounded down to the nearest whole number.

55. In paragraph 6.3.16 of my s42A report, I had addressed this matter by stating that this was unnecessary as it was already addressed in sub-clause 4 of Standard TRAN-S1, which states:

4.	When the assessment of the number of parking spaces required in respect of the use of any land or building results in a fraction, a fraction under one half must be disregarded, and fractions of one half or more must require an additional parking space
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56. Clearly, having now realised these sub-clauses were not uploaded to the e-Plan as intended, I have altered my recommendation and now recommend that Standard TRAN-S1 be amended to include the wording as outlined in sub-clause 4, as follows:

TRAN-S1 Vehicle Parking					
All Zones	<p>1. Every owner or occupier who proposes to construct or substantially reconstruct, alter, or add to a building on any site, or change the activity carried out on any land or in any building, must provide suitable areas on the site for parking in accordance with the requirements listed in the table below.</p> <p>Table 1 – Car Parking Spaces</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4F81BD; color: white;">TYPE OF ACTIVITY</th> <th style="background-color: #4F81BD; color: white;">MINIMUM NUMBER OF CAR PARKING SPACES</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">...</td> <td style="text-align: center;">...</td> </tr> </tbody> </table> <p>2. <u>When the assessment of the number of parking spaces required in respect of the use of any land or building results in a fraction, a fraction under one half must be disregarded, and fractions of one half or more must require an additional parking space.</u></p>	TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES
TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES				
...	...				

57. In my view, the parking space requirements in the table in Standard TRAN-S1 in the e-Plan can stand sufficiently on their own without the presence of the other sub-clauses (2, 3, 5 & 6), however they are ultimately useful clauses in the PDP to further clarify and assist plan users in the interpretation of those parking space requirements.

58. In my opinion, those remaining sub-clauses would benefit from being incorporated in the Standard at some point in the future, perhaps through a possible wash-up variation or as part of the next appropriate plan change proposed by Council.

Consideration of On-Street Parking as an Alternative (Kāinga Ora (S129.046 Kāinga Ora))

59. I have considered the evidence of Michael Campbell for Kāinga Ora, with respect to Assessment Matter TRAN-AM1(2) and providing for consideration of on-street parking as an alternative when considering a partial or complete waiver of the parking requirements.
60. The assessment matter in the PDP, as notified, includes a sentence that states that ‘in general, on-street parking is not considered an alternative’. Kāinga Ora sought to delete that sentence (page 12 of their submission).

61. The Section 42A report made the following comments:

‘6.3.28 ... I do not support partial deletion of matter 2, as I consider that it is a legitimate matter to clarify that on-street parking should generally not be included in any consideration of alternative supply of parking or loading in terms of assessing partial or complete waiver of parking requirements.’

62. In his evidence, Mr Campbell provides the following opinion, and continues to pursue the same relief (refer paragraphs 4.7-4.9 of his evidence):

‘I consider that the use of the street for parking can be appropriate in a number of circumstances and it would be appropriate to use the road reserve for off-site parking if it can be demonstrated that such parking can occur without compromising the safe and efficient operation of the roading network.

The road reserve provides for a potentially suitable parking resource. I note that it is inevitable that some activities will, from time to time, have an oversupply parking onto the street. In those circumstances where there is a parking shortfall, applicants can undertake a site specific assessment of the parking environment in the vicinity of the site to determine whether it is appropriate to rely on on-street parking as an alternative.

In my opinion, the reference to “In general, on-street parking is not considered an alternative.” should be deleted.’

TRAN-AM1 General Assessment Matters for Access, Parking and Loading

1. Whether it is physically practicable to provide the required parking or loading spaces on the site in terms of the existing location of buildings, access to the road, topography, and utility location.
2. Whether there is an adequate alternative supply of parking or loading spaces in the vicinity that could provide a partial or complete waiver of the parking requirements. ~~In general, on-street parking is not considered an alternative.~~

63. In my view, prefacing the sentiment with the words ‘in general’ ensures that the statement is not an ‘absolute’, but one that indicates that considering on-street parking as an alternative to the provision of on-site parking, should only be a relevant consideration in limited circumstances. I consider that it reasonably identifies that the priority is for parking to be supplied within the site concerned, in minimising potential adverse effects of increased vehicular activity on the wider transport network and amenity. As stated in the Section 42A Report,
64. Therefore, I have not changed my recommendation from that outlined in the Section 42A Report with regards to Assessment Matter TRAN-AM1(2).

One Network Framework (Central Hawke’s Bay District Council (S104))

- 65. As I advised at the hearing, I reviewed the amendments sought by Central Hawke’s Bay District Council (S104) as set out in the Statement from Mr Nick Aiken dated 13 December 2022, and agree that the amendments are appropriate.
- 66. Accordingly, I have revised my recommended amendments to Standard TRAN-S6, TRAN-Principal Reasons, and Policy SUB-P5 in the SUB – Subdivision chapter to include reference to ‘Civic Spaces’, as follows:

TRAN-S6 Distance <u>between of Vehicle Accesses and Separation</u> from Road Intersections	
<p>General Residential Zone</p> <p>Commercial Zone</p> <p>General Industrial Zone</p>	<ol style="list-style-type: none"> 1. The distance that any new vehicle access to any property may be sited from any road intersection must be a minimum of 15m or the extent of the property boundary <u>where this is not achievable, whichever is the least.</u> 2. Where there will be two adjacent accesses on adjoining sites, any new vehicle crossings must be offset from the common legal property boundary (side boundary) by 1.5 metres. 3. Any vehicle access to any property must not be sited within 20 metres of an intersection of a State Highway. <p>Note: Vehicle access in relation to <u>Interregional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street Arterial Road or Collector Road</u> intersections will be subject to a Road Safety Audit as deemed necessary by the Road Controlling Authority.</p>
<p>...</p>	<ol style="list-style-type: none"> 4. ...

Principal Reasons

The principal reasons for adopting the policies and methods:

A sustainable transport network for the District is one where proper consideration is given to the relationship between land use and transport effects, including the long-term consequences. The District's **Interregional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street arterial and collector**-routes are vital to the long-term growth of the District and therefore must be protected against development that would adversely affect their efficiency and effectiveness.

Almost all activities generate vehicle trips and, therefore, parking in close proximity to the site of the activities is required to provide accessibility for people and goods. Generally, different activities generate different parking and loading demands. If provision is not made by developers or owners for off-street parking and loading, then the only alternative available is to park and load on the street. On-street parking and loading can adversely affect the efficiency and safety of roads, particularly **Interregional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street routes Arterial or Collector Roads** where vehicle speeds and volumes are typically higher than for other roads in the One Network Framework Classification. Excessive parking of vehicles on residential streets can also detract from the amenity of those streets and adjoining residential areas.

...

SUB-P5 To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads, in order to avoid an increase in the number of direct access crossings onto **arterial roads classified Urban Connectors, Main Streets, Civic Spaces, or Activity Streets**, for traffic safety purposes.

- 67. In addition, I concur that it is appropriate to replace the maps showing the One Network Framework Categories applied to Central Hawke’s Bay with the corrected set of maps supplied by Mr Aiken (presenting road data obtained from RAMM 01DEC22). This will supersede the earlier set attached in Appendix C of the Section 42A Transport Report.
- 68. The revised set of maps is provided in **Appendix 5** accompanying this Reply. My recommendation remains that the One Network Framework Maps be adopted as an additional layer on the ePlan Planning Maps, or as a separate set of PDF maps appended to the TRAN – Transport chapter (i.e. as Appendix TRAN-APP6), as set out in section 5.5 of the Section 42A Transport Report.

69. Given the nature of the amendments, which are essentially minor corrections and updated versions, I have not changed my position, and my recommendations in relation to the CHBDC submission points on this matter still stand.
70. A copy of the revised TRAN – Transport chapter with all the above changes incorporated, is provided in **Appendix 2** accompanying this Reply.

Date: 27 January 2023



Three handwritten signatures in blue ink are displayed horizontally. The first signature is the most legible, appearing to read 'G. J. ...'. The second signature is more stylized and appears to read 'Morgan'. The third signature is highly stylized and appears to be 'AM'. Below the signatures is a horizontal dotted line.

List of Materials Provided by Submitters

Submitter Evidence

- Tom Anderson for Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited [S117, S118, S119]
- Joint Statement of Graeme McCarrison for Spark New Zealand Trading Limited, Andrew Kantor for Chorus New Zealand Limited, and Colin Clune for Vodafone New Zealand Limited [S117, S118, S119]
- Pauline Whitney for Transpower New Zealand Limited [S79, FS18]
- Daniel Hamilton for Transpower New Zealand Limited [S79, FS18]
- Graeme Roberts on 'Energy, Infrastructure and Transport' for Firstgas Limited [FS3]
- Graeme Roberts on 'Designations' for Firstgas Limited [FS3]
- Nicola Hine for Firstgas Limited (FS3)
- Lynette Wharfe for Horticulture New Zealand [S81, FS17]
- Michael Campbell for Kāinga Ora Homes and Communities [S129, FS23]
- Paul Sousa for Kordia Limited (as Requiring Authority)

Submitter Tabled Statements

- Paul McGimpsey for Fire and Emergency New Zealand [S57]
- Danielle Rogers for the Ministry of Education [S73]
- Rhea Dasent for Federated Farmers of New Zealand [S121, FS25]
- Dean Raymond for Heritage New Zealand Pouhere Taonga [S55]
- Natasha Reid for Waka Kotahi NZ Transport Agency [S78, FS16]
- Nick Aiken for Central Hawke's Bay District Council [S104]
- Darren de Klerk for Central Hawke's Bay District Council (as Requiring Authority)
- Stuart Smith for Centralines [S90]
- Michelle Grinlinton-Hancock for KiwiRail Holdings Limited (as Requiring Authority)
- Pauline Whitney for Transpower New Zealand Limited [S79, FS18] – speaking notes
- Nicola Hine for Firstgas Limited [FS3] – speaking notes

Supplementary Statements

- Supplementary Evidence for the Panel – Pauline Whitney for Transpower New Zealand Limited [S79, FS18]
- Supplementary Joint Evidence for the Panel – Lynette Wharfe for Horticulture New Zealand [S81, FS17] and Rhea Dasent for Federated Farmers of New Zealand [S121, FS25]

APPENDIX 2

**Updated Recommended Amendments to Plan Provisions:
NU – Network Utilities chapter
TRAN – Transport chapter**

ENERGY, INFRASTRUCTURE, AND TRANSPORT

NU – Network Utilities

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

Introduction

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

Commented [JKS1]: S117.016 Chorus, S118.016 Spark, S119.016 Vodafone - Hearing 7 Network Utilities, Key Issue 10

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

Commented [JKS2]: Correcting spelling error under Clause 16(2) of the First Schedule of the RMA.

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

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

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

Commented [JKS3]: S117.041 Chorus, S118.041 Spark, S119.041 Vodafone - Network Utilities, Topic, Key Issue 6

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

Commented [JKS4]: S56.005 Powerco - Network Utilities Topic, Key Issue 3

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

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

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

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

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

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

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

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

Issues

NU-11 Essential Role of Network Utilities

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

Commented [JKS6]: S56.006 Powerco - Network Utilities Topic, Key Issue 4

Explanation

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

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

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

Commented [JKS7]: S56.007 Powerco - Network Utilities Topic, Key Issue 4

Explanation

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

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

NU-13 Effects of Other Activities on Network Utilities

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

Explanation

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

Objectives

NU-01 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.

Commented [JKS8]: S117.031 Chorus, S118.031 Spark, S119.031 Vodafone and S56.009 Powerco - Network Utilities Topic, Key Issue 5

NU-02 The adverse effects of network utilities on the environment are avoided, remedied or mitigated, while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).

NU-03 The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.

NU-04: Provide for amateur radio configurations, cycleways and walkways within road reserve, electrical vehicle charging facilities outside road reserve, navigational aids, and sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices) where adverse effects on the environment are avoided, remedied or mitigated.

Commented [JKS9]: Correction of minor spelling errors pursuant to Clause 16(2) of the First Schedule of the RMA.

Policies

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

Commented [JKS10]: S57.023 FENZ - Network Utilities Topic, Key Issue 6

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

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

NU-P2

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

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

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

Commented [JKS11]: S129.022 Kainga Ora - Network Utilities Topic, Key Issue 6

NU-P3

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

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

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

Commented [JKS12]: S79.028 Transpower, S90.012 Centralines - Network Utilities Topic, Key Issue 6

NU-P4

Manage the effects of network utilities on the environment by:

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

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

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

Commented [JKS13]: S90.013 Centralines - Network Utilities Topic, Key Issue 6

NU-P5

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

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

Commented [JKS14]: S56.015 Powerco - Network Utilities Topic, Key Issue 6

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

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

Commented [JKS15]: S129.025 Kainga Ora - Network Utilities Topic, Key Issue 6

Commented [JKS16]: S81.053, S81.054 Hort NZ, S79.030 Transpower - Network Utilities Topic - Hearing Stream 7 - Right of Reply, 27 January 2023

NU-P6

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

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

Commented [JKS17]: S129.026 Kainga Ora - Network Utilities Topic, Key Issue 6

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

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

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

Commented [JKS18]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S79.026 Transpower - Network Utilities Topic

NU-PXX To the extent reasonably possible manage land use development (including sensitive activities), buildings, earthworks, vertical holes and structures within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, to:

1. Avoid reverse sensitivity effects where it may compromise the operation, maintenance, upgrading and development of the National Grid;
2. Ensure that buildings and structures do not compromise the operation, maintenance, upgrading and development of the National Grid; and
3. Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid.

Commented [JKS19]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S79.030 Transpower, S81.053, S81.054 Hort NZ- Network Utilities Topic

Rule Overview Table

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

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

Rules

Notes:

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

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

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

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

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

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

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

Commented [JKS20]: Section 16(2) of the First Schedule of the RMA - minor correction

Commented [JKS21]: S117.041 Chorus, S118.041 Spark, S119.041 Vodafone - Hearing 7 Network Utilities, Key Issue 6

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

All Zones	1. Activity Status: PER	2. Activity status where compliance with condition NU-R1(1)(a) is not achieved: RDIS
	Where the following conditions are met: a. Compliance with: i. NU-S1;	Matters over which discretion is restricted:

<ul style="list-style-type: none"> ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). 	<ul style="list-style-type: none"> a. Functional and operational requirements of the network utility. b. Effects on character and amenity of adjoining sites and surrounding environment. c. Effects on public health and safety. d. Impacts on the functional requirements and safe operation of other network utilities.
<p>3. Activity status where compliance with condition NU-R1(1)(b) is not achieved: NC</p>	

NU-R2 Minor upgrading of existing network utilities

<p>All Zones</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: <ul style="list-style-type: none"> a. within 2m3m of the existing alignment or location; and b. within 5m of the existing alignment or location when associated with road widening, road safety or electricity clearance. ii. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not: <ul style="list-style-type: none"> a. increase the number of conductors or wires/lines by more than 100 percent. 	<p>2. Activity status where compliance with condition NU-R2(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Functional and operational needs of, and benefits derived from, the network utility. b. Purposes and necessity of the upgrading. c. Potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality and any contribution to cumulative adverse effects. d. Potential adverse effects on heritage values. e. Potential adverse effects on Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4), Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), Significant Natural Areas (in ECO-
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Commented [JKS22]: Minor amendment pursuant to Clause 16(2) of the First Schedule of the RMA.

Commented [JKS23]: S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic - Hearing Stream 7 - Right of Reply, 27 January 2023

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

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

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

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

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

Commented [JKS24]: S90.017 Centralines - Hearing 7 Network Utilities, Key Issue 7.

Commented [JKS28]: S81.056 HortNZ - Hearing 7 Network Utilities, Key Issue 7

Commented [JKS29]: S81.056 HortNZ - Hearing 7 Network Utilities, Key Issue 7

Commented [JKS25]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic

- above ground structures under NU-S3, whichever is the greater; and
 - b. not have a footprint that exceeds the width of the existing tower by more than 25 percent.
- viii. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001.
- ix. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300mm.
- 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.

b. The voltage of an existing line must not increase beyond the voltage at which the existing line has been constructed to operate.

b-c. Compliance with:

- i. NU-S7 (Radio Frequency Fields); and

Commented [JKS26]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S117.043 Chorus, S118.043 Spark, S119.043 Vodafone - Network Utilities Topic

Commented [JKS27]: S81.056 HortNZ - Hearing 7 Network Utilities, Key Issue 7

- ii. NU-S8 (Electric and Magnetic Fields).

NU-R3 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) – within the National Grid Yard (~~other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator~~)

Commented [JKS30]: S81.057 HortNZ - Hearing 7 Network Utilities, Key Issue 7

All Zones

1. Activity Status: PER

Where the following activity conditions are met:

- a. Compliance with:
 - i. NU-S1;
 - ii. NU-S2;
 - iii. NU-S3;
 - iv. NU-S4;
 - v. NU-S5; and
 - vi. NU-S6.
- b. Compliance with:
 - i. NU-S7 (Radio Frequency Fields); and
 - ii. NU-S8 (Electric and Magnetic Fields).
- c. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.
- d. The activity is located a minimum distance of 12 metres from the outer visible foundation of any National Grid support structure and associated stay wire, unless it:
 - i. is a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 ISSN 0114-0663; or
 - ii. is a network utility (~~other than for the reticulation and storage of water for irrigation purposes~~) or any part of electricity infrastructure undertaken by a network utility operator that

2. Activity status where condition NU-R3(1)(a) is not achieved: RDIS

Matters of discretion are restricted to:

- a. Functional and operational needs of, and benefits derived from, the network utility.
- b. Effects on public health and safety.
- c. Whether alternative locations, routes or other options are physically or technically practicable.
- d. The matters set out in policies NU-P1, NU-P2, NU-P3, NU-P4 and NU-P5.

Notification: Non-notified

3. Activity status where conditions NU-R3(1)(b), NU-R3(1)(c) and/or NU-R3(1)(d) is not achieved: NC

connects to the National Grid;
 .and
 e. The activity does not permanently physically impede existing vehicular access to a National Grid support structure.

Commented [JKS31]: S81.057 HortNZ - Hearing 7 Network Utilities, Key Issue 7

Commented [JKS32]: S79.034 Transpower - Hearing 7 Network Utilities, Key Issue 7.

Commented [JKS33]: Section 16(2) of the First Schedule of the RMA - minor amendment to provide clarification and avoid potential confusion.

NU-R4 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES), not already provided for in -NU-R3 (within the National Grid Yard)

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

NU-R5 Cycleways or walkways within road reserve

All Zones	1. Activity Status: PER Where the following activity conditions are met: a. The activity is not within the National Grid Yard.	2. Activity status where condition NU-R5(1)(a) is not achieved: NC
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NU-R6 Amateur radio configuration activities

All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. Compliance with NU-S9 (Amateur Radio Configuration). b. Compliance with NU-S7 (Radio Frequency Fields). c. The activity is not within the National Grid Yard. d. The activity is not within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6. 	2. Activity status where condition NU-R6(1)(a) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational needs of, and benefits derived from, the amateur radio configuration. b. Effects on public health and safety. c. Where more than one standard will be infringed, the cumulative effects of all infringements considered together. d. The matters set out in policy NU-P6.
		3. Activity status where condition NU-R6(1)(d) is not achieved: DIS
		4. Activity status where conditions NU-R6(1)(b) and/or NU-R6(1)(c) is not achieved: NC

NU-R7 Electrical vehicle charging facilities located outside road reserve

All Zones	1. Activity Status: PER Where the following activity conditions are met: <ul style="list-style-type: none"> a. The activity is installed in association with an existing permitted or consented parking spaces, vehicle depot or garage structure. b. Compliance with: <ul style="list-style-type: none"> i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. 	2. Activity status where condition NU-R7(1)(b) is not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. Functional and operational requirements of the electrical vehicle charging facility. b. Effects on character and amenity of adjoining sites and surrounding environment and any contribution to cumulative adverse effects. c. Effects on public health and safety.

	<ul style="list-style-type: none"> c. Compliance with: <ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). d. The activity is not within the National Grid Yard. 	<ul style="list-style-type: none"> d. Potential adverse effects on heritage values. e. Potential adverse effects on: <ul style="list-style-type: none"> i. Historical Heritage Items (in HH-SCHED2), ii. Notable Trees (in TREE-SCHED4), iii. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), iv. Significant Natural Areas (in ECO-SCHED5), and v. Outstanding Natural Features and Landscapes (in NFL-SCHED6). f. Any measures to avoid, remedy or mitigate adverse effects.
		<p>3. Activity status where condition NU-R7(1)(a) is not achieved: DIS</p>
		<p>4. Activity status where conditions NU-R7(1)(c) and/or NU-R7(1)(d) is not achieved: NC</p>

NU-R8 Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological monitoring structures and devices)

All Zones	<p>1. Activity Status: PER</p> <p>Where the following activity conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. NU-S1; ii. NU-S2; iii. NU-S3; iv. NU-S4; v. NU-S5; and vi. NU-S6. b. Compliance with: 	<p>2. Activity status where condition NU-R7(1)(a) is not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Functional and operational requirements of the aids and/or equipment. b. Effects on character and amenity of adjoining sites and surrounding environment and
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	<ul style="list-style-type: none"> i. NU-S7 (Radio Frequency Fields); and ii. NU-S8 (Electric and Magnetic Fields). <p>c. The activity is not within the National Grid Yard.</p>	<ul style="list-style-type: none"> any contribution to cumulative adverse effects. c. Effects on public health and safety. d. Potential adverse effects on heritage values. e. Potential adverse effects on: <ul style="list-style-type: none"> i. Historical Heritage Items (in HH-SCHED2), ii. Notable Trees (in TREE-SCHED4), iii. Wahi Tapu, Wahi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3), iv. Significant Natural Areas (in ECO-SCHED5), and v. Outstanding Natural Features and Landscapes (in NFL-SCHED6). f. Any measures to avoid, remedy or mitigate adverse effects. <p>Notification: Non-notified</p>
NU-R9 Activities not otherwise provided for (that are not regulated by an NES)		
All Zones	<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p> <p>3. Activity status where conditions NU-R7(1)(b) and/or NU-R7(1)(c) is not achieved: NC</p>

Standards

NU-S1 Gross-Floor-Area Size and Dimensions	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ol style="list-style-type: none"> 1. Above ground buildings and structures must not exceed a gross floor area limit of: <ol style="list-style-type: none"> a. 10m² (where located within road reserve); and b. 15m² (where located outside road reserve). 2. A dish antenna must not exceed 1.2m in diameter. 3. A panel antenna must: <ol style="list-style-type: none"> a. fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and b. not exceed a width of 0.7m (where located outside road reserve). 4. A headframe must not exceed 2.5m in diameter. 5. Omni directional 'whip' or dipole antenna must not exceed: <ol style="list-style-type: none"> a. 1.6m in vertical length; b. 60mm in diameter; and c. 1.5m in horizontal length. 6. A telecommunications cabinet must not exceed a footprint of 2.5m² and height of 2m. 7. A group of telecommunications cabinets must not exceed a combined footprint of 3m². 8. A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 1.5m².
General Rural Zone Rural Production Zone	<ol style="list-style-type: none"> 9. Above ground buildings and structures must not exceed a gross floor area limit of: <ol style="list-style-type: none"> a. 10m² (where located within road reserve); and b. 50m² (where located outside road reserve). Except that: Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, above ground buildings and structures must not exceed a gross floor area limit of: <ol style="list-style-type: none"> c. 10m² (where located within road reserve); and d. 25m² (where located outside road reserve). 10. A dish antenna must not exceed 3m in diameter. 11. A panel antenna must: <ol style="list-style-type: none"> a. fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and b. not exceed a width of 0.7m (where located outside road reserve). 12. A headframe must not exceed 6m in diameter. 13. Omni directional 'whip' or dipole antenna must not exceed: <ol style="list-style-type: none"> a. 1.6m in vertical length; b. 60mm in diameter; and

Commented [JKS34]: S117.047 Chorus, S118.047 Spark and S119.047 Vodafone - Hearing 7 Network Utilities, Key Issue 8

	<p>c. 1.5m in horizontal length.</p> <p>14. A telecommunications cabinet must not exceed a footprint of 2.55m² and height of 2.5m.</p> <p>15. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>16. A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 3.5m².</p>
<p>Commercial Zone</p> <p>General Industrial Zone</p>	<p>17. Above ground buildings and structures must not exceed a gross floor area limit of:</p> <p>a. 10m² (where located within road reserve); and</p> <p>b. 50m² (where located outside road reserve).</p> <p>18. A dish antenna must not exceed 3m in diameter.</p> <p>19. A panel antenna must:</p> <p>a. fit within an envelope of 3.5m in length and 0.7m in width (where located within road reserve); and</p> <p>b. not exceed a width of 0.7m (where located outside road reserve).</p> <p>20. A headframe must not exceed 6m in diameter.</p> <p>21. Omni directional 'whip' or dipole antenna must not exceed:</p> <p>a. 1.6m in vertical length;</p> <p>b. 60mm in diameter; and</p> <p>c. 1.5m in horizontal length.</p> <p>22. A telecommunications cabinet must not exceed a footprint of 2.55m² and height of 2.5m.</p> <p>23. A group of telecommunications cabinets must not exceed a combined footprint of 3m².</p> <p>24. A telecommunications kiosk must not exceed a height of 3.5m and a footprint of 3.5m².</p>
NU-S2 Setbacks	
<p>General Residential Zone</p> <p>Settlement Zone</p> <p>Rural Lifestyle Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>1. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum distance of – 1.5m.</p> <p><u>Except that:</u></p> <p>a. <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p>2. Any part of an above ground building or structure located within road reserve – No setback requirement.</p>

Commented [JKS35]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S117.047 Chorus, S118.047 Spark, S119.047 Vodafone - Network Utilities Topic

Commented [JKS36]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S117.047 Chorus, S118.047 Spark, S119.047 Vodafone - Network Utilities Topic

Commented [JKS37]: S117.048 Chorus, S118.048 Spark, S119.048 Vodafone - Hearing 7 Network Utilities, Key Issue 8

Rural Production Zone General Rural Zone	3. Any part of an above ground building or structure (located outside road reserve) must be set back from the site boundary (excluding road boundaries) by a minimum of – 5m. <u>Except that:</u> <u>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u> 4. Any part of an above ground building or structure located within road reserve – No setback requirement.
Commercial Zone General Industrial Zone	5. No setback requirement.
NU-S3 Height for Above Ground Buildings and Structures	
Within road reserve or the rail corridor - All Zones	1. Above ground buildings adjoining the General Residential Zone, Settlement Zone, Rural Lifestyle Zone or Large Lot Residential Zone (Coastal) must not exceed a height of 2.3m. 2. Above ground buildings adjoining any other zone must not exceed a height of 3.5m. <i>Note: See standards below applying to above ground structures for the various zones (including where they are located within road reserve and the rail corridor).</i>
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	3. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 3.5m. 4. <u>Where an antenna is attached to a building, the top of the antenna must not be more than 5m above the point of the and building must not exceed a combined height of 8.5m to which it is attached.</u> 5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of <u>11-513</u> m. <u>Except that:</u> <ol style="list-style-type: none"> Omni directional ‘whip’ or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the ‘combined height’ (i.e. only the pole needs to comply with the maximum structure height standard). Lightning rods <u>and GPS antennas</u> are exempt from the maximum structure height standard.
Rural Production Zone General Rural Zone	6. <u>Except as excluded in clause 4. below, a</u> Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m. <u>Except that:</u>

Commented [JKS38]: S117.048 Chorus, S118.048 Spark, S119.048 Vodafone - Hearing 7 Network Utilities, Key Issue 8

Commented [JKS39]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8

Commented [JKS40]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8

Commented [JKS41]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8

Commented [JKS43]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8

<p>Rural Lifestyle Zone</p>	<p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, they must not exceed a height of 3m.</p> <p>7. Except as excluded in Clause 4 below, wWhere an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5mbe more than 5m above the point of the building to which it is attached.</p> <p>Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, aAbove ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that:</p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods and GPS antennasare exempt from the maximum structure height standard.</p> <p>9. Above ground buildings and structures in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.</p>	<p>Commented [JKS42]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8</p>
<p>Commercial Zone General Industrial Zone</p>	<p>10. Above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m.</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not be more than 5m above the point of the building to which it is attachedexceed a combined height 8.5m.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 4.5m17m.</p> <p>Except that:</p> <p>a. Omni directional 'whip' or dipole antenna that complies with the dimensions in Standard NU-S1 are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height standard).</p> <p>b. Lightning rods and GPS antennasare exempt from the maximum structure height standard.</p>	<p>Commented [JKS47]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8</p>
<p>NU-S4 Height in Relation to Boundary</p>		<p>Commented [JKS48]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8</p>
<p>General Residential Zone</p>	<p>1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest</p>	<p>Commented [JKS49]: S117.049 Chorus, S118.049 Spark, S119.049 Vodafone - Hearing 7 Network Utilities, Key Issue 8</p>

Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal) Rural Production Zone General Rural Zone	<p>horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that:</p> <p><u>a.</u> Where the nearest site boundary immediately adjoins an access or part of an access held in the same ownership (wholly or partly) as the site on which the above ground building or structure is located, or it adjoins a registered right of way in favour of the site of the building or structure, the height in relation to boundary must be measured from the far side of the access or right of way.</p> <p><u>a.b.</u> <u>This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</u></p> <p><i>Note: There is no height in relation to boundary standard that applies to above ground buildings and structures in the Commercial Zone, General Industrial Zone, or within road reserve.</i></p>
NU-S5 Access, Parking and Loading	
All Zones	1. Activities on sites greater than 200m ² in area must comply with the relevant provisions of the TRAN – Transport chapter for access, parking and loading.
NU-S6 Landscaping and Screening of Outdoor Areas and Parking Areas	
General Residential Zone Settlement Zone Rural Lifestyle Zone Large Lot Residential Zone (Coastal) Commercial Zone	1. Outdoor storage areas and permanently formed parking areas (where required under Standard NU-S5) must be screened by: <ol style="list-style-type: none"> Landscaping to a depth of 1m with a minimum average height of 1m at the time of planting and being capable of reaching a height of 1.8m; or Fencing to a maximum height of 1.8m; or A combination of both landscaping or fencing under clauses a. and b. above.
NU-S7 Radiofrequency Radiation	
All Zones	1. If generating radio frequency fields, the activity must not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3kHz to 300GHz.

Commented [JKS50]: S117.050 Chorus, S118.050 Spark, S119.050 Vodafone, S90.024 Centralines - Hearing 7 Network Utilities, Key Issue 8.

NU-S8 Electric and Magnetic Fields

All Zones

1. If generating electric and magnetic fields, the activity must not exceed the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environment Health Criteria (N0 238, June 2007).

NU-S9 Amateur Radio Configuration

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

1. The maximum height of one support structure on a site must not exceed 20m (referred to hereafter as the 'primary structure').
2. The primary structure on the site may be surmounted by a VHF/UHF whip or discone antenna to a maximum height of 24m.
3. Any additional support structures on a site must not exceed a height of 12m.

Note: in all instances, height is measured from the natural ground level.

Rural Production Zone
General Rural Zone
Commercial Zone
General Industrial Zone

4. Except as excluded in clause 5. below, one support structure on a site must not exceed a height of 20m (referred to hereafter as the 'primary structure').
5. The primary structure on the site may be surmounted by a VHF/UHF whip or discone antenna to a maximum height of 24m.
6. Any additional support structures on a site must not exceed a height of 14m.
7. Amateur radio configuration activities in the Rural Production Zone must comply with Standard RPROZ-S13 Buildings and structures by Waipukurau Aerodrome.
8. Amateur radio configuration activities in the Rural Production Zone must comply with Standard GIZ-S5 Buildings and structures by Waipukurau Aerodrome.

Note: in all instances, height is measured from the natural ground level.

All Zones

9. Except as required by clause 11. below, the primary structure and additional support structures must be set back a minimum distance of 1m from all boundaries.
10. All structures and support structures (including wire and **aerials/antennas**) must be contained within the site on which they are located and must not overhang any boundary.

Commented [JKS51]: Chorus (S117.003), Spark (S118.003) and Vodafone (S119.003) - Hearing Stream 7, Network Utilities, Key Issue 1

11. Any part of an amateur radio configuration activity must be set back from any item listed as a heritage item in HH-SCHED2 and/or Site of Significance identified in SASM-SCHED3 by a minimum distance of:
 - a. 100m in the Rural Production Zone, General Rural Zone and Rural Lifestyle Zone; and
 - b. 25m in all other zones.
12. The primary structure must comply with the following dimensions:
 - a. Guyed mast – a maximum inscribed circle of no more than 1m below 9m in height and 115mm above 9m in height to the maximum height specified (above) for primary structures in the zone where it is located; or
 - b. Guyed lattice mast – a maximum inscribed circle of no more than 1m below 9m in height and 0.4m above the 9m to the maximum height specified (above) for primary structures in the zone where it is located; or
 - c. Self-supporting lattice mast – a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit within a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m depending on the maximum height specified (above) for primary structures in the zone where it is located; or
 - d. Self-supporting tubular mast – a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit into a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m depending on the maximum height specified (above) for primary structures in the zone where it is located.
13. There must be no more than one primary structure per site.
14. Additional structures must comply with the following:
 - a. A maximum of 7 poles per site; and
 - b. Up to two additional structures per site may have an attached UHF or VHF ~~aerial/antenna~~, provided that the total height of the additional structures does not exceed the maximum height specified (above) for additional structures in the zone where they are located; and
 - c. No more than two dishes of up to 1.2m in diameter may be attached to each additional structure; and
 - d. One additional structure on a site may be a HF vertical antenna; and
 - e. All additional structures must have an outside diameter of 115mm or less; and
 - f. Where guy wires are used, there must not exceed a diameter of 12mm.
15. On each site, there must be no more than:
 - a. one dish of up to 2m in diameter;

Commented [JKS52]: Chorus (S117.003), Spark (S118.003) and Vodafone (S119.003) - Hearing Stream 7, Network Utilities, Key Issue 1

- | | |
|--|---|
| | <ul style="list-style-type: none"> b. one panel antenna of up to 2m in any dimension where it is positioned no more than 5m above natural ground level; c. two dishes, each being no more than 1.2m in diameter where located more than 5m above natural ground level; or d. one pedestal dish mounted antenna pivoted less than 3m above ground with a maximum diameter of 2.5m, provided that the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail network and height in relation to boundary standards applying to buildings in the zone in which they are located; or e. one pedestal dish mounted antenna pivoted less than 4m above ground with a maximum diameter of 5m, provided that: <ul style="list-style-type: none"> i. the total height of the pedestal and the dish mounted antenna is more than 6.5m; and ii. the pedestal and the antenna are located in accordance with the setback from neighbours/roads/rail network and height in relation to boundary standards applying to buildings in the zone in which they are located. |
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Assessment Matters

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

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

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

NU-AM2 Infringement of the setback standards

1. Whether the reduced setback of the building or structure will cause shading or visual dominance and/or adversely affect the character and visual amenity of adjoining properties and, where relevant, within the existing streetscape and road frontage.
2. Whether the network utility utilises an existing building or structure. As far as practicable, network utilities should co-site and share facilities.

3. Whether adverse effects on amenity values can be avoided, remedied, or mitigated through planting, fencing or other amenity treatment (including minimising visual impact through design and colours).
4. Whether adverse effects on public health and safety, including on the functioning and safe operation of roads, cycleways or walkways, the rail corridor, the National Grid, or lines used for the conveyance of electricity or telecommunications, can be avoided, remedied, or mitigated, and the outcome of any consultation with the relevant road controlling authority, KiwiRail or Transpower.
5. Whether the dimensions of the site or other physical characteristics of the site preclude reasonable compliance.
6. Whether there are any characteristics or technical requirements of the proposed use that will make compliance impracticable.

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

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

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

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

NU-AM5 Infringement of the landscaping and screening standards

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and
 - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
 - a. security;

- b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.
3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

NU-AM6 Infringement of the amateur radio configuration standards

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

Commented [JKS53]: Chorus (S117.003), Spark (S118.003) and Vodafone (S119.003) - Hearing Stream 7, Network Utilities, Key Issue 1

Methods

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

NU-M1 Other Provisions in the District Plan

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

- 1. HAZS – Hazardous Substances – controls the establishment of Major Hazardous Facilities in the District.
- 2. HH – Historical Heritage and HH-SCHED2 – Schedule of Historical Heritage Items – in areas containing these historical heritage sites.
- 3. SASM – Sites and Areas of Significance to Maori and SASM-SCHED3 – Schedule of Sites and Areas of Significance to Maori – in areas containing these sites of significance to tangata whenua.
- 4. TREE – Notable Trees and TREE-SCHED4 – Schedule of Notable Trees – in areas containing these notable trees.

5. ECO – Ecosystems and Indigenous Biodiversity and ECO-SCHED5 – Schedule of Significant Natural Areas – in areas containing these areas of significant indigenous vegetation or significant habitats of indigenous fauna.
6. ~~NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – in areas containing these features.~~
7. CE – Coastal Environment and CE-SCHED7 – Schedule of Areas of High Natural Character – in areas containing identified high natural character in the coastal environment.
8. RE – Renewable Energy sets direction for activities that convert renewable energy into electricity.
9. SUB – Subdivision – manages the control of subdivision of sites for the purpose of accommodating network utilities throughout the District.
10. EW – Earthworks – controls the effects of earthworks associated with activities on the environment.
11. TRAN - Transport – relevant to activities requiring vehicular access, parking and loading.
12. CL - Contaminated Land – contains planning controls that direct the requirement for consent or otherwise for activities on contaminated or potentially contaminated land.
13. OSR – Open Space and Recreation – includes provisions relevant to establishment of cycleways and walkways located outside road reserve (being recreational activities that fall within the definition of ‘community facilities’).
14. LIGHT – Light – controls light emissions associated with activities.
15. NOISE – Noise – controls noise associated with activities.
16. Designations – allow land to be secured for public works or other projects and facilitate the establishment of what are often necessary or essential services. Legal roads within the District, including State Highways, are designated.

Commented [JKS54]: S79.047 Transpower - Hearing 7 Network Utilities, Key Issue 9

NU-M2 ~~Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009~~

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

Commented [JKS55]: Clause 16(2) of the First Schedule of the RMA - minor amendment to correct title of NPS.

NU-M3 ~~Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016~~

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

Commented [JKS56]: Clause 16(2) of the First Schedule of the RMA - minor amendment to correct title of NPS.

NU-M4 **Resource Management (National Policy Statement on Electricity Transmission) 2008**

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

Commented [JKS57]: S79.049 Transpower - Hearing 7 Network Utilities, Key Issue 9

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

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

Commented [JKS58]: Clause 16(2) of the First Schedule of the RMA - minor amendment to correct title of NPS.

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

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

Commented [JKS59]: S79.050 Transpower - Hearing 7 Network Utilities, Key Issue 9

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

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

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

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

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

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

NU-M10 Engineering Code of Practice

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

Commented [JKS60]: S89.008 CHBDC - Hearing 7
Network Utilities, Key Issue 9

NU-M11 Liaison

Consultation and communication with network utility operators.

Principal Reasons

The principal reasons for adopting the policies and methods:

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

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

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

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

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

Commented [JKS61]: S79.052 Transpower - Hearing 7 Network Utilities, Key Issue 9

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

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

Commented [JKS62]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to S81.058 Hort NZ

TRAN – Transport

Introduction

The transport network of the Central Hawke’s Bay District is vital for moving people and goods throughout the District and contributing to the social and economic wellbeing of the community.

The network of roads in the District is managed by the Council and New Zealand Transport Agency (in relation to State Highway 2 and State Highway 50) and comprises sealed and unsealed roads. Maintenance of roads is important to ensure they are capable of transporting goods and produce. Public transport, footpaths, walkways and cycleways are also components of the transport network.

Almost all activities generate or attract traffic and it is important that vehicle movements are undertaken efficiently, effectively and safely. Where parking and loading facilities are not provided on-site they will usually occur on the street, which may have adverse effects on the safety and efficiency of roads. The provision of convenient and safe vehicle access, on-site parking and loading are therefore an essential part of achieving a safe and efficient roading network.

Part of the successful management of the transport network is identifying the principal function of roads that form the roading network. A road hierarchy (using the [One Network Framework Road Classification](#)) has been developed for Council’s road network (consisting of 1,265 km of formed roads), where the purpose of each road is defined in TRAN-APP5 to this part of the District Plan and is identified on the District Plan Maps. Land use and access provisions are related to the function of roads to ensure that the road network operates in a safe and efficient manner.

Commented [RM1]: S104.002 CHBDC - Transport Topic, Key Issue 2

The consideration of alternative transport modes, including walking, cycling and public transport, are complimentary to the Council’s goal of achieving an integrated transport network. Alternative transport modes are environmentally sustainable, helping reduce climate change with a reduction in vehicle congestion and carbon emissions. The Council will encourage the provision of footpaths, cycleways and walkways as part of new subdivisions and developments, and the provision of facilities, such as bicycle stands and showers in work places, which encourage more people to consider alternative transport modes to commute to work.

The rail network is important for the transport of goods to and from the District and Region and is an integral part of the transport network. Appropriate measures for crossing the rail network and for protecting the network from the effects of inappropriate new development (reverse sensitivity) also need to be considered.

Issues

TRAN-I1 Efficient and safe use of the District's roads and other transport infrastructure can be adversely affected by the inappropriate design of land use activities, their access, parking and servicing.

Explanation

The District's transportation networks are important to enable the movement of goods and people throughout the community. Inappropriate land use and development can compromise the safety and efficiency of transportation networks (including the rail network). In particular, poor design and location of vehicle access to and from the road network and near railway lines and level crossings can create adverse effects on the network's safety and efficiency.

Objectives

TRAN-O1 The transport network is sustainable, safe, resilient, efficient and effective in moving people and goods within and beyond the District.

Commented [RM2]: S11.008 HBRC - Transport Topic, Key Issue 1

TRAN-O2 Activities generate a type or level of traffic that is compatible with the roads they are located on appropriately accommodated within the local transport network.

Commented [RM3]: S129.029 Kainga Ora - Transport Topic, Key Issue 1

Policies

TRAN-P1 To require land owners and occupiers to provide off-street parking, access and loading facilities on sites which are appropriate to the demands of the activities carried out on their sites To manage the number, location and type of parking, access, and loading facilities to support the functional and operational requirements of activities, while maintaining the safe, efficient, and effective operation of the transport network, limit road congestion and maintain the safety, efficiency and the amenity of the streetscape.

Commented [RM4]: S129.030 Kainga Ora - Transport Topic, Key Issue 3

TRAN-P2 To set standards for the design of new public roads, private roads and accessways to ensure that they are appropriate for the function they serve.

TRAN-P3 To protect Arterial and Collector roads within the transport network from inappropriate development To manage subdivision and development to ensure the safety and efficiency of the transport network is not inappropriately compromised.

Commented [RM5]: S129.032 Kainga Ora - Transport Topic, Key Issue 1

TRAN-P4 To establish appropriate design standards for the construction of car parking spaces and loading areas that promote the safe and efficient use of vehicles so as to ensure that they are fit for purpose, where provided, and promote the safety of cyclists and pedestrians within those spaces.

Commented [RM6]: S129.033 Kainga Ora - Transport Topic, Key Issue 3

Commented [RM7]: S11.010 HBRC - Transport Topic, Key Issue 5

TRAN-P5 To control the width and location of vehicle access points from the transport network to each property to minimise the adverse effects of manoeuvring and queuing vehicles, the potential effects on pedestrian, cyclist and other road user safety, and effects on streetscape amenity.

TRAN-P6 To promote alternative means of safe, efficient and effective transport, including cycling and walking and public transport facilities to enable people of all ages to move within the District and reduce the effects of vehicle-based transport systems.

TRAN-P7 To ensure the loading transport network has capacity to accommodate the transportation needs of new development.

Commented [RM8]: S11.012 HBRC - Transport Topic, Key Issue 5

Commented [RM9]: S129.036 Kainga Ora - Transport Topic, Key Issue 1

Rule Overview Table

Use/activity	Rule Number
Provision of Vehicular Access, and Parking and Loading Space	TRAN-R1

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities requiring vehicular access, and parking and loading space.

TRAN-R1 Provision of Vehicular Access, and Parking and Loading Space		
All Zones	1. Activity Status: PER Where the following conditions are met: a. Compliance with: i. TRAN-S1; ii. TRAN-S2; iii. TRAN-S3; iv. TRAN-S4; v. TRAN-S5; vi. TRAN-S6; vii. TRAN-S7; and viii. TRAN-S8.	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. TRAN-AM1 and TRAN-AM2.

Standards

TRAN-S1 Vehicle Parking

All Zones

1. Every owner or occupier who proposes to construct or substantially reconstruct, alter, or add to a building on any site, or change the activity carried out on any land or in any building, must provide suitable areas on the site for parking in accordance with the requirements listed in the table below.

Table 1 – Car Parking Spaces

TYPE OF ACTIVITY	MINIMUM NUMBER OF CAR PARKING SPACES
Residential Units	1 park per unit where 1 and 2 bedrooms
Minor Residential Units	2 parks per unit where 3+ bedrooms <i>Note: (can include parks within garages or carports), and, where the site is located within the Residential Zone, can include a vehicle standing bay required under standard TRAN-S3(5).</i>
Commercial Activities - all zones, other than those activities listed specifically in this table	1 park for visitors per 50m ² gross floor area; and 1 park for staff per 200m ² gross floor area; and 1 park per 100m ² outdoor storage or outdoor display area
Industrial Activities Service Activities	1 park for visitors per 100m ² gross floor area; and 1 park for staff per 200m ² gross floor area; and 1 park per 100m ² outdoor storage space
Post-Harvest Facilities	1 space per 2 FTE staff employed on the site at any one point in time.
Relocatable Building Depot	1 park for visitors per 3 houses; and 1 park per 2 staff members
Visitor Accommodation	1 park per room or 1 park per 3 beds, whichever is the greater; and 1 park per 2 staff members
Camping Grounds	1 park per camp site; and 1 park per 2 staff members
Service Stations	1 park per 50 m ² gross floor area of retail shop; and 1 park per 2 staff members; and 4 spaces per workshop bay; and 2 queuing spaces per refuelling lane; and 3 queuing spaces for a carwash
Restaurants Licensed Premises	1 park per 25m ² gross floor area; and 1 park per 2 staff members

Commented [RM10]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - revised recommended amendment in response to evidence from in relation to S129.039 Kainga Ora

Commented [RM11]: S81.059 Hort NZ - Transport Topic, Key Issue 3

Educational Facilities	1 park per 2 staff members; and 1 park per 50 students aged 15-18 years; and 1 park per 10 students aged over 18 years; and 1 bus park required for schools with rolls below 100 students, otherwise 2 bus parks
Day Care Facilities	1 park per 2 staff members; and 1 park per 10 clients
Home Businesses	1 park per FTE employee/staff member not resident on the site
Recreational Activities	1 park per 10 seats the facility is designed to accommodate. Where a building is not intended for seating, 5 parks per 100m ² gross floor area. Plus 0.1 parks per 100m ² of recreation space or playing fields.
Sales Yards	80 parks; and 20 truck & trailer parks
Rest Homes	1 park per 5 beds; and 1 park per 2 staff members
Retirement Villages	1 park per self-contained unit; and 0.5 parks per apartment; and Hospital - 1 park per 4 beds, plus 1 park per FTE staff member
Hospitals	1 park per 2 beds; and 1 park per 2 staff members
Health Care Facilities	2 visitor parks per professional; and 1 park per 2 staff members
Emergency Service Activities	1 park per 2 on-duty staff members
Community facilities, other than those listed above	1 park per 25m ² gross floor area; and 1 park per 2 staff members
Drive thru facilities excluding Service Stations	2 queuing spaces per booth or facility

2. [When the assessment of the number of parking spaces required in respect of the use of any land or building results in a fraction, a fraction under one half must be disregarded, and fractions of one half or more must require an additional parking space.](#)

Commented [RM12]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - in response to identification of e-Plan error, revised recommended amendment in giving effect to S129.039 Kainga Ora

TRAN-S2 Parking Spaces for People with Disabilities

- | | |
|------------------|---|
| All Zones | 1. When constructing car parks, developers, owners or occupiers must make provision for disabled car parks in compliance with |
|------------------|---|

TRAN-APP1 and they must also be clearly marked or signposted as such.

TRAN-S3 Design and Construction of Parking Areas

All Zones

1. Vehicle Dimensions:
 - a. All parking spaces and access and manoeuvring areas, including ramps, must be of a size and layout to accommodate a passenger vehicle as defined in the *Austroads Design Vehicles and Turning Path Templates Guide AP-G34-13* (Austroads, 2013) – refer to TRAN-APP2 for the dimensions of this vehicle.
2. General Design and Construction Details:
 - a. All public and required parking areas, and any outdoor display areas (such as car, caravan or boat sales yards) must comply with the following general requirements:
 - i. Parking areas must be designed and constructed to ensure that stormwater runoff from the parking area does not adversely affect adjoining properties.
 - ii. Parking areas, together with access and turning space, must be designed to ensure that vehicles negotiate the parking area at a safe speed and are not required to reverse either on to or off a street, provided that this requirement will not apply in any General Residential Zone, Large Lot Residential Zone or Settlement Zone where a single accessway serves not more than two residential buildings. Vehicles using the parking area must only enter or leave the site by the accessway.
 - iii. Where a public or non-residential parking area is within or adjoins a General Residential Zone, Large Lot Residential Zone or Settlement Zone, a 1.8-metre-high, fully enclosed screen must be erected, or a landscape strip of a minimum width of 5 metres along the boundary must be provided. These requirements may be reduced or waived with the consent of the adjoining neighbour.
 - iv. A queuing space must be provided within public car parks to prevent vehicles queuing on the street.
 - v. Provision must be made for the illumination of access drives and pedestrian areas within public car parks. Such illumination is to be directed away from adjoining General Residential Zone, Large Lot Residential Zone or Settlement Zone sites.

Large Lot Residential Zone (Coastal)	<p>3. Parking Spaces for Residential Activities:</p> <p>a. Parking spaces must have a minimum internal dimension of 3.0 metres (width) by 5.0 metres (length).</p>
General Residential Zone	<p>4. Parking Spaces for Residential Activities:</p> <p>a. Parking spaces must have a minimum internal dimension of 3.0 metres (width) by 5.0 metres (length).</p> <p>5. Vehicle Standing Bay:</p> <p>a. A 5-metre-long vehicle standing bay must be located within the vehicle access to all garages and carports.</p>
Commercial Zone General Industrial Zone	<p>6. Parking areas must be formed and sealed and marked out, and where there is a separate requirement for staff parking, such parks must be clearly identified.</p>
TRAN-S4 Vehicle Loading	
All Activities (except Residential Activities)	<p>1. Provision of Loading Spaces</p> <p>a. Every owner or occupier who proposes to construct or substantially reconstruct, alter or add to a building on any site, or change the activity carried out on the site, must provide one Loading Space and an associated manoeuvring area. The Loading Space must be designed and located on the site to provide for the efficient loading or fueling of vehicles associated with the use of any building or activity carried out on the site, except where a service lane is designated or provided. Separate Loading Spaces must be provided for each occupier of the site. The Loading Space will be additional to the parking required in Table 1 – Car Parking Spaces.</p> <p>b. Every Loading Space, together with access, must be designed so that it is not necessary to reverse vehicles either onto or off the street. The Loading Space must not be stacked or located within vehicle manoeuvring areas.</p> <p>c. The provision of a Loading Space in respect of any site may be made as part of the side and/or rear yard space, but not as part of the front yard space of that site.</p> <p>b. The method of loading must ensure that the footpath or access to adjacent properties remains clear at all times and traffic safety is maintained.</p> <p>2. Design of Loading Spaces</p> <p>a. The design of Loading Spaces and the layout adopted will depend on the area and shape of the land available, the purpose for which loading is required, and the functional</p>

design of the building. The layout must be of sufficient size to accommodate the following design vehicles:

- vi. Activities requiring loading facilities or servicing from heavy vehicles: A “Single Unit Bus / Truck” as defined in the *Austroads Design Vehicles and Turning Path Templates Guide AP-G34-13* (Austroads, 2013) – refer to TRAN-APP3 for the dimensions of this vehicle.
 - vii. Where articulated vehicles or trucks and trailers are anticipated: a “Prime Mover and Semi-Trailer” as defined in the *Austroads Design Vehicles and Turning Path Templates Guide AP-G34-13* (Austroads, 2013) – refer to TRAN-APP2 for the dimensions of this vehicle.
- b. The following minimum dimensions are provided as a means of compliance:
- i. Warehouses, transport depots, bulk stores and similar must have a minimum length of 20 metres and a minimum width of 3 metres.
 - ii. Retail activities, offices, manufacturing premises and similar must have a minimum length of 8.5 metres and a minimum width of 3 metres.
 - iii. Non-residential activities, such as Day Care Facilities and similar must have a minimum length of 5.5 metres and a minimum width of 3 metres.

TRAN-S5 Vehicle Access

All Zones

1. Every owner or occupier must provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas, from an existing, formed legal road, to enable vehicles to enter the site.
2. There must be a maximum of one vehicle crossing per **siteproperty** within the General Residential Zone, Large Lot Residential Zone and Settlement Zone, except where the site is an emergency services facility.
Where the **siteproperty** is bordered by two or more roads, the vehicle access to the property must be from the lower category road or road with the lowest traffic volumes when road hierarchy status is equal.
3. The minimum legal widths for private access are contained in Table 2 – Urban & Rural Environments – Residential Units & Home Businesses, Table 3 – Rural Environments – Commercial, Industrial & Other Activities, and Table 4 – Urban Environments – Commercial & Industrial Activities below.

Commented [RM13]: S129.042 Kainga Ora - Transport Topic, Key Issue 1

Private access to properties must allow the safe passage from the edge of the road to the legal boundary of the lot for a single site or household unit.

For two or more sites or residential units or for any Right of Way, formation of the access to the activity undertaken on the site is required in compliance with Table 2.

4. A property access which crosses the rail network does not constitute legal access. Sites adjoining a railway line or designation must provide an alternative access to a legal road which does not require a crossing of the railway line or designation.

Note: Notwithstanding the rules in this Plan, every person proposing to construct or modify an accessway onto a State Highway must obtain permission from the New Zealand Transport Agency, and every person proposing to construct or modify an access which crosses a rail line must obtain permission from KiwiRail.

TRAN-S6 Distance between of Vehicle Accesses and Separation from Road Intersections

General Residential Zone

Commercial Zone

General Industrial Zone

1. The distance that any new vehicle access to any property may be sited from any road intersection must be a minimum of 15m or the extent of the property boundary where this is not achievable, whichever is the least.
2. Where there will be two adjacent accesses on adjoining sites, any new vehicle crossings must be offset from the common legal property boundary (side boundary) by 1.5 metres.
3. Any vehicle access to any property must not be sited within 30 metres of an intersection of a State Highway.

Note: Vehicle access in relation to Inter-regional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street Arterial Road or Collector Road intersections will be subject to a Road Safety Audit as deemed necessary by the Road Controlling Authority.

Rural Lifestyle Zone

General Rural Zone

Rural Production Zone

4. Any new vehicle access to any property shall be sited at least 100 metres from an intersection of a State Highway.

Commented [RM14]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - added 'civic space' in response to statement tabled at Hearing in relation to S114.008 CHBDC

Commented [RM15]: S104.008 CHBDC - Transport Topic, Key Issue 2

Commented [RM16]: S129.043 Kainga Ora - Transport Topic, Key Issue 1

Settlement Zone Large Lot Residential Zone (Coastal)															
TRAN-S7 Distance of Vehicle Access from Railway Level Crossings															
All Zones	1. Any new vehicle access <u>points to roads that cross a railway level crossing shall be located a minimum of to any property must not be sited within 30 metres of a from the</u> rail level crossing.														
TRAN-S8 Safe Sightline Distances															
All Zones	1. Vehicle accesses and intersections must be located to ensure that Safe Sightline Distances are maintained. 2. All level crossings must remain unobstructed in accordance with the sight triangles provided in TRAN-APP4 (Level Crossing Sight Triangles), with the exception of existing buildings associated with existing level crossings which do not have to meet the sight triangles.														
	<p>Notes:</p> <ol style="list-style-type: none"> For vehicle accesses fronting a road that is not a State Highway, compliance with the Austroads Standards will be deemed an acceptable means of compliance with this standard. For vehicle accesses and intersections fronting a State Highway, the NZ Transport Agency's minimum sight distances are set out below and are deemed an acceptable means of compliance with this standard. <table border="1" data-bbox="365 1241 919 1486"> <thead> <tr> <th>Posted Speed Limit (km/h)</th> <th>Minimum SightSite Distance (m)</th> </tr> </thead> <tbody> <tr> <td>50</td> <td>113</td> </tr> <tr> <td>60</td> <td>140</td> </tr> <tr> <td>70</td> <td>170</td> </tr> <tr> <td>80</td> <td>203</td> </tr> <tr> <td>90</td> <td>240</td> </tr> <tr> <td>100</td> <td>282</td> </tr> </tbody> </table>	Posted Speed Limit (km/h)	Minimum SightSite Distance (m)	50	113	60	140	70	170	80	203	90	240	100	282
Posted Speed Limit (km/h)	Minimum SightSite Distance (m)														
50	113														
60	140														
70	170														
80	203														
90	240														
100	282														

Commented [RM17]: S129.044 Kainga Ora - Transport Topic, Key Issue 1

Commented [RM18]: clause 16 RMA minor correction

Table 2 – Minimum Legal Widths of Private Access – Urban and Rural Environments – Residential Units & Home Businesses

PLACE CONTEXT	TYPICAL CLASSIFICATION	DESIGN ENVIRONMENT						LINK CONTENT				
		Locality served	Target operating speed (km/h)	Minimum legal access width (m) (see Note 2)	Maximum width of Vehicle Crossing	Maximum height clearance along access	Maximum grade	Pedestrians	Passing parking, loading & shoulder	Cyclists	Minimum formed movement lane (excluding shoulder)	
General Residential Zone	Private access/lane (see Note 1)	1-2 Residential Units	10	3m	4.8m	4m	20%	Shared (in movement lane)	Allow for passing every 50m	Shared (in movement lane)	2.75m	
Commercial Zone		3 Residential Units (see Note 3)	10	3.6m	4.8m							
General Industrial Zone		4-6 Residential Units	10	4.5m	4.8m							
		7 + Residential Units	10	6m	6m							
Large Lot Residential Zone (Coastal)	Private access/lane (see Note 1)	1-2 Residential Units	20	4m	None	4m	12% unsealed (see Note 4)	Shared (on shoulder and berm)	Allow for passing every 100m, total shoulder 0.5m, sealed	Shared (in movement lane)	3m	
General Rural Zone		3-6 Residential Units	20	6m							20% sealed	3m
Rural Production Zone		7-20 Residential Units	20	9m							20% sealed	2 x 2.75m

Commented [RM19]: S57.028 FENZ - Transport Topic, Key Issue 4

Rural Lifestyle Zone Settlement Zone											
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- Note (1):** Any private road or lane serving greater than 6 Residential Units or sites may be required to be offered as public road to be vested in Council.
- Note (2):** Applies to the legal width of the legal road, the Right of Way, or the Access Lot or access leg where this provides the primary point of access to the lot/site.
- Note (3):** For a development where a fire appliance is not able to reach either a dwelling or the source of the firefighting water supply from a public road in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509: 2008, this code of practice should be consulted for compliance with the accessway dimensions required for the fire appliances. Applies to the legal road, the Right of Way or the Access Lot or access leg where this provides the primary access to the lot/site.
- Note (4):** In some cases, higher grades of up to 15% can be allowed for short sections (about 50m).

Table 3 – Minimum Legal Widths of Private Access – Rural Environments – Commercial, Industrial & Other Activities

PLACE CONTEXT	TYPICAL CLASSIFICATION	DESIGN ENVIRONMENT					LINK CONTEXT (see Note 2)			
Area	Hierarchy	Locality served	Target operating speed (km/h)	Minimum legal access width (m)	Minimum height clearance along access	Maximum grade (see Note 4)	Pedestrians	Passing parking, loading & shoulder (see Note 3)	Cyclists	Minimum formed movement lane (excluding shoulder)
Large Lot Residential Zone (Coastal) General Rural Zone Rural Production Zone	Private access/lane (see Note 1)	Side or rear service access (1-20 sites) where it is not the primary access	10	6m		12% unsealed	Shared (in movement lane)	Loading bays	Shared (in movement lane)	2.75m
		1-3 sites	10	6m	4m	20% sealed	Shared (in movement lane)	Parking	Shared (in movement lane)	3.0m

Commented [RM20]: S57.029 FENZ - Transport Topic, Key Issue 4

Rural Lifestyle Zone Settlement Zone	4-6 sites	10	6.5m	20% sealed	1.5m one side or 1.5m each side	Parking	Shared (in movement lane)	2 x 2.5m
	7-20 sites	10	9m	16%	1.5m one side or 1.5m each side	Parking	Shared (in movement lane)	2 x 2.5m
	21-200 sites	30	20m	10%	3m each side	Parking and loading bays	Shared (in movement lane)	2 x 2.75m

Note (1): Any private road or lane serving greater than 6 sites may be required to be offered as public road to be vested in Council.

Note (2): 'Link Context' in rural areas will only apply where residential activities are located within 800m of the subject site.

Note (3): Passing bays may be required where the length of the access road exceeds 100m.

Note (4): In some cases, higher grades of up to 15% can be allowed for short sections (about 50m).

Table 4 – Minimum Legal Widths of Private Access – Urban Environments – Commercial & Industrial Activities

PLACE CONTEXT	TYPICAL CLASSIFICATION	DESIGN ENVIRONMENT					LINK CONTEXT			
		Locality served	Target operating speed (km/h)	Minimum legal access width (m)	Minimum height clearance along access	Maximum grade	Pedestrians	Passing parking, loading & shoulder	Cyclists	Minimum formed movement lane (excluding shoulder)
Area	Hierarchy									
General Residential Zone	Private lane	1-2 sites	10	6m		12.5%	Shared (in movement lane)	No (Note 2)	Shared (in movement lane)	3.0m
Commercial Zone	Side or rear service access where it is not the primary access	1-20 sites	10	6m	4m	12.5%	Shared (in movement lane)	No (Note 2)	Shared (in movement lane)	3.0m

Commented [RM21]: S57.030 FENZ - Transport Topic, Key Issue 4

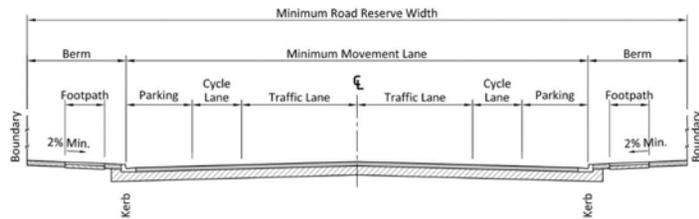
General Industrial Zone	Private road/lane (see Note 1)	3-6 sites	10	15m		10%	1.5m one side	No (Note 2)	Shared (in movement lane)	2 x 3.0m
	Private road/lane (see Note 1)	7-20 sites	20	20m		10%	1.5m each side	Parking and loading bays	Cycle lane and footpath	2 x 3.0m

Note (1): Any private road or lane serving greater than 6 sites may be required to be offered as public road to be vested in Council.

Note (2): The maximum length of the lane where no parking, passing, or loading bays are required is 50m.

The road cross-section in Figure 4 below shows graphically the terms used in Table 2, Table 3 and Table 4 above.

Figure 4 – Road Cross Section



Assessment Matters

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

TRAN-AM1 General Assessment Matters for Access, Parking and Loading

1. Whether it is physically practicable to provide the required parking or loading spaces on the site in terms of the existing location of buildings, access to the road, topography, and utility location.
2. Whether there is an adequate alternative supply of parking or loading spaces in the vicinity that could provide a partial or complete waiver of the parking requirements. In general, on-street parking is not considered an alternative.
3. Whether a kerb-side loading space can be provided which is of sufficient capacity to accommodate the activity, where applicable. The minimum dimensions for kerb-side loading spaces are 3.5 metres wide, 3.5 metres high and 7 metres deep, measured from the street boundary.
4. Whether there is another site in the immediate vicinity that has available parking or loading spaces that are not required at the same time as the proposed activity and that may be jointly used by the proposed activity. In such a situation the Council may require the associated parking or loading spaces to be secured by way of a written legal agreement from the parties concerned acknowledging their responsibility to provide and maintain the amount of parking proposed, and adequate signage to inform customers of its availability.
5. Whether the level of vehicular activity likely to be generated by the activity on the site will be unusually low compared to other businesses as a result of business practice. Whether the proposed activity has certain characteristics which are likely to result in a lesser degree of traffic generation and parking demand than would generally be anticipated.
6. Whether a significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking or loading space.
7. The degree to which the safety and efficiency of the land transport network may be adversely affected by any transport non-compliances.
8. Any cumulative effect of the lack of on-site parking and loading spaces in conjunction with other activities in the vicinity not providing the required number of parking or loading spaces.
9. The degree to which any reduction in the design characteristics will result in the parking and loading area and/or access and manoeuvring areas being impractical, inconvenient, or unsafe to be used by vehicles or pedestrians.
10. Whether the site is to be used for elderly persons' housing.
11. Whether a residential site is inaccessible to vehicular traffic.
12. Whether a reduced number of parking spaces would allow for improved amenity to be created through landscaping and/or by the incorporation of low-impact urban design stormwater solutions.

13. [Whether not providing the required on-site parking or loading spaces would lead to an increase in the use of public and active modes of transport, in the circumstances.](#)
14. [Whether bicycle parking is provided for on site.](#)
15. [Whether vehicle accesses are designed and sited in such a way so as to minimise potential conflict points.](#)
16. [The extent of consistency with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509: 2008 where the minimum legal access width and height clearance cannot be achieved.](#)

Commented [RM22]: S129.046 Kainga Ora - Transport Topic, Key Issue 3

Commented [RM23]: S57.031 FENZ - Transport Topic, Key Issue 4

TRAN-AM2 Non-Compliance with Distance of Vehicle Accesses from Road Intersections

1. Whether the dimensions of the site or the location of buildings or other physical features of land or buildings preclude reasonable compliance with the minimum standards for distance from the road intersection.
2. The current and expected traffic volume on the street or road which the property fronts, and whether the proposed location of the vehicle access and the expected traffic generated from the activities on the property will have a significant adverse effect on the safety or efficient operation of the road intersection over and above what is permitted.

Note: A Design Safety Audit and Intersection Performance Assessment undertaken by a suitably qualified Transport Engineer may be required to ascertain the effects of the proposal on the safety and efficiency of the intersection.

Methods

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

TRAN-M1 Hastings District Council’s Engineering Code of Practice

The Hastings District Council Engineering Code of Practice includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan.

TRAN-M2 Other Codes of Practice

1. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509 applies to all new subdivision and development in respect of compliance with the accessway dimensions required for the fire appliances. It applies to the legal width of the legal road, the Right of Way or the Access Lot or access leg, where this provides the primary point of access to the lot/site.
2. [Code of Practice for Urban Land Subdivision Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404:2010).

Commented [RM24]: S89.001 CHBDC - Transport Topic, Key Issue 1

TRAN-M3 Bylaws

Central Hawke's Bay District Council Bylaws, Part 25 – Traffic.

TRAN-M4 Regional Policy Statement

The Hawke's Bay Regional Policy Statement has an objective of achieving integrated management of natural and physical resources in the region and the transport network is one of those physical resources.

TRAN-M5 Other Plans

1. Central Hawke's Bay District Council Long Term Plan, including the Central Hawke's Bay District Council Infrastructure Strategy.
2. Hawke's Bay Regional Transport Plan.
3. Hawke's Bay Regional Land Transport Plan.
4. Hawke's Bay Regional Land Transport Review

Principal Reasons

The principal reasons for adopting the policies and methods:

A sustainable transport network for the District is one where proper consideration is given to the relationship between land use and transport effects, including the long-term consequences. The District's [Inter-regional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street](#) arterial and collector routes are vital to the long-term growth of the District and therefore must be protected against development that would adversely affect their efficiency and effectiveness.

Commented [RM25]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - added 'civic space' in response to statement tabled at Hearing in relation to S114.008 CHBDC

Commented [RM26]: S104.009 CHBDC - Transport Topic, Key Issue 2

Almost all activities generate vehicle trips and, therefore, parking in close proximity to the site of the activities is required to provide accessibility for people and goods. Generally, different activities generate different parking and loading demands. If provision is not made by developers or owners for off-street parking and loading, then the only alternative available is to park and load on the street. On-street parking and loading can adversely affect the efficiency and safety of roads, particularly [Inter-regional Connector, Rural Connector, Peri-urban Road, Urban Connector, Main Street, Civic Space, or Activity Street](#) routes Arterial or Collector Roads where vehicle speeds and volumes are typically higher than for other roads in the One Network [Framework Road Classification](#). Excessive parking of vehicles on residential streets can also detract from the amenity of those streets and adjoining residential areas.

Commented [RM27]: Hearing Stream 7 - Right of Reply dated 27 January 2023 - added 'civic space' in response to statement tabled at Hearing in relation to S114.008 CHBDC

Commented [RM28]: S104.009 CHBDC - Transport Topic, Key Issue 2

Vehicles reversing onto or off sites can compromise the safety of the road, particularly where traffic flows are high, where the land use has a potential to generate a lot of traffic and pedestrians, or where heavy vehicles use the area. The requirement to provide an on-site turning and manoeuvring area on non-residential sites can assist to maintain and improve safety standards and minimise delays to traffic caused by manoeuvring vehicles.

Controlling the position of access points to properties is required to minimise adverse effects on traffic and pedestrians from the queuing and manoeuvring of vehicles entering or existing the properties. Access points are required to be positioned at a minimum distance from road intersections to avoid unnecessary distractions for drivers in areas where a visually confusing environment complicates decision making and could be hazardous. The width of access is also important to allow ease of vehicle access and there are also minimum sight distance standards to ensure that there is sufficient visibility to allow vehicles to safely leave the site.

The District Plan sets standards for the design of new roads and accessways. These include the legal width of the road and accessways, including maximum grade and targeted operating speeds. The Council has a duty to ensure that infrastructure is fit for purpose and will not put the travelling public's safety at risk.

Design standards for parking spaces are included in the District Plan to ensure that motorists are able to easily and safely manoeuvre in and out of parking spaces and there are queuing spaces provided to avoid cars queuing on roads while waiting to enter car parks. Standards are also included that require the surfacing of parking areas to avoid dust nuisance and to prevent gravel, mud or other such materials being spread onto adjoining roads. There is an additional standard for public car parking areas which require access driveways and pedestrian areas within these areas to be illuminated to ensure the safety and security of people using them at night. Commercial and industrial activities also need to provide an off-street area for loading and unloading of vehicles. This protects the function and safety of the road from manoeuvring vehicles, double parked vehicles, or vehicles loading or unloading across pedestrian areas. Loading areas are required to be designed to take into consideration the type of vehicles being catered for.

The Council will encourage the provision of footpaths, cycleways and walkways as part of new subdivisions and developments, and the provision of facilities such as bicycle stands and showers in workplaces that encourage more people to consider alternative transport modes to commute to work.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- TRAN-AER1** **Safe, efficient and accessible transport network.**
- TRAN-AER2** **An environment where the relationship between land uses and their effect on the road network is well managed.**
- TRAN-AER3** **Construction of new roads, accessways, car parking and loading areas that are effective, safe and efficient and meet the needs of activities.**
- TRAN-AER4** **Maintenance and recognition of strategic transport routes.**

TRAN-AER5 Land uses that generate large volumes of traffic are appropriately located on road routes that have the capacity to deal with the traffic.

TRAN-AER6 Provision of footpaths, cycleways and walkways as part of new subdivisions and developments.

APPENDIX 3

**Updated Tables of Recommended Responses to Submissions and Further Submissions:
Network Utilities Topic
Renewable Energy Topic**

Table: Summary of Recommended Responses to Submissions and Further Submissions

NU – Network Utilities

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.005	Hawke's Bay Regional Council	NU - Network Utilities	No changes	Accept in part	Yes (in response to other submission points)
S55.015	Heritage New Zealand Pouhere Taonga	NU-P2	Retain NU-P2 as notified.	Accept in part	Yes
S55.016	Heritage New Zealand Pouhere Taonga	NU-R4	Amend NU-R4(1) as follows: '...Where the following activity conditions are met: a. ... b. ... c. ... d. The activity is not within a site containing Historic Heritage as identified in SCHED2, and is not within an area identified as a Site or area of significance to Māori in SCHED3.' And add as follows: 2. Activity status where condition NU-R4(1)(d) is not met: RDIS. Matters of discretion are restricted to effects on heritage and cultural values.'	Reject	No (with the exception of a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA
S56.001	Powerco Limited	NU - Network Utilities	Retain separate NU - Network Utilities chapter.	Accept	No
FS9.254	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.002	Powerco Limited	Definitions	Add new definition for 'Gas Distribution Network' as follows: 'any gas pipeline with a pressure less than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the distribution network.'	Accept	Yes
FS9.255	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS25.1	Federated Farmers of New Zealand		Disallow	Reject	
S56.003	Powerco Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain definition of 'Network Utilities or Network Utility' as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.256	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.004	Powerco Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain definition of 'Network Utility Operator or Network Utility Operation' as notified.	Accept	No
FS9.257	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.005	Powerco Limited	NU - Introduction	Add further sentence to the end of paragraph 4 of NU - Introduction as follows: '... The objectives, policies and rules in this chapter are the only objectives, policies and rules that apply to Network Utility activities, however the following Part 2 - District-Wide Matters chapters may also be relevant to network utilities: EW - Earthworks, TRANS - Transport, HH - Historic Heritage, ECO - Ecosystems & Indigenous Biodiversity, SUB - Subdivision, EW - Earthworks, LIGHT - Light, and NOISE - Noise.	Accept in part	Yes
FS9.258	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.006	Powerco Limited	NU-I1	Amend NU-I1 as follows: 'Essential Role of Network Utilities Network utilities have important functions and enable people and communities to provide for their health and safety and social, economic, and cultural wellbeing, but can have adverse effects on the environment, often due to their technical, operational and location-specific requirements. Explanation ...'	Accept	Yes
FS9.259	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS25.7	Federated Farmers of New Zealand		Disallow	Reject	
S56.007	Powerco Limited	NU-I2	Amend NU-I2 as follows: 'Adverse Effects of Network Utilities and Amateur Radio Configuration Some network utilities and amateur radio facilities can have adverse effects on the environment, often due to their technical, operational, and location-specific requirements. Explanation ...'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.260	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.008	Powerco Limited	NU-I3	Retain NU-I3 as notified.	Accept	No
FS9.261	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
	Powerco Limited	NU-O1	Amend NU-O1 as follows: 'Recognise and provide for safe, efficient and resilient network utilities throughout the District that provide essential and secure services and connections , including in emergencies, that enable people and communities to provide for their health, safety and wellbeing.'	Accept in part	Yes
FS9.262	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.010	Powerco Limited	NU-O2	Amend NU-O2 as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated as far as reasonably practicable , while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).'	Reject	No
FS9.263	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS16.7	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O2 as notified in proposed plan.	Accept	
FS19.7	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept	
FS23.94	Kāinga Ora - Homes and Communities		Disallow	Accept	
S56.011	Powerco Limited	NU-O3	Retain NU-O3 as notified.	Accept	No
FS9.264	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.012	Powerco Limited	NU-P1	Retain NU-P1 as notified.	Accept in part	Yes (insofar as a minor correction has been made with regard to spelling of 'utilities')

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.265	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.013	Powerco Limited	NU-P2	Amend NU-P2 as follows: 'Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new network utilities on the values and attributes of areas identified in the District Plan as: 1. Historical Heritage Items'	Reject	No
FS9.266	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS7.002	Heritage New Zealand Pouhere Taonga		Allow	Reject	
S56.014	Powerco Limited	NU-P3	Retain NU-P3 as notified.	Accept in part	Yes
FS23.95	Kāinga Ora - Homes and Communities		Disallow	Reject	
FS9.267	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.015	Powerco Limited	NU-P4	Amend NU-P4 as follows: Manage the effects of network utilities on the environment by: 1. avoiding, remedying or mitigating adverse effects on: a. natural and physical resources; b. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance; c. the safe and efficient operation of other network utilities, including effects on electricity transmission and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks; 2. requiring assessing compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields; 3. encouraging the progressive undergrounding of appropriate network utilities overhead electricity and telecommunication lines in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable; 4. encouraging the co-siting and sharing of masts, facilities, utility corridors and other innovative solutions within residential environments and roads, where technically feasible and practicable; 5. encouraging the removal of redundant and superseded network utilities facilities.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.268	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
FS23.96	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S56.016	Powerco Limited	NU-P5	Retain NU-P5 as notified.	Accept in part	Yes
FS3.009	First Gas Limited		Allow	Accept in part	
FS9.269	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S56.017	Powerco Limited	NU-R1	Retain NU-R1 as notified.	Accept	No
FS9.270	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.018	Powerco Limited	NU-R2	Retain NU-R2 as notified.	Accept in part	Yes
FS9.271	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.019	Powerco Limited	NU-R4	Retain NU-R4 as notified.	Accept	Yes (insofar as a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA is recommended)
FS9.272	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.020	Powerco Limited	NU-S1	Retain NU-S1 as notified.	Accept in part	Yes
FS9.273	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S56.021	Powerco Limited	NU-S2	Retain NU-S2 as notified.	Accept in part	Yes
FS9.274	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S56.022	Powerco Limited	NU-S3	Retain NU-S3 as notified.	Accept in part	Yes
FS9.275	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S56.023	Powerco Limited	NU-S4	Retain NU-S4 as notified.	Accept in part	Yes
FS9.276	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S57.022	Fire and Emergency New Zealand	NU-O1	Retain NU-O1 as notified.	Accept in part	Yes
.					
S57.023	Fire and Emergency New Zealand	NU-P1	Retain NU-P1 as notified (subject to correction of minor typo of '... including as lifeline utilities').	Accept	Yes
.					
S64.022	Department of Conservation	NU-P2	Retain NU-P2.	Accept in part	Yes
FS9.305	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS23.29	Kāinga Ora - Homes and Communities		Disallow	Reject	
S64.023	Department of Conservation	NU-P3	Retain NU-P3.	Accept in part	Yes
FS9.306	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS23.30	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S64.024	Department of Conservation	NU-P4	Retain NU-P4.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.307	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS18.8	Transpower New Zealand Limited		Not stated No specific relief sought.	Accept in part	
S64.025	Department of Conservation	NU-R3	Amend NU-R3 to include 'Permitted' standard to specify the construction of new network utilities where outside of any ONFL, SNA, SASM, HNCA or SAF. Where within one of the above overlay's activity should be 'Restricted Discretionary' with appropriate matters of discretion.	Reject	No
FS9.308	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
FS18.11	Transpower New Zealand Limited		Not stated No specific relief sought.	Reject	
S64.026	Department of Conservation	NU-R4	Amend NU-R4 to include 'Permitted' standard to specify the construction of new network utilities where outside of any ONFL, SNA, SASM, HNCA or SAF. Where within one of the above overlay's activity should be 'Restricted Discretionary' with appropriate matters of discretion.	Reject	No
FS9.309	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S64.027	Department of Conservation	NU-S1	Amend NU-S1 to include reduced footprint and height as 'Restricted Discretionary' standards for network utilities within amenity and natural area overlays. Activities beyond these to be 'Discretionary'.	Reject	No
FS9.310	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S64.028	Department of Conservation	NU-S3	Amend NU-S3 to include reduced footprint and height as 'Restricted Discretionary' standards for network utilities within amenity and natural area overlays. Activities beyond these to be 'Discretionary'.	Reject	No
FS9.311	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S78.001	Waka Kotahi NZ Transport Agency	MAINTENANCE (Definition)	Retain definition of 'Maintenance' as written.	Accept in part	Yes
S78.002	Waka Kotahi NZ Transport Agency	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain definition of 'Network Utilities or Network Utility' as written.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S78.003	Waka Kotahi NZ Transport Agency	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as written.	Accept	No
S78.013	Waka Kotahi NZ Transport Agency	NU - Network Utilities	Retain the provisions relating to network utilities within ONL/ONFs within the 'NU - Network Utilities' chapter.	Accept	No
S78.014	Waka Kotahi NZ Transport Agency	NU-I3	Retain NU-I3 as written.	Accept	No
FS23.173	Kāinga Ora - Homes and Communities		Disallow	Reject	
S78.015	Waka Kotahi NZ Transport Agency	NU-O1	Retain NU-O1 as written.	Accept in part	Yes
A	Waka Kotahi NZ Transport Agency	NU-O2	Retain NU-O2 as written.	Accept	No
S78.017	Waka Kotahi NZ Transport Agency	NU-O3	Retain NU-O3 as written.	Accept	No
S78.018	Waka Kotahi NZ Transport Agency	NU-P1	Retain NU-P1 as written.	Accept in part	Yes
S78.019	Waka Kotahi NZ Transport Agency	NU-P5	Retain NU-P5 as written.	Accept in part	Yes
S78.020	Waka Kotahi NZ Transport Agency	NU-R1	Retain NU-R1 as written.	Accept	No
S78.021	Waka Kotahi NZ Transport Agency	NU-R4	Retain NU-R4 as written.	Accept	No (except in relation to a minor change made pursuant to Clause 16(2) of the First Schedule of the RMA)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.001	Transpower New Zealand Ltd	Statutory Context	Retain the 'Statutory Content[Context?]' section.	Accept	No
S79.004	Transpower New Zealand Ltd	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need'.	Accept	No
S79.005	Transpower New Zealand Ltd	MAINTENANCE (Definition)	Retain the definition of 'Maintenance', and specifically in relation to network utilities.	Accept om part	Yes
FS3.004	First Gas Limited		Allow	Accept in part	
S79.006	Transpower New Zealand Ltd	Definitions	<p>Add a new definition for 'Minor Upgrading' as follows:</p> <p>'MINOR UPGRADING (NETWORK UTILITIES) an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures, and includes any of the following activities:</p> <ul style="list-style-type: none"> • the re-conductoring of the line with higher capacity conductors • the re-sagging of conductors • the addition of longer and more efficient insulators • a support structure placement within a similar location as the support structure that is replaced • the addition of earthwire, which may contain telecommunication lines, earthpeaks and lightning rods • the addition of electrical or telecommunication fittings • support structure replacement in the same location or within the existing alignment of the transmission line corridor • the replacement of existing cross arms, including with cross arms of an alternative design of a similar scale • an increase in support structure height to achieve compliance with the clearance distances specified in NZECP34:2001 • the addition of overhead lines to provide individual service connects to a site (including any connection to a building within that site) from an existing overhead network, provided no more than one new support structure is required. Minor upgrading does not include: <p>• increasing the carrying capacity of existing structures • any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage • any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35 millimetres • the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 30 millimetres in diameter • the addition of any new circuits, lines or utility structures.'</p>	Accept in part	Yes
FS17.3	Horticulture New Zealand		<p>Allow in part</p> <p>Accept submission to include definition of minor upgrading, but exclude any increase in voltage of the line is not minor upgrading, unless the line was originally constructed to operate at the higher voltage.</p>	Accept in part	
FS25.2	Federated Farmers of New Zealand		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.007	Transpower New Zealand Ltd	NATIONAL GRID (Definition)	Retain definition of 'National Grid'.	Accept	No
S79.008	Transpower New Zealand Ltd	NATIONAL GRID SUBDIVISION CORRIDOR (Definition)	Retain definition of 'National Grid Subdivision Corridor'.	Accept	No
S79.009	Transpower New Zealand Ltd	NATIONAL GRID YARD (Definition)	Retain definition of 'National Grid Yard'.	Accept	No
S79.010	Transpower New Zealand Ltd	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	On the basis the relief sought in Transpower's other submission points are given effect to, Transpower is neutral on the definition.	Accept	Yes
S79.011	Transpower New Zealand Ltd	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain definition of 'Network Utility Operator or Network Utility Operation'.	Accept	No
S79.012	Transpower New Zealand Ltd	OPERATIONAL NEED (Definition)	Retain definition of 'Operational Need'.	Accept	No
S79.017	Transpower New Zealand Ltd	NU - Network Utilities	Retain 'NU - Network Utilities' chapter, subject to the relief sought in other Transpower submission points, and also seeks provisions specific to the National Grid, as outlined in Transpower submission.	Accept in part	Yes
FS9.377	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.018	Transpower New Zealand Ltd	NU - Introduction	Amend paragraphs 4/5 of 'NU - Introduction' as follows: '... Because many network utilities are lineal, and traverse many parts of the District, it is considered appropriate that a single set of rules are provided which apply across the District. Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the National Grid, and gas transmission pipelines) are contained within the Network Utilities provisions of the plan, elsewhere in the District Plan, in the respective zones in Part 3 of the District Plan, and the NOISE – Noise chapter of the District Plan... And provide clarity as to the relationship of the 'NU - Network Utilities' chapter to other chapters in the Proposed Plan, and make amendments to the Proposed Plan to clarify the provisions and make the 'NU - Network Utilities' chapter stand alone.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.378	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
FS17.22	Horticulture New Zealand		Allow in part Ensure that provisions for the National Grid are clear, certain and accessible to plan users.	Accept	
FS23.115	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.6	Federated Farmers of New Zealand		Allow in part	Accept	
S79.019	Transpower New Zealand Ltd	NU-11	Retain NU-11.	Accept in part	Yes
FS9.379	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.020	Transpower New Zealand Ltd	NU-12	Retain NU-12.	Accept in part	Yes
FS9.380	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.021	Transpower New Zealand Ltd	NU-13	Retain NU-13.	Accept	No
FS3.007	First Gas Limited		Allow	Accept	
FS9.381	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
FS23.116	Kāinga Ora - Homes and Communities		Disallow	Reject	
S79.022	Transpower New Zealand Ltd	NU-01	Retain NU-01. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Accept in part	Yes
FS9.382	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS25.8	Federated Farmers of New Zealand		Allow in part	Accept in part	
S79.023	Transpower New Zealand Ltd	NU-02	Retain NU-02. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Accept (insofar as it is not recommended to amend NU-02)	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.383	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
FS25.12	Federated Farmers of New Zealand		Allow in part	Accept	
S79.024	Transpower New Zealand Ltd	NU-O3	Retain NU-O3. Should the objective be amended, Transpower would support a specific objective to give effect to the NPSET.	Accept	No
FS9.384	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.025	Transpower New Zealand Ltd	NU-P1	Retain NU-P1. Should the policy be amended, Transpower would support a specific policy to give effect to the NPSET.	Accept in part (insofar as a minor correct has been made with regard to spelling of 'utilities')	Yes
FS9.385	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.026	Transpower New Zealand Ltd	NU-PXX (new policy)	Add a new policy to the 'NU - Network Utilities' chapter as follows: 'Manage the adverse effects of the planning and development of the National Grid by: 1. Considering the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process. 2. Having regard to the functional and operational needs of the network. 3. Seeking to avoid adverse effects on identified High Natural Character Areas, Outstanding Natural Features and Landscapes, Significant Natural Areas, Significant Amenity Features, and areas of high recreational value or high amenity in rural areas. 4. Seeking to avoid significant adverse effects on other areas of natural character and other natural features and landscapes in the coastal environment. 5. Avoiding, remedying or mitigating other adverse effects. In the event of any conflict with any other objectives and policies within the Plan, Policy NU-Pa takes precedence.'	Reject Accept in part	No
FS9.386	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject Accept in part	
FS17.25	Horticulture New Zealand		Allow in part Ensure that any new policy for the National Grid provides recognition that primary production activities need to be provided for within the National Grid Corridor.	Reject	
FS23.117	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS25.16	Federated Farmers of New Zealand		Disallow	Accept in part	

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.027	Transpower New Zealand Ltd	NU-P2	If a new specific National Grid policy is not provided [as per submission point S79.026], amend NU-P2 to give effect to the NPSET, including the 'seek to avoid' approach within Policy 8 of the NPSET.	Reject	No
FS9.387	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S79.028	Transpower New Zealand Ltd	NU-P3	If a new specific National Grid policy is not provided [as per submission point S79.026], amend NU-P3 to give effect to the NPSET, including the 'seek to avoid' approach within Policy 8 of the NPSET.	Accept in part	Yes
FS9.388	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.029	Transpower New Zealand Ltd	NU-P4	Retain NU-P4.	Accept in part	Yes
FS9.389	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.030	Transpower New Zealand Ltd	NU-P5	Amend NU-P5 as follows: To protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: 1. 6. managing land use development (including sensitive activities), buildings, earthworks, vertical holes and structures and subdivision near the National Grid, within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid substation, to avoid reverse sensitivity effects and ensure the electricity transmission network is not compromised; 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 activity retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.'	Accept in part	Yes
FS25.23	Federated Farmers of New Zealand		Disallow	Accept in part	
FS17.27	Horticulture New Zealand		Disallow	Accept in part	
FS23.118	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS9.390	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.031	Transpower New Zealand Ltd	NU - Rules	Relocate the relevant National Grid provisions in other sections of the Proposed Plan to the 'NU - Network Utilities' chapter. And insert the following into the Rules Notes section: '... Rules relating to the operation, maintenance, upgrade and development of network utilities are addressed in the NU- Network Utilities chapter of the district plan and reference is not required to other chapters. Rules relating to subdivision and land development involving network utilities and other activities addressed in this chapter are contained in the SUB - Subdivision chapter of the District Plan. Rules relating to earthworks associated with activities addressed in this chapter are contained in the EW - Earthworks chapter of the District Plan. Rules relating to subdivision, land development and earthworks within the National Grid Yard and National Grid Subdivision Corridor are addressed in this chapter. Rules for activities addressed in this chapter that are located within the identified ONL and ONFe are contained in this chapter. The construction, operation, maintenance, replacement, removal and upgrading of cycleways or walkways located within road reserve are subject to the rules of this chapter. Cycleways and walkways located outside road reserve fall within the definition of 'Community Facilities' and are subject to the relevant zone chapter rules. It is important to note that in addition to the provisions in this chapter, a number of other Part 2- District Wide Matters chapters also contain provisions that may be relevant to network utilities (e.g. TRANS - Transport, HH - Historic Heritage, ECO - Ecosystems & Indigenous Biodiversity, SUB - Subdivision, EW - Earthworks, LIGHT - Light, and NOISE - Noise). '	Reject	No
FS9.391	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
FS17.29	Horticulture New Zealand		Allow in part Ensure that provisions for the National Grid are clear, certain and accessible to plan users by retaining in the relevant zone chapters.	Accept	
FS23.119	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.30	Federated Farmers of New Zealand		Allow in part	Accept	
S79.032	Transpower New Zealand Ltd	NU-R1	Retain NU-R1.	Accept	No
FS9.392	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.033	Transpower New Zealand Ltd	NU-R2	Retain NU-R2.	Accept in part	Yes
FS9.393	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.034	Transpower New Zealand Ltd	NU-R3	Amend NU-R3 as follows: 1. Activity Status: PER Where the following activity conditions are met: a. d. The activity is located a minimum distance of 12 metres from the outer visible foundation of any National Grid support structure and associated stay wire, unless it: i. is a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 ISSN 0114-0663; or ii. is a network utility (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator that connects to the National Grid; and iii- e. does not permanently physically impede existing vehicular access to a National Grid support structure.'	Accept in part	Yes
FS9.394	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.035	Transpower New Zealand Ltd	NU-R4	Retain NU-R4.	Accept	No (except for a minor amendment pursuant to Clause 16(2) of the First Schedule to the RMA)
FS9.395	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.036	Transpower New Zealand Ltd	NU-R9	Retain NU-R9.	Accept	No
FS9.396	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.037	Transpower New Zealand Ltd	NU-S1	Retain NU-S1.	Accept in part	Yes
FS9.397	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.038	Transpower New Zealand Ltd	NU-S2	Retain NU-S2.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.398	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.039	Transpower New Zealand Ltd	NU-S3	Retain NU-S3.	Accept in part	Yes
FS9.399	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.040	Transpower New Zealand Ltd	NU-S4	Retain NU-S4.	Accept in part	Yes
FS9.400	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S79.041	Transpower New Zealand Ltd	NU-S5	Retain NU-S5.	Accept	No
FS9.401	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.042	Transpower New Zealand Ltd	NU-S6	Retain NU-S6.	Accept	No
FS9.402	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.043	Transpower New Zealand Ltd	NU-S7	Retain NU-S7.	Accept	No
FS9.403	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.044	Transpower New Zealand Ltd	NU-S8	Retain NU-S8.	Accept	No
FS9.404	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.045	Transpower New Zealand Ltd	NU-S9	Retain NU-S9.	Accept	No
FS9.405	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.046	Transpower New Zealand Ltd	NU-AM2	Retain NU-AM2.	Accept	No
FS9.406	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.047	Transpower New Zealand Ltd	NU-M1	Delete NU-M1.	Reject	No
FS9.407	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S79.048	Transpower New Zealand Ltd	NU-M2	Retain NU-M2.	Accept	No
FS9.408	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.049	Transpower New Zealand Ltd	NU-M4	Retain NU-M4, subject to amendment to the title as follows: 'NU-M4 Resource Management (National Policy Statement on Electricity Transmission) 2008'	Accept	Yes
FS9.409	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.050	Transpower New Zealand Ltd	NU-M6	Retain Method NU-M6, subject to a minor reference correction in the title as follows: 'NU-M6 New Zealand Electrical Code of Practice for Electrical Safety Distances 2001 (NZECP34:2001)'	Accept	Yes
FS9.410	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.051	Transpower New Zealand Ltd	NU-M7	Retain NU-M7.	Accept	No
FS9.411	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S79.052	Transpower New Zealand Ltd	NU - Principal Reasons	Retain the 'NU - Principal Reasons' section, but include a reference at the end of the final paragraph as follows: '... To protect the adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented in the District Plan to avoid or mitigate potential reverse sensitivity effects and ensure the network utility is not compromised!	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.412	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
FS23.120	Kāinga Ora - Homes and Communities		Disallow	Reject	
S79.056	Transpower New Zealand Ltd	NH - Natural Hazards	Clarify whether the 'NH - Natural Hazard' provisions apply to network utility structures.	Reject	No
S79.061	Transpower New Zealand Ltd	ECO - Ecosystems and Indigenous Biodiversity	Clarify whether the 'ECO - Ecosystems and Indigenous Biodiversity' provisions apply to network utilities.	Reject	No
FS9.416	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S79.067	Transpower New Zealand Ltd	NFL - Natural Features and Landscapes	Clarify whether the 'NFL - Natural Features and Landscapes' chapter provisions apply to network utilities.	Reject	No
FS9.422	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S79.086	Transpower New Zealand Ltd	CE - Coastal Environment	Clarify the relationship between chapters and whether the 'CE - Coastal Environment' chapter provisions apply to network utilities.	Reject	No
FS9.426	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	
S79.090	Transpower New Zealand Ltd	EW - Earthworks	Relocate the relevant National Grid rules in the 'EW- Earthworks' chapter to the 'NU - Network Utilities' chapter.	Reject	No
FS25.77	Federated Farmers of New Zealand		Disallow	Accept	
S79.128	Transpower New Zealand Ltd	MAPS	Amend the notation of 'National Grid Corridor' on the planning maps as follows: 'National Grid Corridor Transmission Line '	Accept in part	Yes
S81.019	Horticulture New Zealand	MAINTENANCE (Definition)	Amend the definition of 'Maintenance' as follows: '... Specifically in relation to network utilities, 'maintenance' means: ... Includes the replacement of an existing line, building or structure or other facility with another of the same or similar height, voltage , size and scale within the same or similar position and for the same or similar purpose. ...'	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.021	Horticulture New Zealand	NATIONAL GRID YARD (Definition)	Replace the definition of 'National Grid Yard' as follows: 'the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation or the area located within 10m either side of the centreline of an overhead 110kV National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span. The area located within: - 12m in any direction from the visible outer edge of a National Grid tower; or - 10m in any direction from a National Grid single pole or pi-pole; or - the area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or - the area located within 12m either side of the centre line of any overhead National Grid line on towers.'	Reject	No
FS18.3	Transpower New Zealand Limited		Disallow	Accept	
S81.051	Horticulture New Zealand	NU-01	Retain NU-01.	Accept in part	Yes
S81.052	Horticulture New Zealand	NU-03	Amend NU-03 as follows: 'The safety, maintenance, upgrade or development of network utilities is, to the extent reasonably possible , not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.'	Reject	No
FS16.11	Waka Kotahi NZ Transport Agency		Disallow Retain NU-03 as notified in proposed plan.	Accept	
FS18.6	Transpower New Zealand Limited		Disallow	Accept/Reject	
FS23.76	Kāinga Ora - Homes and Communities		Disallow	Accept/Reject	
S81.053	Horticulture New Zealand	NU-P5	Amend NU-P5 as follows: 'To ensure that the adverse effects of subdivision, use and development, do not, to the extent reasonably possible, protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: ...'	Accept in part	Yes
FS3.0010	First Gas Limited		Disallow	Accept in part	
FS16.19	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Accept in part	
FS18.9	Transpower New Zealand Limited		Disallow	Accept in part	
FS23.77	Kāinga Ora - Homes and Communities		Disallow	Accept in part	

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.24	Federated Farmers of New Zealand		Allow	Accept in part	
S81.054	Horticulture New Zealand	NU-P5	Delete NU-P5(5) as follows: '... 5. managing land disturbance and activities in the vicinity of gas transmission pipelines; ...' ...	Reject	No
FS3.011	First Gas Limited		Disallow	Accept	
FS25.25	Federated Farmers of New Zealand		Allow	Reject	
S81.055	Horticulture New Zealand	NU-P5	Amend NU-P5(6) as follows: '... 6. managing land use development (including sensitive activities) buildings, structures and subdivision near within the National Grid subdivision subdivision corridor , within the National Grid Yard, or around a designated National Grid substation. ...' ...	Accept in part	Yes
FS18.10	Transpower New Zealand Limited		Allow	Accept in part	
FS25.26	Federated Farmers of New Zealand		Allow	Accept in part	
S81.056	Horticulture New Zealand	NU-R2	Amend NU-R2(1) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. ... ii. Alterations and additions to overhead electricity and telecommunications lines on existing poles must not: a. d. or increase the voltage of the line. iii.' And amend NU-R2(2) as follows: '2. Activity status where compliance with condition NU-R2(1)(a) is not achieved: RDIS Matters over which discretion is restricted: a. h. Effects on affected landowners.'	Accept in part	Yes
FS25.31	Federated Farmers of New Zealand		Allow	Accept in part	
S81.057	Horticulture New Zealand	NU-R3	Clarify that 'reticulation and storage of water for irrigation purposes carried out by a network utility operator' is provided as a permitted activity within the National Grid Yard by either NU-R3 or NU-R4. For example, delete from NU-R3 as follows: 'NU-R3 Construction of new network utilities, and upgrading of existing network utilities (that are not regulated by an NES) -within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator) All Zones	Accept	Yes

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

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S90.003	Centralines Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as notified.	Accept in part	Yes
S90.004	Centralines Limited	POLE (Definition)	Retain the definition of 'Pole' as notified.	Accept in part	Yes
S90.005	Centralines Limited	[General]	Retain objectives and policies in 'Part 2 - Strategic Direction'. Add additional objectives/policies that are specific to infrastructure and renewable energy generation - for example: 'The important infrastructure needs of the community are fulfilled, and their operation is protected'.The development, upgrade, maintenance, and operation of strategic infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with significant infrastructure."There is reduced reliance on non-renewable sources of energy, increased use of renewable sources of energy and greater energy conservation.'	Reject	No
FS17.12	Horticulture New Zealand		Allow in part Reject submission seeking that infrastructure is 'protected'.	Accept	
FS23.7	Kāinga Ora - Homes and Communities		Disallow	Accept	
S90.006	Centralines Limited	NU - Introduction	Retain 'NU - Introduction' as notified.	Accept in part	Yes
S90.007	Centralines Limited	NU-O1	Retain NU-O1 as notified.	Accept in part	Yes
S90.008	Centralines Limited	NU-O2	Retain NU-O2 as notified.	Accept	No
S90.009	Centralines Limited	NU-O3	Retain NU-O3 as notified.	Accept	No
FS23.8	Kāinga Ora - Homes and Communities		Disallow	Reject	
S90.010	Centralines Limited	NU-P1	Retain NU- P1 as notified.	Accept in part (insofar as a minor correction has been made with regard to spelling of 'utilities')	Yes
S90.011	Centralines Limited	NU-P2	Amend NU-P2 as follows: 'Avoid Manage adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as: ...'	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.9	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS7.003	Heritage New Zealand Pouhere Taonga		Disallow	Accept	
S90.012	Centralines Limited	NU-P3	Amend NU-P3 as follows: 'Avoid significant adverse effects and remedy or mitigate other adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan as: 1 High Natural Character Areas (in CE-SCHED7); and 2 Significant Amenity Features (in NFL-SCHED6) unless it can be demonstrated that: a) There is an operational need or functional need that means the infrastructure's location cannot be avoided, and there are no reasonable alternatives; b) The design and location of the infrastructure is subordinate to and does not compromise the identified characteristics and values of the High Natural Character Area described in CE-SCHED7 - or the Significant Amenity Features described in NFL-SCHED6; (c)? The natural components of the High Natural Character Area or Special Amenity Feature will continue to dominate over the influence of human activity.'	Accept in part	Yes
FS23.10	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S90.013	Centralines Limited	NU-P4	Amend NU-P4 as follows: 'Manage the effects of network utilities on the environment by: 1. avoiding, remedying or mitigating adverse effects on: a. ... b. ... c. the safe and efficient operation of other network utilities, including effects on electricity distribution and transmission networks and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks; d. ... 2. ... 3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable; 4. ... 5. ...'	Accept in part	Yes
S90.014	Centralines Limited	NU-P5	Retain NU-P5 as notified.	Accept in part	Yes
FS23.11	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S90.015	Centralines Limited	NU-R1	Retain NU-R1 as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S90.016	Centralines Limited	NU-R2	Amend NU-R2(1) as follows: '1. Activity Status: PER Where the following conditions are met: ...(---). All network utilities in existence at the date of public notification of the Hastings[Central Hawke's Bay?] District Plan provided non-compliance with the rules relating to the height, diameter or land area occupied, is not exceeded by more than 10%; or ...'	Reject	No
S90.017	Centralines Limited	NU-R2	Amend NU-R2(1)(a)(iii) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. ... ii. ... iii. The diameter of a single replacement overhead conductor or line must not exceed the diameter of the replaced conductor or line or 50mm, whichever is the greater. ...'	Accept	Yes
S90.018	Centralines Limited	NU-R2	Amend NU-R2(1)(a)(v)(b) as follows: '1. Activity Status: PER Where the following conditions are met: a. Limited to: i. v. Any pole that replaces an existing pole must not: a. ... b. exceed three times the width of the replacement pole at its widest point, or alternatively where a single pole is replaced with a pi bi pole structure, 4.2m as taken from the pole centres at its widest point ; and ...'	Reject	No
S90.019	Centralines Limited	NU-R2	Delete NU-R2(1)(a)(viii) or amend as follows: 'Activity Status: PER Where the following conditions are met: a. Limited to: i. viii. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZCEP 34:2001. ...'	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S90.021	Centralines Limited	NU-S1	<p>Amend NU-S1 as follows:</p> <p>'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone</p> <p>1. Above ground buildings and structures must not exceed a gross floor area limit of:</p> <p>a. ...</p> <p>b. ...</p> <p>c. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable.</p> <p>...</p> <p>General Rural Zone / Rural Production Zone</p> <p>9. Above ground buildings and structures must not exceed a gross floor area limit of</p> <p>a. ...</p> <p>b. ...</p> <p>c. ...</p> <p>d. ...</p> <p>e. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable.</p> <p>...</p> <p>Commercial Zone / General Industrial Zone</p> <p>17. Above ground buildings and structures must not exceed a gross floor area limit of:</p> <p>a. ...</p> <p>b. ...</p> <p>c. In the case of temporary electricity generators and self-contained power units to supply existing infrastructure a 20m2 area is applicable.</p> <p>...</p>	Reject	No
S90.023	Centralines Limited	NU-S3	<p>Amend NU-S3(3), (6) and (10) to reflect the maximum height limits for buildings in the respective zone based chapters.</p> <p>Amend NU-S3(5), (8) and (12) to reflect a maximum height limit of 25m.</p>	Reject	No
S90.024	Centralines Limited	NU-S4	<p>Amend NU-S4 as follows:</p> <p>'1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</p> <p>Except that:</p> <p>a. ...</p> <p>Note: ...</p> <p>Note: The height in relation to boundary standard does not apply to lines, poles, towers, telecommunication poles, antenna, and lightning rods.'</p>	Accept in part	Yes
FS23.12	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S117.003	Chorus New Zealand Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.431	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.004	Chorus New Zealand Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Accept	No
FS9.432	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.005	Chorus New Zealand Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Accept	No
FS9.433	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.006	Chorus New Zealand Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Accept	No
FS9.434	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.008	Chorus New Zealand Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Accept in part	Yes
FS9.436	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.009	Chorus New Zealand Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Accept in part	Yes
FS9.437	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.010	Chorus New Zealand Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Accept	No
FS9.438	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.011	Chorus New Zealand Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid;	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks'		
FS9.439	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS23.14	Kāinga Ora - Homes and Communities		Disallow	Reject	
S117.012	Chorus New Zealand Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Accept	No
FS9.440	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.013	Chorus New Zealand Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Accept	No
FS9.441	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.014	Chorus New Zealand Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Accept	No
FS9.442	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.015	Chorus New Zealand Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.' And insert a box around NESTF words as per other definitions.	Accept	Yes
FS9.443	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.016	Chorus New Zealand Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan). Add a new definition of 'Radiocommunication' as follows: 'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below)	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.' And insert a box around Radiocommunications Act 1989 words as per other definitions.		
FS9.444	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.019	Chorus New Zealand Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Accept	No
FS9.447	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.021	Chorus New Zealand Limited	TELECOMMUNICATION (Definition)	Retain the definition of 'Telecommunication' as proposed.	Accept	No
FS9.449	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.022	Chorus New Zealand Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Accept in part	Yes
FS9.450	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS25.3	Federated Farmers of New Zealand		Disallow	Reject	
S117.023	Chorus New Zealand Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: NES-TFNSTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Accept	Yes
FS9.451	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.025	Chorus New Zealand Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled;	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			2. Infrastructure, including its role and function, is protected from incompatible development and activities; and 3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'		
FS3.006	First Gas Limited		Allow	Reject	
FS9.453	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.13	Horticulture New Zealand		Allow in part Reject submission seeking that infrastructure is 'protected'.	Accept	
FS23.15	Kāinga Ora - Homes and Communities		Disallow	Accept	
S117.026	Chorus New Zealand Limited	NU - Network Utilities	Retain the initial statement at the start of the 'NU - Network Utilities' chapter.	Accept	No
FS9.454	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.027	Chorus New Zealand Limited	NU - Introduction	Retain the 'NU - Introduction' section.	Accept in part	Yes
FS9.455	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.028	Chorus New Zealand Limited	NU-11	Retain NU-11.	Accept in part	Yes
FS9.456	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.029	Chorus New Zealand Limited	NU-12	Retain NU-12.	Accept in part	Yes
FS9.457	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.030	Chorus New Zealand Limited	NU-13	Retain NU-13.	Accept	No
FS9.458	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	

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FS23.16	Kāinga Ora - Homes and Communities		Disallow	Reject	
S117.031	Chorus New Zealand Limited	NU-01	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Accept in part	Yes
FS25.9	Federated Farmers of New Zealand		Disallow	Accept in part	
FS16.4	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-01 as proposed by submitter S117.031.	Accept in part	
FS23.17	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS9.459	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.032	Chorus New Zealand Limited	NU-02	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Reject	No
FS9.460	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS16.8	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-02 as proposed by submitter S117.032.	Reject	
FS23.18	Kāinga Ora - Homes and Communities		Disallow	Accept	
S117.033	Chorus New Zealand Limited	NU-03	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Reject	No
FS9.461	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS16.12	Waka Kotahi NZ Transport Agency		Disallow Retain NU-03 as notified in proposed plan.	Accept	
FS17.24	Horticulture New Zealand		Disallow	Accept	

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FS23.19	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.13	Federated Farmers of New Zealand		Allow in part	Reject	
S117.034	Chorus New Zealand Limited	NU-P1	<p>Delete NU-P1, and replace as follows:</p> <p>'1. Recognise the benefits of network utilities by:</p> <p>a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;</p> <p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>	Reject	No
FS25.20	Federated Farmers of New Zealand		Disallow	Accept	
FS16.16	Waka Kotahi NZ Transport Agency		<p>Disallow</p> <p>Retain NU-P1 as notified in proposed plan as the notified plan wording encompasses all matters raised in this submission point.</p>	Accept	
FS17.26	Horticulture New Zealand		Disallow	Accept	
FS9.462	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S117.035	Chorus New Zealand Limited	NU-P2	<p>Delete NU-P2, and replace as follows:</p> <p>'Adverse effects of network utilities on areas of outstanding or significant value in the coastal environment</p> <p>1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on:</p> <p>a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;</p> <p>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</p> <p>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous</p>	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects.</p> <p>In all areas</p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. wetlands and lakes and rivers and their margins that have natural character;</p> <p>b. outstanding natural features and landscapes outside of the coastal environment;</p> <p>c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</p> <p>d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</p> <p>e. historic heritage.</p> <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>		
FS9.463	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.21	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS7.004	Heritage New Zealand Pouhere Taonga		Disallow	Accept	
S117.036	Chorus New Zealand Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilitiesWhen considering the adverse effects of network utilities on the environment:</p> <p>1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated;</p> <p>2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors;</p> <p>3. decision-makers must have regard to:</p> <p>a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need;</p> <p>b. the time, duration or frequency of adverse effects;</p> <p>c. the necessity of the network utility including:</p> <p>i. the need to quickly repair and restore disrupted services;</p> <p>ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility;</p> <p>d. existing network utilities including:</p> <p>i. the complexity and connectedness of networks and services;</p> <p>ii. the potential for co-location and shared use of network utility corridors;</p> <p>e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;</p> <p>f. the benefits derived from the network utility at a local, regional and national scale;</p> <p>g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.'</p>	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.464	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.22	Kāinga Ora - Homes and Communities		Disallow	Accept	
S117.037	Chorus New Zealand Limited	NU-P4	Delete NU-P4, and replace as follows: 'Adverse effects of network utilities Manage the adverse effects of network utilities on the environment by: 1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals; 2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on: a. natural and physical resources; b. amenity values; c. sensitive activities; d. the safe and efficient operation of other network utilities; e. the health, well-being and safety of people and communities. 3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines. 4. preferring the undergrounding of new network utilities in urban areas where it is: a. technically feasible; b. justified by the extent of adverse visual effects; and c. viable, including where costs are proportionate to the adverse effects being avoided.'	Reject	No
FS9.465	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.23	Kāinga Ora - Homes and Communities		Disallow	Accept	
S117.038	Chorus New Zealand Limited	NU-P5	Delete NU-P5, and replace as follows: 'Adverse effects on network utilities Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by: 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions;</p> <p>6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines;</p> <p>7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline;</p> <p>8. managing the activities of others' through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'</p>		
FS25.27	Federated Farmers of New Zealand		Disallow	Accept	
FS23.24	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS17.28	Horticulture New Zealand		Disallow	Accept	
FS16.20	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Accept in part	
FS9.466	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S117.039	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Network utilities, land use, subdivision, development and urban growthEnable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'	Reject	No
FS9.467	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.20	Kāinga Ora - Homes and Communities		Allow in part	Reject	
S117.040	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: Technological advances Provide flexibility for network utilities to adopt new technologies that: 1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'	Reject	No
FS9.468	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS25.17	Federated Farmers of New Zealand		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S117.041	Chorus New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Natural hazards and network utilities Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and 2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'	Reject	No
FS9.469	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S117.042	Chorus New Zealand Limited	NU-R1	Retain NU-R1 as proposed.	Accept	No
FS9.470	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.043	Chorus New Zealand Limited	NU-R2	Amend NU-R2 as follows: 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: a. within 2m 3m of the existing alignment or location; and ii. ... iii. ... iv. ... v. Any pole that replaces an existing pole must not: a. ... b. ... c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and d. ... vi. ... vii. ... viii. ... ix. ... x. Where a new antenna replaces an existing antenna, the new antenna must not: 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	Reject Accept	No Yes

Commented [JK55]: Hearing Stream 7 - Network Utilities - Right of Reply, 27 January 2023

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			height increase is a result of an increase in the size of the new antenna only. ...		
FS9.471	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept Reject	
S117.044	Chorus New Zealand Limited	NU-R3	Retain NU-R3 as proposed.	Accept in part	Yes
FS9.472	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.045	Chorus New Zealand Limited	NU-R4	Retain NU-R4 as proposed.	Accept	No
FS9.473	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.046	Chorus New Zealand Limited	NU-R8	Retain NU-R8 as proposed.	Accept	No
FS9.474	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.047	Chorus New Zealand Limited	NU-S1	Amend NU-S1 as follows: 'NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... Rural Production Zone / General Rural Zone / Rural Lifestyle Zone ... 14. A telecommunications cabinet must not exceed a footprint of 2.5m ² 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 2.5m ² 5m² and height of 2m 2.5m . 23. A group of telecommunications cabinets must not exceed a combined footprint of 3m². ...	Accept in part	Yes
FS9.475	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	

Commented [JKS6]: Hearing Stream 7 - Network Utilities - Right of Reply, 27 January 2023

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S117.048	Chorus New Zealand Limited	NU-S2	<p>Amend NU-S2 as follows:</p> <p>General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>1. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>2. ...</p> <p>Rural Production Zone / General Rural Zone</p> <p>3. Any part of an above ground building or structure...</p> <p>Except that:</p> <p>a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>4. ...</p> <p>...</p>	Accept	Yes
FS9.476	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S117.049	Chorus New Zealand Limited	NU-S3	<p>Amend NU-S3 as follows:</p> <p>...</p> <p>General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)</p> <p>3. ...</p> <p>4. Where an antenna is can only be attached to a building, the antenna and building must not exceed a combined height of 8.5m, if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached.</p> <p>5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 11.5m 13m.</p> <p>Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.</p> <p>Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone</p> <p>6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m...</p> <p>7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>Except that:</p> <p>a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL SCHED6, the antenna and building must not exceed a combined height of 6.5m.</p> <p>8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m.</p> <p>Except that:</p> <p>a. ...</p>	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. ...</p> <p>Commercial Zone / General Industrial Zone</p> <p>10. ...</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 45m25m.</p> <p>Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'</p>		
FS9.477	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S117.050	Chorus New Zealand Limited	NU-S4	<p>Amend NU-S4 as follows:</p> <p>'1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</p> <p>Except that:</p> <p>a. ...</p> <p>b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>...</p>	Accept	Yes
FS9.478	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS23.25	Kāinga Ora - Homes and Communities		Disallow	Reject	
S117.051	Chorus New Zealand Limited	NU-S5	<p>Amend NU-S5 as follows:</p> <p>'1. Any activity which requires a new vehicle accessActivities on sites greater than 200m2 in area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading.</p>	Reject	No
FS9.479	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.26	Kāinga Ora - Homes and Communities		Disallow	Accept	
S118.003	Spark New Zealand Trading Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Accept	Yes
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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S118.004	Spark New Zealand Trading Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Accept	No
S118.005	Spark New Zealand Trading Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Accept	No
S118.006	Spark New Zealand Trading Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Accept	No
S118.008	Spark New Zealand Trading Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Accept in part	Yes
S118.009	Spark New Zealand Trading Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Accept in part	Yes
S118.010	Spark New Zealand Trading Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Accept	No
S118.011	Spark New Zealand Trading Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid; d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks'	Accept	Yes
FS23.101	Kāinga Ora - Homes and Communities		Disallow	Reject	
S118.012	Spark New Zealand Trading Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Accept	No
S118.013	Spark New Zealand Trading Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Accept	No
S118.014	Spark New Zealand Trading Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S118.015	Spark New Zealand Trading Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas. And insert a box around NESTF words as per other definitions.	Accept	Yes
S118.016	Spark New Zealand Trading Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan). Add a new definition of 'Radiocommunication' as follows: 'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.' And insert a box around Radiocommunications Act 1989 words as per other definitions.	Accept	Yes
S118.019	Spark New Zealand Trading Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Accept	No
S118.021	Spark New Zealand Trading Limited	TELECOMMUNICATION (Definition)	Retain the definition of 'Telecommunication' as proposed.	Accept	No
S118.022	Spark New Zealand Trading Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Accept in part	Yes
FS25.4	Federated Farmers of New Zealand		Disallow		
S118.023	Spark New Zealand Trading Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: NESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Accept	Yes
S118.025	Spark New Zealand Trading Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; 2. Infrastructure, including its role and function, is protected from incompatible development and activities; and	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'		
FS23.102	Kāinga Ora - Homes and Communities		Disallow	Accept	
S118.026	Spark New Zealand Trading Limited	NU - Network Utilities	Retain the initial statement at the start of the 'NU - Network Utilities' chapter.	Accept	No
S118.027	Spark New Zealand Trading Limited	NU - Introduction	Retain the 'NU - Introduction' section.	Accept in part	Yes
S118.028	Spark New Zealand Trading Limited	NU-11	Retain NU-11.	Accept in part	Yes
S118.029	Spark New Zealand Trading Limited	NU-12	Retain NU-12.	Accept in part	Yes
S118.030	Spark New Zealand Trading Limited	NU-13	Retain NU-13.	Accept	No
FS23.103	Kāinga Ora - Homes and Communities		Disallow		
S118.031	Spark New Zealand Trading Limited	NU-O1	Delete NU-O1, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Accept in part	Yes
FS16.5	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-01 as proposed by submitter S118.031.	Accept in part	
FS23.104	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS25.10	Federated Farmers of New Zealand		Disallow	Accept in part	
S118.032	Spark New Zealand Trading Limited	NU-O2	Delete NU-O2, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Reject	No
FS16.9	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-02 as proposed by submitter S118.032.	Reject	
FS23.105	Kāinga Ora - Homes and Communities		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S118.033	Spark New Zealand Trading Limited	NU-O3	Delete NU-O3, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Reject	No
FS16.13	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O3 as notified in proposed plan.	Accept	
FS23.106	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.14	Federated Farmers of New Zealand		Disallow	Accept	
S118.034	Spark New Zealand Trading Limited	NU-P1	Delete NU-P1, and replace as follows: '1. Recognise the benefits of network utilities by: a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district; b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district; c. providing for significant upgrades to, and the development of new, network utilities; d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency. The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through: a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy; b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles; c. effective, reliable and future-proofed communications networks and services; d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'	Reject	No
FS16.17	Waka Kotahi NZ Transport Agency		Disallow Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.	Accept	
FS23.107	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.21	Federated Farmers of New Zealand		Disallow	Accept	
S118.035	Spark New Zealand Trading Limited	NU-P2	Delete NU-P2, and replace as follows: 'Adverse effects of network utilities on areas of outstanding or significant value In the coastal environment 1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on: a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</p> <p>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects.</p> <p>In all areas</p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. wetlands and lakes and rivers and their margins that have natural character;</p> <p>b. outstanding natural features and landscapes outside of the coastal environment;</p> <p>c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</p> <p>d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</p> <p>e. historic heritage.</p> <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>		
S118.036	Spark New Zealand Trading Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilities</p> <p>When considering the adverse effects of network utilities on the environment:</p> <p>1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated;</p> <p>2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors;</p> <p>3. decision-makers must have regard to:</p> <p>a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need;</p> <p>b. the time, duration or frequency of adverse effects;</p> <p>c. the necessity of the network utility including:</p> <p>i. the need to quickly repair and restore disrupted services;</p> <p>ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility;</p> <p>d. existing network utilities including:</p> <p>i. the complexity and connectedness of networks and services;</p> <p>ii. the potential for co-location and shared use of network utility corridors;</p> <p>e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;</p> <p>f. the benefits derived from the network utility at a local, regional and national scale;</p> <p>g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.'</p>	Reject	No
FS23.108	Kāinga Ora - Homes and Communities		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S118.037	Spark New Zealand Trading Limited	NU-P4	<p>Delete NU-P4, and replace as follows: 'Adverse effects of network utilitiesManage the adverse effects of network utilities on the environment by:</p> <ol style="list-style-type: none"> 1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals; 2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on: <ol style="list-style-type: none"> a. natural and physical resources; b. amenity values; c. sensitive activities; d. the safe and efficient operation of other network utilities; e. the health, well-being and safety of people and communities. 3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines. 4. preferring the undergrounding of new network utilities in urban areas where it is: <ol style="list-style-type: none"> a. technically feasible; b. justified by the extent of adverse visual effects; and c. viable, including where costs are proportionate to the adverse effects being avoided.' 	Reject	No
FS23.109	Kāinga Ora - Homes and Communities		Disallow	Accept	
S118.038	Spark New Zealand Trading Limited	NU-P5	<p>Delete NU-P5, and replace as follows: 'Adverse effects on network utilities Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p> <ol style="list-style-type: none"> 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: <ol style="list-style-type: none"> a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; 8. managing the activities of others' through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.' 	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.28	Federated Farmers of New Zealand		Disallow	Accept	
FS23.110	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS16.21	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Accept in part	
S118.039	Spark New Zealand Trading Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Network utilities, land use, subdivision, development and urban growth Enable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'	Reject	No
S118.040	Spark New Zealand Trading Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Technological advances Provide flexibility for network utilities to adopt new technologies that: 1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'	Reject	No
FS25.18	Federated Farmers of New Zealand		Disallow	Accept	
S118.041	Spark New Zealand Trading Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: 'Natural hazards and network utilities Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and 2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'	Reject	No
S118.042	Spark New Zealand Trading Limited	NU-R1	Retain NU-R1 as proposed.	Accept	No
S118.043	Spark New Zealand Trading Limited	NU-R2	Amend NU-R2 as follows: 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: a. within 2m 3m of the existing alignment or location; and	Reject Accept	No Yes

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			ii. ... iii. ... iv. ... v. Any pole that replaces an existing pole must not: a. ... b. ... c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and d. ... vi. ... vii. ... viii. ... ix. ... x. Where a new antenna replaces an existing antenna, the new antenna must not: a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater ; and b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater ; and c. where it is attached to a facility, increase the height of the facility by more than 1m , unless the height increase is a result of an increase in the size of the new antenna only. ...		
S118.044	Spark New Zealand Trading Limited	NU-R3	Retain NU-R3 as proposed.	Accept in part	Yes
S118.045	Spark New Zealand Trading Limited	NU-R4	Retain NU-R4 as proposed.	Accept	No
S118.046	Spark New Zealand Trading Limited	NU-R8	Retain NU-R8 as proposed.	Accept	No
S118.047	Spark New Zealand Trading Limited	NU-S1	Amend NU-S1 as follows: 'NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... Rural Production Zone / General Rural Zone / Rural Lifestyle Zone ... 14. A telecommunications cabinet must not exceed a footprint of 2.5m ² 5m² and height of 2m 2.5m .15- A group of telecommunications cabinets must not exceed a combined footprint of 3m ² Commercial Zone / General Industrial Zone ... 22. A telecommunications cabinet must not exceed a footprint of 2.5m ² 5m² and height of 2m 2.5m .23-	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			A group of telecommunications cabinets must not exceed a combined footprint of 3m ²		
S118.048	Spark New Zealand Trading Limited	NU-S2	Amend NU-S2 as follows: 'General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) 1. Any part of an above ground building or structure... Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. 2. ... Rural Production Zone / General Rural Zone 3. Any part of an above ground building or structure... Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. 4.	Accept	Yes
S118.049	Spark New Zealand Trading Limited	NU-S3	Amend NU-S3 as follows: '... General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) 3. ... 4. Where an antenna is can only be attached to a building, the antenna and building must not exceed a combined height of 8.5m. if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached. 5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 11.5m 13m . Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard. Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone 6. Except as excluded in clause 4. below, above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m... 7. Except as excluded in Clause 4 below, where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. Except that: a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL-SCHED6, the antenna and building must not exceed a combined height of 6.5m. 8. Except as excluded in clause 4. below, above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that:	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>a. ...</p> <p>b. Lightning rods and GPS antennas are exempt from the maximum structure height standard.</p> <p>9. ...</p> <p>Commercial Zone / General Industrial Zone</p> <p>10. ...</p> <p>11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height of 8.5m must not be more than 5m above the point of the building to which it is attached.</p> <p>12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 15m25m.</p> <p>Except that:</p> <p>a. ...</p> <p>b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'</p>		
FS23.111	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S118.050	Spark New Zealand Trading Limited	NU-S4	<p>Amend NU-S4 as follows:</p> <p>'1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary).</p> <p>Except that:</p> <p>a. ...</p> <p>b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles.</p> <p>...</p>	Accept	Yes
FS23.112	Kāinga Ora - Homes and Communities		Disallow		
S118.051	Spark New Zealand Trading Limited	NU-S5	<p>Amend NU-S5 as follows:</p> <p>'1. Any activity which requires a new vehicle accessActivities on sites greater than 200m2 in area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading.'</p>	Reject	No
FS23.113	Kāinga Ora - Homes and Communities		Disallow		
S119.003	Vodafone New Zealand Limited	AERIAL (Definition)	Delete the definition of 'Aerial', and make consequential changes in the Proposed District Plan to replace the term 'Aerial' with 'Antenna'.	Accept	Yes
S119.004	Vodafone New Zealand Limited	ANTENNA (Definition)	Retain the definition of 'Antenna' as proposed.	Accept	No
S119.005	Vodafone New Zealand Limited	CABINET (Definition)	Retain the definition of 'Cabinet' as proposed.	Accept	No
S119.006	Vodafone New Zealand Limited	FUNCTIONAL NEED (Definition)	Retain the definition of 'Functional Need' as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S119.008	Vodafone New Zealand Limited	LINE (Definition)	Retain the definition of 'Line' as proposed.	Accept in part	Yes
S119.009	Vodafone New Zealand Limited	MAINTENANCE (Definition)	Retain the definition of 'Maintenance' as proposed.	Accept in part	Yes
S119.010	Vodafone New Zealand Limited	MAST (Definition)	Retain the definition of 'Mast' as proposed.	Accept	No
S119.011	Vodafone New Zealand Limited	NATIONALLY SIGNIFICANT INFRASTRUCTURE (Definition)	Amend the definition of 'Nationally Significant Infrastructure' as follows: 'means: a. State Highways; b. the National Grid electricity transmission network; c. national renewable electricity generation facilities that connect with the National Grid; d. major gas or oil pipeline services (such as the gas transmission pipeline from Taranaki); e. any railway (as defined in the Railways Act 2005). f. Telecommunication networks	Accept	Yes
FS23.159	Kāinga Ora - Homes and Communities		Disallow	Reject	
S119.012	Vodafone New Zealand Limited	NETWORK UTILITIES OR NETWORK UTILITY (Definition)	Retain the definition of 'Network Utilities or Network Utility' as proposed.	Accept	No
S119.013	Vodafone New Zealand Limited	NETWORK UTILITY OPERATOR OR NETWORK UTILITY OPERATION (Definition)	Retain the definition of 'Network Utility Operator or Network Utility Operation' as proposed.	Accept	No
S119.014	Vodafone New Zealand Limited	OPERATIONAL NEED (Definition)	Retain the definition of 'Operational Need' as proposed.	Accept	No
S119.015	Vodafone New Zealand Limited	POLE (Definition)	Amend the definition of 'Pole' as follows: 'has the same meaning as in clause 4 of the NES-TF (as set out in the box below) pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.' And insert a box around NESTF words as per other definitions.	Accept	Yes
S119.016	Vodafone New Zealand Limited	RADIO COMMUNICATION FACILITIES (Definition)	Retain the definition of 'Radio Communication Facilities', noting that it should be 'Radiocommunication' and not 'Radio Communication' in order to be consistent with the Radiocommunications Act 1989 (and this needs to be consistent throughout the Proposed Plan). Add a new definition of 'Radiocommunication' as follows:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			'RADIOCOMMUNICATION has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.' And insert a box around Radiocommunications Act 1989 words as per other definitions.		
S119.019	Vodafone New Zealand Limited	SMALL CELL UNIT (Definition)	Retain the definition of 'Small Cell Unit' as proposed.	Accept	No
S119.021	Vodafone New Zealand Limited	TELECOMMUNICATION (Definition)	Retain the definition of 'Telecommunication' as proposed.	Accept	No
S119.022	Vodafone New Zealand Limited	Definitions	Add a new definition of 'Upgrading' as follows: 'UPGRADING means in relation to network utilities, means increasing the carrying capacity, efficiency, security, or safety of a network utility, where it does not result in a permanent change to the location of a structure.'	Accept in part	Yes
FS25.5	Federated Farmers of New Zealand		Disallow	Reject	
S119.023	Vodafone New Zealand Limited	Abbreviations	Amend the abbreviation for the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 as follows: NES-TFNES Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016' And make subsequent changes throughout the Proposed Plan for consistency.	Accept	Yes
S119.025	Vodafone New Zealand Limited	[General]	Add a new 'Strategic Direction for Infrastructure' chapter in the 'Strategic Direction' section of the Proposed Plan, and include the following objectives under that heading: '1. The social, economic, environmental and cultural benefits of infrastructure are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; 2. Infrastructure, including its role and function, is protected from incompatible development and activities; and 3. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and the technical, functional and operational needs of infrastructure.'	Reject	No
FS23.160	Kāinga Ora - Homes and Communities		Disallow	Accept	
S119.026	Vodafone New Zealand Limited	NU - Network Utilities	Retain the initial statement at the start of the 'NU - Network Utilities' chapter.	Accept	No
S119.027	Vodafone New Zealand Limited	NU - Introduction	Retain the 'NU - Introduction' section.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S119.028	Vodafone New Zealand Limited	NU-I1	Retain NU-I1.	Accept in part	Yes
S119.029	Vodafone New Zealand Limited	NU-I2	Retain NU-I2.	Accept in part	Yes
S119.030	Vodafone New Zealand Limited	NU-I3	Retain NU-I3.	Accept	No
FS23.161	Kāinga Ora - Homes and Communities		Disallow	Reject	
S119.031	Vodafone New Zealand Limited	NU-O1	Delete NU-O1, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Accept in part	Yes
FS16.6	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-O1 as proposed by submitter S119.031.	Accept in part	
FS23.162	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS25.11	Federated Farmers of New Zealand		Disallow	Accept in part	
S119.032	Vodafone New Zealand Limited	NU-O2	Delete NU-O2, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Reject	No
FS16.10	Waka Kotahi NZ Transport Agency		Allow Accept submission point and amend NU-O2 as proposed by submitter S119.032.	Reject	
FS23.163	Kāinga Ora - Homes and Communities		Disallow	Accept	
S119.033	Vodafone New Zealand Limited	NU-O3	Delete NU-O3, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Reject	No
FS16.14	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O3 as notified in proposed plan.	Accept	
FS23.164	Kāinga Ora - Homes and Communities		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.15	Federated Farmers of New Zealand		Disallow	Accept	
S119.034	Vodafone New Zealand Limited	NU-P1	<p>Delete NU-P1, and replace as follows:</p> <p>'1. Recognise the benefits of network utilities by:</p> <p>a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;</p> <p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>	Reject	No
FS25.22	Federated Farmers of New Zealand		Disallow	Accept	
FS23.165	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS16.18	Waka Kotahi NZ Transport Agency		<p>Disallow</p> <p>Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.</p>	Accept	
S119.035	Vodafone New Zealand Limited	NU-P2	<p>Delete NU-P2, and replace as follows:</p> <p>'Adverse effects of network utilities on areas of outstanding or significant value</p> <p>In the coastal environment</p> <p>1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on:</p> <p>a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;</p> <p>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</p> <p>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects. In all areas</p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. wetlands and lakes and rivers and their margins that have natural character;</p> <p>b. outstanding natural features and landscapes outside of the coastal environment;</p>	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>c. areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</p> <p>d. ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</p> <p>e. historic heritage.</p> <p>4. Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE-P7.'</p>		
FS23.166	Kāinga Ora - Homes and Communities		Disallow	Accept	
S119.036	Vodafone New Zealand Limited	NU-P3	<p>Delete NU-P3, and replace as follows:</p> <p>'Consideration of the adverse effects of network utilities</p> <p>When considering the adverse effects of network utilities on the environment:</p> <p>1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated;</p> <p>2. recognise that the adverse effects on the values and attributes of the areas listed in Policy IE-P5(3) can be mitigated by locating some types of network utilities in land transport corridors;</p> <p>3. decision-makers must have regard to:</p> <p>a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a network utility's functional need or operational need;</p> <p>b. the time, duration or frequency of adverse effects;</p> <p>c. the necessity of the network utility including:</p> <p>i. the need to quickly repair and restore disrupted services;</p> <p>ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a network utility;</p> <p>d. existing network utilities including:</p> <p>i. the complexity and connectedness of networks and services;</p> <p>ii. the potential for co-location and shared use of network utility corridors;</p> <p>e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;</p> <p>f. the benefits derived from the network utility at a local, regional and national scale;</p> <p>g. the extent to which the network utility is integrated with, and necessary to support, planned urban development.'</p>	Reject	No
FS23.167	Kāinga Ora - Homes and Communities		Disallow	Accept	
S119.037	Vodafone New Zealand Limited	NU-P4	<p>Delete NU-P4, and replace as follows:</p> <p>'Adverse effects of network utilitiesManage the adverse effects of network utilities on the environment by:</p> <p>1. recognising that the adverse effects of the ongoing operation, maintenance, repair, upgrade and removal of existing network utilities are typically insignificant or minor by enabling these activities to occur without the need for planning approvals;</p> <p>2. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new network utilities, including effects on:</p> <p>a. natural and physical resources;</p> <p>b. amenity values;</p> <p>c. sensitive activities;</p> <p>d. the safe and efficient operation of other network utilities;</p>	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>e. the health, well-being and safety of people and communities.</p> <p>3. managing the potential adverse effects of noise, vibration, radiofrequency fields and electric and magnetic fields by requiring compliance with national environmental standards or other nationally recognised standards or guidelines.</p> <p>4. preferring the undergrounding of new network utilities in urban areas where it is:</p> <p>a. technically feasible;</p> <p>b. justified by the extent of adverse visual effects; and c. viable, including where costs are proportionate to the adverse effects being avoided.'</p>		
FS23.168	Kāinga Ora - Homes and Communities		Disallow	Accept	
S119.038	Vodafone New Zealand Limited	NU-P5	<p>Delete NU-P5, and replace as follows:</p> <p>'Adverse effects on network utilities</p> <p>Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p> <p>1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network;</p> <p>2. managing access to the railway corridor and national and regional road network;</p> <p>3. managing new activities sensitive to noise within a defined air noise contour;</p> <p>4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas;</p> <p>5. requiring subdivision of sites containing significant electricity distribution lines to:</p> <p>a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and</p> <p>b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions;</p> <p>6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines;</p> <p>7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline;</p> <p>8. managing the activities of others' through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'</p>	Reject	No
FS16.22	Waka Kotahi NZ Transport Agency		<p>Disallow</p> <p>Retain Policy NU-P5 as notified in proposed plan.</p>	Accept in part	
FS23.169	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.29	Federated Farmers of New Zealand		Disallow	Accept	
S119.039	Vodafone New Zealand Limited	NU-PXX (new policy)	<p>Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows:</p> <p>'Network utilities, land use, subdivision, development and urban growthEnable the coordination of network utilities planning and delivery with land use, subdivision, development and urban growth so that future land use and network utilities are integrated, efficient and aligned.'</p>	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S119.040	Vodafone New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: Technological advances Provide flexibility for network utilities to adopt new technologies that: 1. improve access to, and efficient use of, networks and services; 2. allow for the re-use of redundant services and structures; 3. increase resilience, safety or reliability of networks and services; 4. result in environmental benefits and enhancements; or 5. promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.'	Reject	No
FS25.19	Federated Farmers of New Zealand		Disallow	Accept	
S119.041	Vodafone New Zealand Limited	NU-PXX (new policy)	Add a new policy in the 'NU - Network Utilities' chapter in the Proposed Plan as follows: Natural hazards and network utilities Only provide for network utilities in areas identified in the plan as subject to natural hazards where the network utility: 1. does not pose a significant risk, or exacerbate an existing risk, to other people or property; and 2. has a functional need or operational need to be located in the area; or 3. is not vulnerable to the risks of the natural hazard; or 4. is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event.'	Reject	No
S119.042	Vodafone New Zealand Limited	NU-R1	Retain NU-R1 as proposed.	Accept	No
S119.043	Vodafone New Zealand Limited	NU-R2	Amend NU-R2 as follows: 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. The realignment, configuration, relocation or replacement of electricity, or telecommunication line pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures must be: a. within 2m 3m of the existing alignment or location; and ii. ... iii. ... iv. ... v. Any pole that replaces an existing pole must not: a. ... b. ... c. have a height exceeding more than 1m above the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater; and d. ... vi. ... vii. ... viii. ... ix. ...	RejectAccept	NoYes

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>x. Where a new antenna replaces an existing antenna, the new antenna must not:</p> <p>a. exceed 3.5m in length and 700mm in width or the maximum dimension of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>b. where it is a dish antenna, exceed 1.2m in diameter or the diameter of the existing antenna by more than 20 percent, whichever is the greater; and</p> <p>c. where it is attached to a facility, increase the height of the facility by more than 1m, unless the height increase is a result of an increase in the size of the new antenna only.</p> <p>...</p>		
S119.044	Vodafone New Zealand Limited	NU-R3	Retain NU-R3 as proposed.	Accept in part	Yes
S119.045	Vodafone New Zealand Limited	NU-R4	Retain NU-R4 as proposed.	Accept	No
S119.046	Vodafone New Zealand Limited	NU-R8	Retain NU-R8 as proposed.	Accept	No
S119.047	Vodafone New Zealand Limited	NU-S1	<p>Amend NU-S1 as follows:</p> <p>NU-S1 Gross Floor Area and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... 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. 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. A group of telecommunications cabinets must not exceed a combined footprint of 3m². ...</p>	Accept in part	Yes
S119.048	Vodafone New Zealand Limited	NU-S2	<p>Amend NU-S2 as follows:</p> <p>General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) 1. Any part of an above ground building or structure... Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. 2. ...</p>	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			Rural Production Zone / General Rural Zone 3. Any part of an above ground building or structure... Except that: a. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. 4.		
S119.049	Vodafone New Zealand Limited	NU-S3	Amend NU-S3 as follows: ... General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) 3. ... 4. Where an antenna is can only be attached to a building, the antenna and building must not exceed a combined height of 8.5m ; if that building is 15m high. The top of the antenna must not be more than 5m above the point of the building to which it is attached. 5. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 44.5m 13m . Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard. Rural Production Zone / Settlement Zone / Rural Lifestyle Zone / General Rural Zone 6. Except as excluded in clause 4. below , above ground buildings (where located outside road reserve and the rail corridor) must not exceed a height of 5m... 7. Except as excluded in Clause 4 below , where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. Except that a. Where located within an Outstanding Natural Landscape or Outstanding Natural Feature identified in NFL SCHED6, the antenna and building must not exceed a combined height of 6.5m. 8. Except as excluded in clause 4. below , above ground structures (poles, towers and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 25m. Except that: a. ... b. Lightning rods and GPS antennas are exempt from the maximum structure height standard. 9. ... Commercial Zone / General Industrial Zone 10. ... 11. Where an antenna is attached to a building, the top of the antenna and building must not exceed a combined height 8.5m must not be more than 5m above the point of the building to which it is attached. 12. Above ground structures (poles, towers, and telecommunication poles, including combined height of pole and antenna) must not exceed a height of 45m 25m . Except that: a. ... b. Lightning rods and GPS antenna are exempt from the maximum structure height standard.'	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.170	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S119.050	Vodafone New Zealand Limited	NU-S4	Amend NU-S4 as follows: '1. Above ground buildings or structures (except those located within road reserve) must not exceed a height of 2m plus the shortest horizontal distance between that part of the building or structure and the nearest site boundary (but excluding a road boundary). Except that: a. ... b. This standard does not apply to poles with a diameter of 600mm or less, and any permitted attachments to the poles. ...'	Accept	Yes
FS23.171	Kāinga Ora - Homes and Communities		Disallow	Reject	
S119.051	Vodafone New Zealand Limited	NU-S5	Amend NU-S5 as follows: '1. Any activity which requires a new vehicle access Activities-on-sites-greater-than-200m2-in-area must comply with the relevant vehicle access provisions of the TRAN - Transport chapter for access, parking and loading. '	Reject	No
FS23.172	Kāinga Ora - Homes and Communities		Disallow	Accept	
S121.235	Federated Farmers of New Zealand	GAS TRANSMISSION NETWORK (Definition)	Delete the definition of 'Gas Transmission Network'.	Reject	No
FS3.003	First Gas Limited		Disallow	Accept	
FS9.235	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.239	Federated Farmers of New Zealand	MAINTENANCE (Definition)	Amend the definition of 'Maintenance' as follows: '... Specifically in relation to network utilities, 'maintenance' means: any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, voltage, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures. ...'	Accept in part	Yes
FS16.1	Waka Kotahi NZ Transport Agency		Disallow Retain the maintenance definition as notified in proposed plan.	Accept in part	
FS9.239	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
FS3.005	First Gas Limited		Disallow	Accept in part	
S121.241	Federated Farmers of New Zealand	NATIONAL GRID SUBDIVISION CORRIDOR (Definition)	Amend the definition of 'National Grid Subdivision Corridor' as follows: 'the area measured either side of the centreline of above ground National Grid line as follows:	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			a. 14m for 110Kv national grid lines on single poles b. 32m for 110Kv transmission lines on towers... And correct the accompanying diagram.		
FS9.241	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS18.2	Transpower New Zealand Limited		Disallow	Accept	
S121.242	Federated Farmers of New Zealand	NATIONAL GRID YARD (Definition)	Amend the definition of 'National Grid Yard' as follows: For the 110kv Fernhill-Woodville A, and the 110kv Fernhill-Woodville B: - the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation tower, and 8m from a National Grid pole, - or the area located within 10m either side of the centreline of an overhead 110Kv National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span.'	Reject	No
FS9.242	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS18.4	Transpower New Zealand Limited		Disallow	Accept	
S129.014	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-11	Retain NU-11 as notified.	Accept in Part	Yes
S129.015	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-12	Retain NU-12 as notified.	Accept in part	Yes
S129.016	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-13	Amend NU-13 as follows: 'Effects of Other Activities on Network Utilities Where not appropriately managed, new subdivision, land use and development may impact on the safe and efficient functioning of network utilities. Explanation Where not appropriately managed, new subdivision, land use and development in close proximity to existing network utilities can have the potential to constrain or compromise the efficient or effective operation, maintenance and development of those network utilities. In some instances, this can compromise health and safety through the location of sensitive activities close to network utilities, and through activities not adhering to safe clearances or safe distances from network utilities e.g. from	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			electricity transmission networks (including the National Grid), high pressure gas network, overhead lines and cables, navigational aids, road and railway corridors etc.'		
FS3.008	First Gas Limited		Disallow	Accept	
FS16.3	Waka Kotahi NZ Transport Agency		Disallow Retain NU-I3 as notified in proposed plan.	Accept	
FS17.23	Horticulture New Zealand		Allow	Accept	
FS18.5	Transpower New Zealand Limited		Disallow	Accept	
S129.017	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-O1	Retain NU-O1 as notified.	Accept in part	Yes
S129.018	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-O2	Retain NU-O2 as notified.	Accept	No
S129.019	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-O3	Amend NU-O3 as follows: 'The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible and/or inappropriate subdivision, land use or development, including the potential for where it is likely to result in reverse sensitivity effects.'	Reject	No
FS16.15	Waka Kotahi NZ Transport Agency		Disallow Retain NU-O3 as notified in proposed plan.	Accept	
S129.020	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-O4	Retain NU-O4 as notified.	Accept	No
S129.021	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P1	Retain NU-P1 as notified.	Accept in part	Yes (insofar as a minor correct has been made with regard to spelling of 'utilities')
S129.022	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P2	Amend NU-P2 as follows: 'Avoid adverse effects of upgrades to, and the development of new, network utilities on the values and attributes of areas identified in the District Plan asof: 1. Historical Heritage Items (in HH-SCHED2) and Notable Trees (in TREE-SCHED4); 2. Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significance to Māori (in SASM-SCHED3); 3. Significant Natural Areas (in ECO-SCHED5); and 4. Outstanding Natural Features and Landscapes (in NFL-SCHED6); while recognising the extent to which adverse effects can be avoided, may be constrained by a network utility's functional or operational needs.'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S129.023	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P3	Delete NU-P3.	Reject	No
FS18.7	Transpower New Zealand Limited		Allow in part The submission point be allowed if the relief sought in Transpower's submission on NU-P3 is not granted.	Accept	
S129.024	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P4	Retain NU-P4 as notified.	Accept in part	Yes
S129.025	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P5	Amend NU-P5 as follows: 'To protect network utilities from the adverse effects of inappropriate subdivision, use and development that where it may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by: 1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility; 2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects; 3. managing access to the railway corridor and to the national and regional road network land transport network ; 4. managing light spill and glare from activities on road users; 5. managing land disturbance and activities in the vicinity of gas transmission pipelines; 6. managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid substation; 7. managing land disturbance, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and 8. ensuring subdivision of sites containing a network utility activity retain does not unnecessarily compromise the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.'	Accept in part	Yes
FS3.012	First Gas Limited		Disallow	Accept in part	
FS16.23	Waka Kotahi NZ Transport Agency		Disallow Retain Policy NU-P5 as notified in proposed plan.	Accept in part	
S129.026	Kāinga Ora - Homes and Communities (Kāinga Ora)	NU-P6	Amend NU-P6 as follows: 'To manage the effects of amateur radio configuration by designing, constructing and locating associated masts, poles and antennas and their support structures so as to avoid, remedy or mitigate adverse effects on: 1. residential character and amenity values ; ...'	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S131.001	NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club	Definitions	Include a definition of 'Amateur Radio Configurations' as follows: 'means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators' [Note: Proposed Plan already includes definition of 'Amateur Radio Configuration' as 'means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.']	Accept in part	Yes
S131.002	NZ Association of Radio Transmitters Inc and Hawke's Bay Amateur Radio Club	NU-S9	Exempt 'Amateur Radio Configurations' from 'Height in Relation to Boundary' or 'Recession Line' rules.	Reject	No

Table: Summary of Recommended Responses to Submissions and Further Submissions

RE – Renewable Energy

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.010	Te Mata Mushrooms Land Company Limited	Definitions	Add a new definition for 'Community-scale Renewable Electricity Generation Activity' as follows: 'COMMUNITY-SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITY means renewable electricity generation for the purpose of supplying an immediate community, cluster of farms, or businesses to secure electricity supply or to connect into the distribution network.'	Reject	No
.					
S102.025	Te Mata Mushrooms Land Company Limited	RE-PXX (new policy)	Add a new policy in the 'Renewable Energy' chapter of the Proposed Plan as follows: 'To provide for community-scale renewable electricity generation activities.'	Reject	No
.					
S102.027	Te Mata Mushrooms Land Company Limited	RE-RXX (new rule)	Add a new rule for 'Community-scale Renewable Electricity Generation Activities' as follows: 'RE-R5 Community-scale Renewable Energy[Electricity?] Generation Activities 1. Activity Status: RDIS, Non-notified Where the following conditions are met: a. Compliance with: i. RE-S1; ii. RE-S2; iii. RE-S3; iv. RE-S4; and v. RE-S5.'	Reject	No
.					
S102.026	Te Mata Mushrooms Land Company Limited	RE-R1	Retain RE-R1.	Accept	No
.					
S102.028	Te Mata Mushrooms Land Company Limited	RE-S1	Amend RE-S1 to add in reference to 'Community-scale Renewable Electricity Generation Activities'.	Reject	No
.					
S102.029	Te Mata Mushrooms Land Company Limited	RE-S2	Amend RE-S2 to add in reference to 'Community-scale Renewable Electricity Generation Activities'.	Reject	No
.					

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.030	Te Mata Mushrooms Land Company Limited	RE-S3	Amend RE-S3 to add in reference to 'Community-scale Renewable Electricity Generation Activities'.	Reject	No
.					
S102.031	Te Mata Mushrooms Land Company Limited	RE-S4	Amend RE-S4 to add in reference to 'Community-scale Renewable Electricity Generation Activities'.	Reject	No
.					
S102.032	Te Mata Mushrooms Land Company Limited	RE-S5	Amend RE-S5 to add in reference to 'Community-scale Renewable Electricity Generation Activities'.	Reject	No
.					
S75.004	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ENVIRONMENTAL COMPENSATION (Definition)	Amend the definition of 'Environmental Compensation' as follows: 'Environmental Compensation: any action (work, services, financial contribution or restrictive covenants) to compensate for, or offset , the environmental effects of activities that cannot be avoided, remedied, or mitigated or addressed by a biodiversity offset or biodiversity compensation. Positive measures to correct, balance, or otherwise compensate for the loss of the resource or value affected. '	Accept in part / Accept	Yes
FS23.98	Kāinga Ora - Homes and Communities			Accept in part	
FS5.016	Ngāhapu me ngā marae o Tamatea			Accept in part	
S79.014	Transpower New Zealand Ltd	RENEWABLE ELECTRICITY GENERATION ACTIVITIES (Definition)	Retain definition of 'Renewable Electricity Generation Activities'.	Accept	No
.					
S11.006	Hawke's Bay Regional Council	RE - Renewable Energy	No changes	Accept	Yes
.					
S90.025	Centralines Limited	RE - Renewable Energy	Retain the 'RE - Renewable Energy' chapter as notified.	Accept	No
.					
S79.053	Transpower New Zealand Ltd	RE - Introduction	Retain 'RE - Introduction'.	Accept	No

Commented [SM1]: Hearing Stream 7 - Right of Reply dated 27 January 2023

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.413	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S102.022	Te Mata Mushrooms Land Company Limited	RE-O1	Retain RE-O1 as proposed.	Accept	No
.				Accept	
S64.029	Department of Conservation	RE-O1	Retain RE-O1.	Accept	No
FS9.312	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S102.023	Te Mata Mushrooms Land Company Limited	RE-O2	Retain RE-O2 as proposed.	Awaiting recommendation	
.					
S64.030	Department of Conservation	RE-O2	Amend RE-O2 to align with the NPS-REG.	Accept	Yes
FS9.313	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S64.031	Department of Conservation	RE-P1	Retain RE-P1.	Accept	No
FS9.314	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S64.032	Department of Conservation	RE-P2	Retain RE-P2.	Accept	No
FS9.315	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S64.033	Department of Conservation	RE-P3	Retain RE-P3.	Accept	No
FS9.316	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S102.024	Te Mata Mushrooms Land Company Limited	RE-P4	Retain RE-P4 as proposed.	Accept	No
.					
S64.034	Department of Conservation	RE-P4	Retain RE-P4.	Accept	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.317	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S64.035	Department of Conservation	RE-P5	Retain RE-P5.	Accept	No
FS9.318	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S64.036	Department of Conservation	RE-P6	Retain RE-P6.	Accept	No
FS9.319	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S105.005	James Bridge	RE-R1	Amend RE-R1 as follows: '1. Activity Status: PER Where the following conditions are met: a. In the case of wind generation , limited to one wind turbine per site. b. Compliance with:' Or other appropriate amendments to explicitly provide for all types of renewable energy generation activities as anticipated by RE-P4.	Accept	Yes
S64.037	Department of Conservation	RE-R4	Retain RE-R4.	Accept	No
FS9.320	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S79.054	Transpower New Zealand Ltd	RE-M1	Review the appropriateness of RE-M1 within the 'RE - Renewable Energy' chapter. Amend RE-M1 as follows: 'Sets out an objective and policies to enable the management of the effects on and of the electricity transmission network under the RMA. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of resource consents, in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.'	Accept	No
FS9.414	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S79.055	Transpower New Zealand Ltd	RE-M2	Review the appropriateness of RE-M2 within the 'RE - Renewable Energy' chapter.	Accept in part	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.415	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept in part	
S55.017	Heritage New Zealand Pouhere Taonga	RE-P2	Add the following clause to RE-P2: '... 3. Historic Heritage as identified in HH-SCHED2 and Sites and Areas of Significance to Māori as identified in SASM-SCHED3.'	Accept	Yes
S55.018	Heritage New Zealand Pouhere Taonga	RE-R1	Add the following clauses to RE-R1: '1. Activity Status: PER Where the following conditions are met: a. ... b. Compliance with: ... c. The activity is not within a site containing Historic Heritage as identified in SCHED2, and is not within an area identified as a Site or area of significance to Māori in SCHED3. 2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. ... b. ... c. The effects on historic heritage and cultural values.'	Accept in part	Yes
S55.019	Heritage New Zealand Pouhere Taonga	RE-R4	Amend RE-R4(1)(a) as follows: '1. Activity Status: DIS Where the following conditions are met: a. New renewable electricity generation activities must not be located within an Outstanding Natural Feature or Landscape, or a High Natural Character Area, identified on the Planning Maps and in NFL-SCHED6 and CE-SCHED7, a site containing Historic Heritage as identified in SCHED2, or within an area identified as a Site or area of significance to Māori in SCHED3.'	Accept in part	Yes

Response to Submitter Evidence – Network Utilities Topic Only

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. <i>improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;</i></p> <p>ii. <i>the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;</i></p> <p>iii. <i>drinking water supplies are protected from the adverse effects of subdivision, use and development;</i></p> <p>iv. <i>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.”</i></p> <ul style="list-style-type: none"> • [...] <i>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.</i> <p>[...]</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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</i></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><i>“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:</i></p> <ol style="list-style-type: none"> 1. <i>Establishing compact, and strongly connected urban form throughout the Region, that achieves quality built environments that:</i> <ol style="list-style-type: none"> a. <i>provide for a range of housing choices and affordability;</i> b. <i>have a sense of character and identity;</i> c. <i>retain heritage values and values important to tangata whenua;</i> d. <i>are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient; and</i> e. <i>demonstrate consideration of the principles of urban design .</i> 2. <i>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.</i> 3. <i>Ensuring that the planning and provision of transport infrastructure is integrated with development and settlement patterns.”</i> <p>The Urban Form and Development chapter also includes the following objective:</p> <p>UFD-O3 <i>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.</i></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>

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	<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>

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<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 with 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>

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	<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>

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	<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>

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	<p><u>Policy NU-Pa</u></p> <p><u>Manage the adverse effects of the planning and development of the National Grid by:</u></p> <p><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></p> <p><u>2. Having regard to the functional and/or operational needs of the network.</u></p> <p><u>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).</u></p> <p><u>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 NZGPS.</u></p> <p><u>5. Avoiding, remedying or mitigating other adverse effects to the extent practicable.</u></p> <p><u>In the event of any conflict with any other objectives and policies within the Plan, Policy NU-Pa takes precedence.</u></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>

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	<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>

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	<p data-bbox="380 315 506 334">Policy NU-P5</p> <p data-bbox="380 367 1136 526">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="380 570 422 589">.....</p> <p data-bbox="380 618 1136 777">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="380 810 1136 901">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>	

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	<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>

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	<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>

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	<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> <i>However, the intent of the changes are to make the policy reflect the wording of the NPSET.</i> <i>NU-P5 applies to all network utilities – not just the National Grid.</i> <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> <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> <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> <i>The recommended policy will place considerable constraints on activities that occur around network utilities which was not anticipated in the proposed plan.</i> <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> <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> <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> <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> <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: 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:</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>

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	<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> <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> 	

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	<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>

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	<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 1015 1150 1274" 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>	

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	<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; 	

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	<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>	
8. Rule NU-R2 Standard NU-S1	<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>

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	<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 and Structure Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal) ... Rural Production Zone / General Rural Zone / Rural Lifestyle Zone ... 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 and Size and Dimensions General Residential Zone / Settlement Zone / Rural Lifestyle Zone / Large Lot Residential Zone (Coastal)'</p>

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	<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>

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	<p><i>assessed as a Controlled, Restricted Discretionary, Discretionary or Non-complying Activity depending on the District Plan rule not complied with. If the activity is a Controlled or Restricted Discretionary Activity under the NESTF, it is the NESTF rather than the District Plan that sets the matters for control / discretion.</i></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>	

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

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	<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 1266"> <tr> <td data-bbox="369 1149 688 1266">GAS DISTRIBUTION NETWORK</td> <td data-bbox="688 1149 1113 1266"><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>					

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	<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". 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>

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	<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 Hort 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, voltage, 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, pylon/pole 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. It does not include the erection of extra lines to existing or replacement poles or other support structures.</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 Standards 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 Hort 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> <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 of the same voltage, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. It does not include minor upgrading or upgrading.</p> <p>[...]</p> <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 of the same voltage or diameter, 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> <p>[...]</p> <p>This amendment does not otherwise change my recommendations in relation to the submission points on this definition.</p>

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	<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>

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	<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 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 <u>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.</u>”</p>	
14. Definition – National Grid Yard	<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 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</p>	For the reasons set out in my section 42A report, I have not changed my position.

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></p> <p><i>Transpower seek the same distance for a tower and a pole, regardless of the fact that the type of structure is different.</i></p> <p><i>Transpower contend that NZECP34.2001 is not appropriate for the National Grid.</i></p> <p><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).

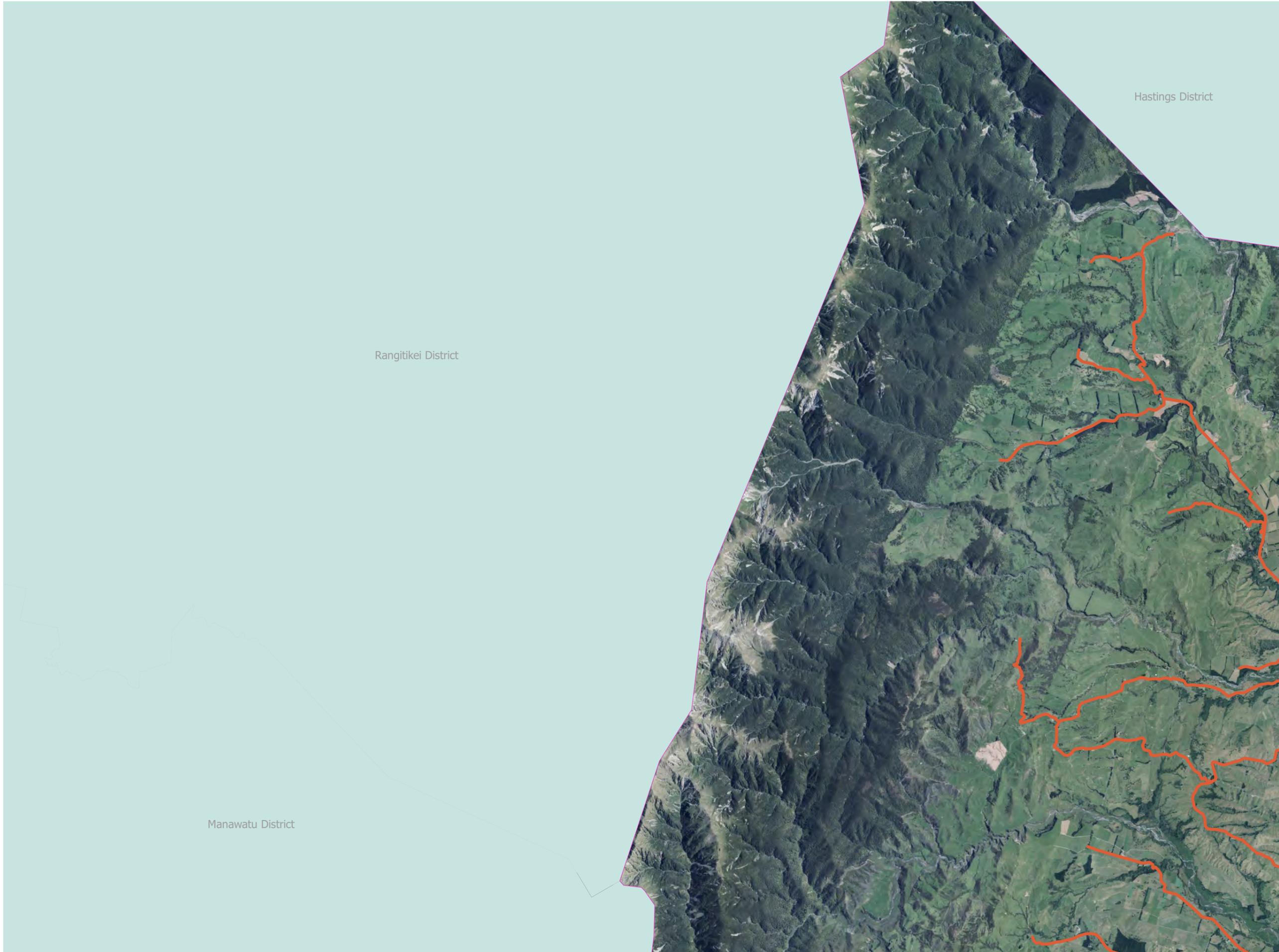
⁴ Council reply on the ‘Rural Environment’ Topic – Hearing 3 – Rowena Macdonald and Janeen Kydd-Smith on behalf of Central Hawke’s Bay District Council, dated 5 August 2022.

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>	

APPENDIX 5

Revised One Network Framework Classification Maps



LEGEND

- One Network Framework**
- Activity Streets
 - Interregional Connectors
 - Local Streets
 - Main Streets
 - Peri-urban Roads
 - Rural Connectors
 - Rural Roads
 - Stopping Places
 - Urban Connectors
 - Unclassified Roads



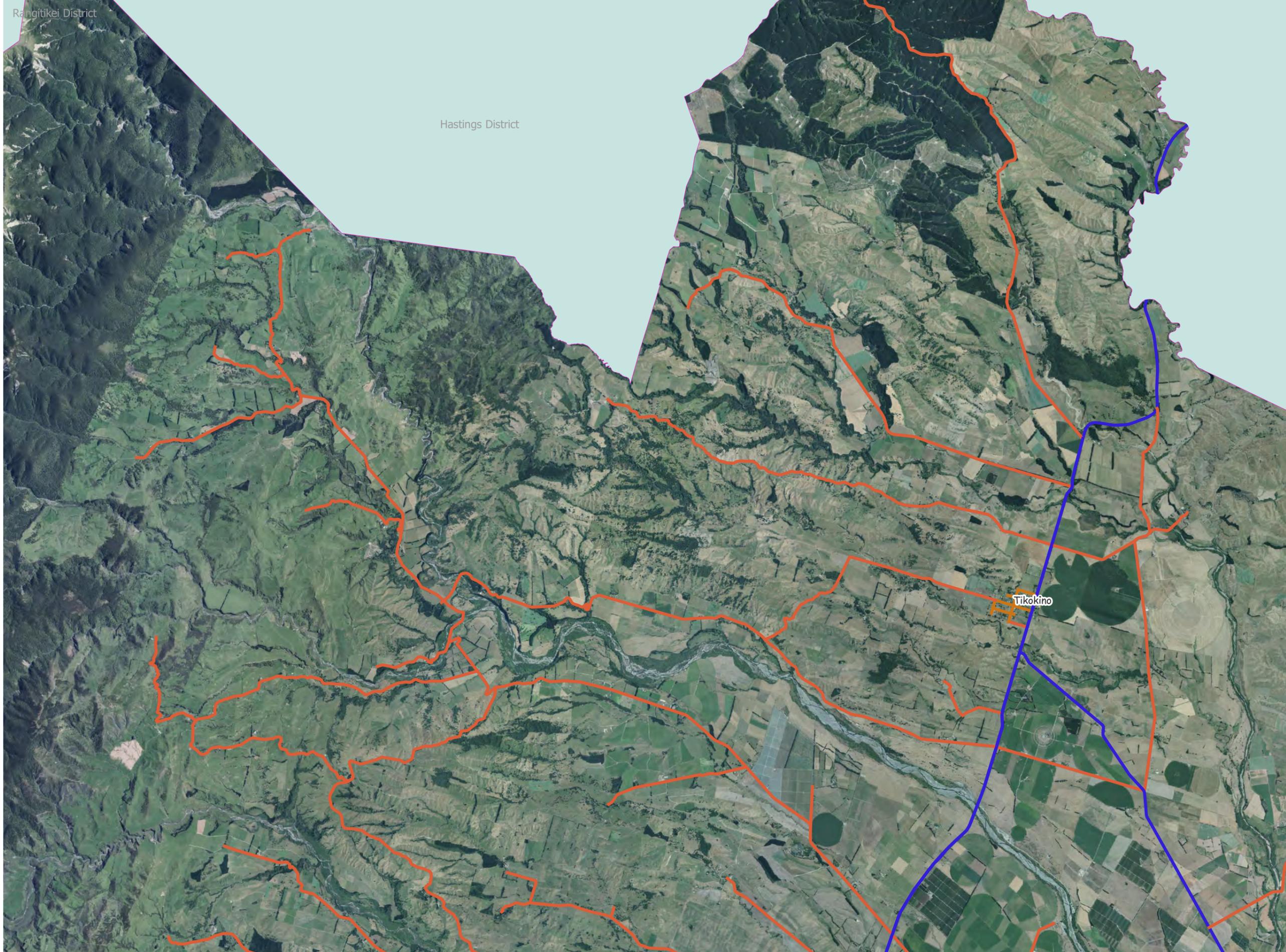
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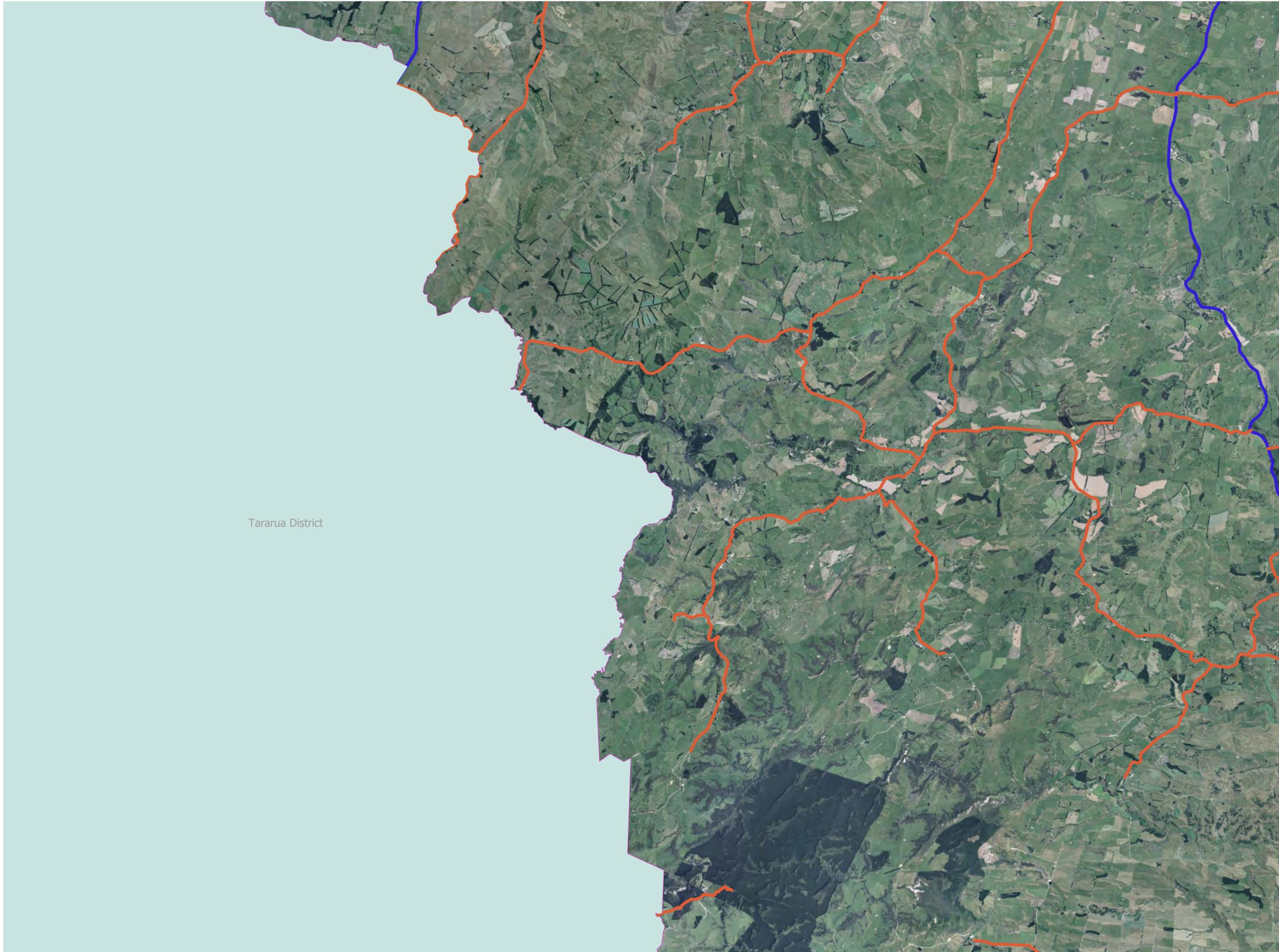
LEGEND

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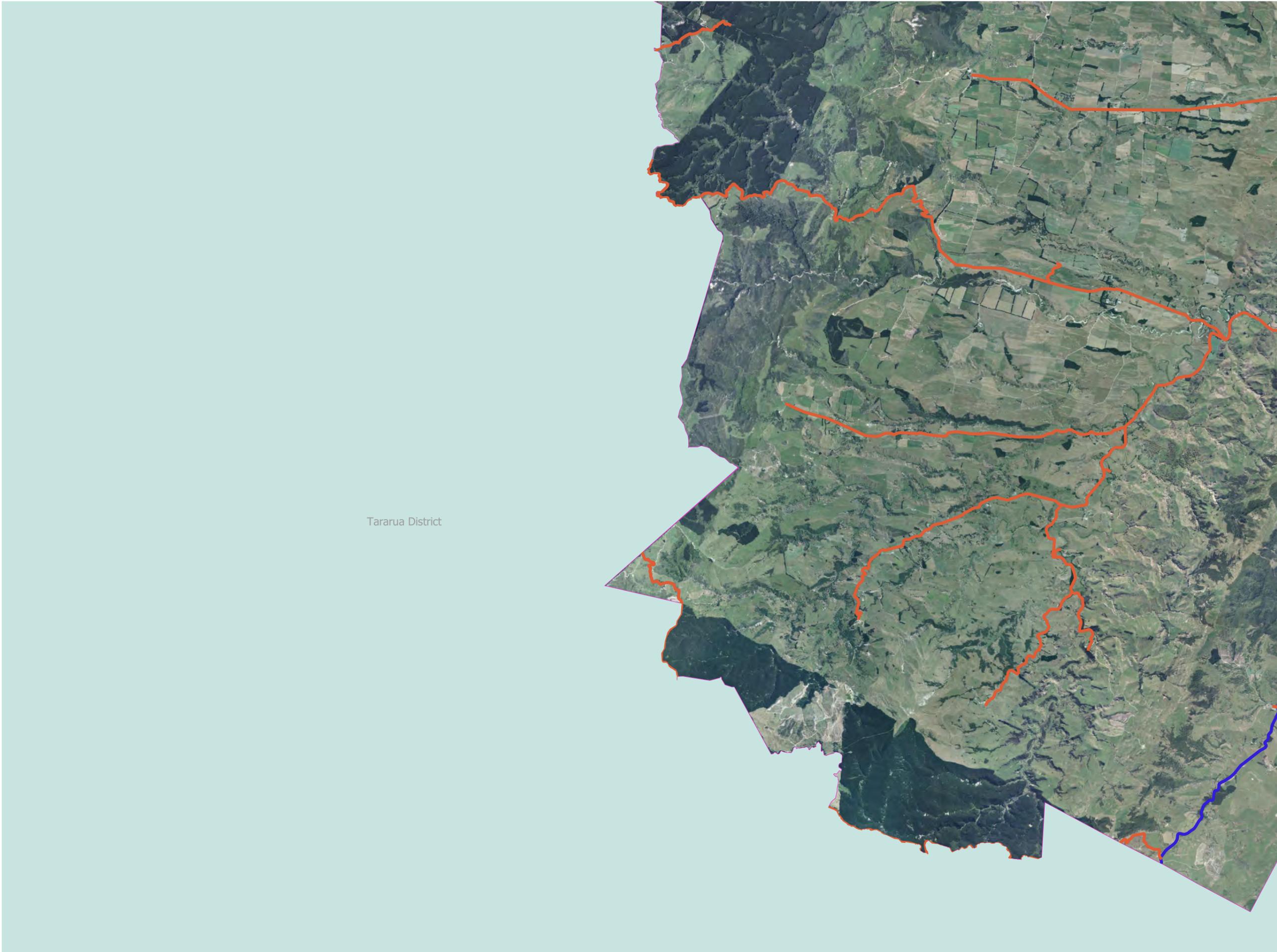


Taranua District



LEGEND

- One Network Framework**
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 - Urban Connectors
 - Unclassified Roads



Taranaki District



LEGEND

- One Network Framework**
- Activity Streets
 - Interregional Connectors
 - Local Streets
 - Main Streets
 - Peri-urban Roads
 - Rural Connectors
 - Rural Roads
 - Stopping Places
 - Urban Connectors
 - Unclassified Roads



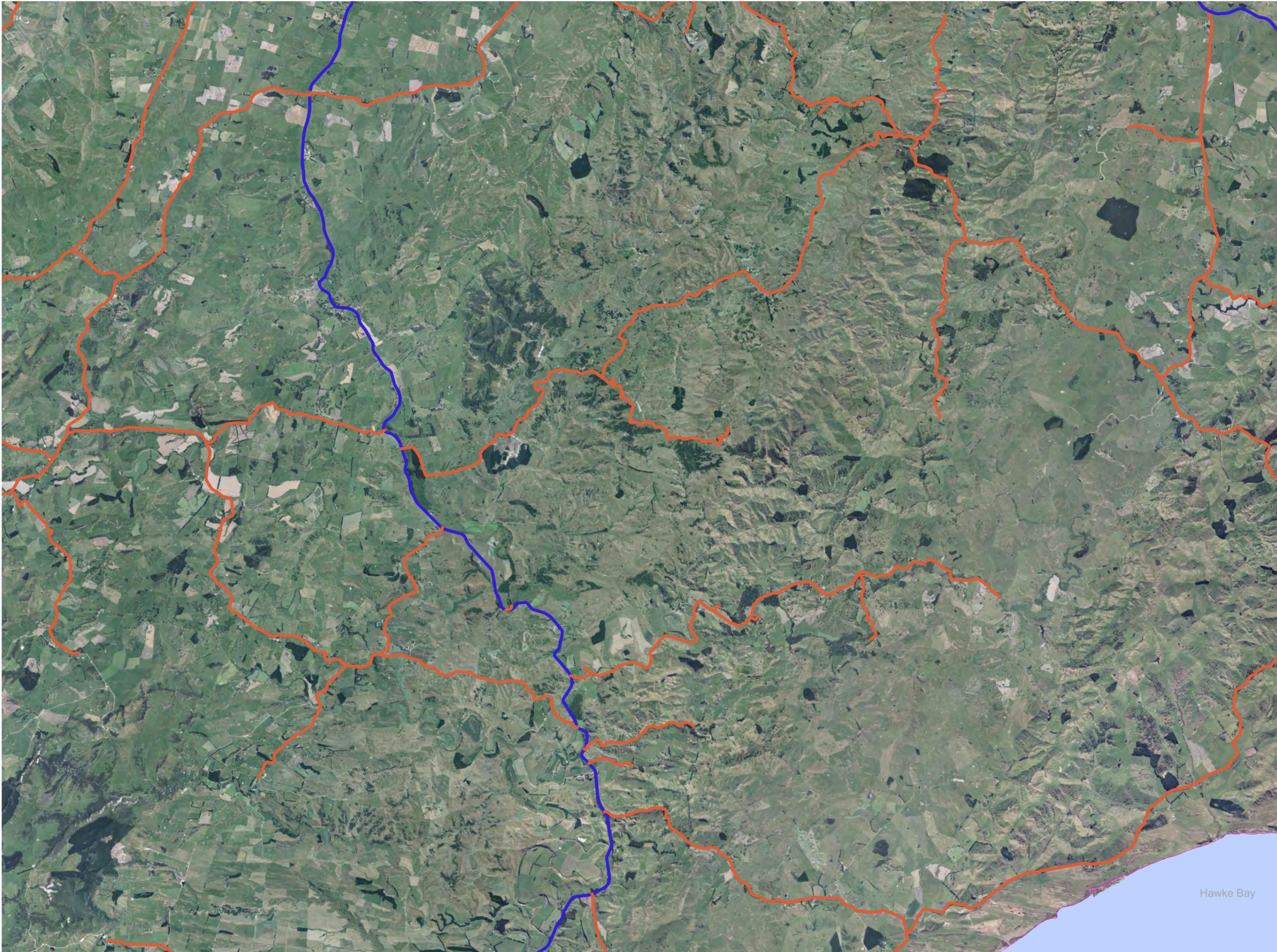
LEGEND

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LEGEND

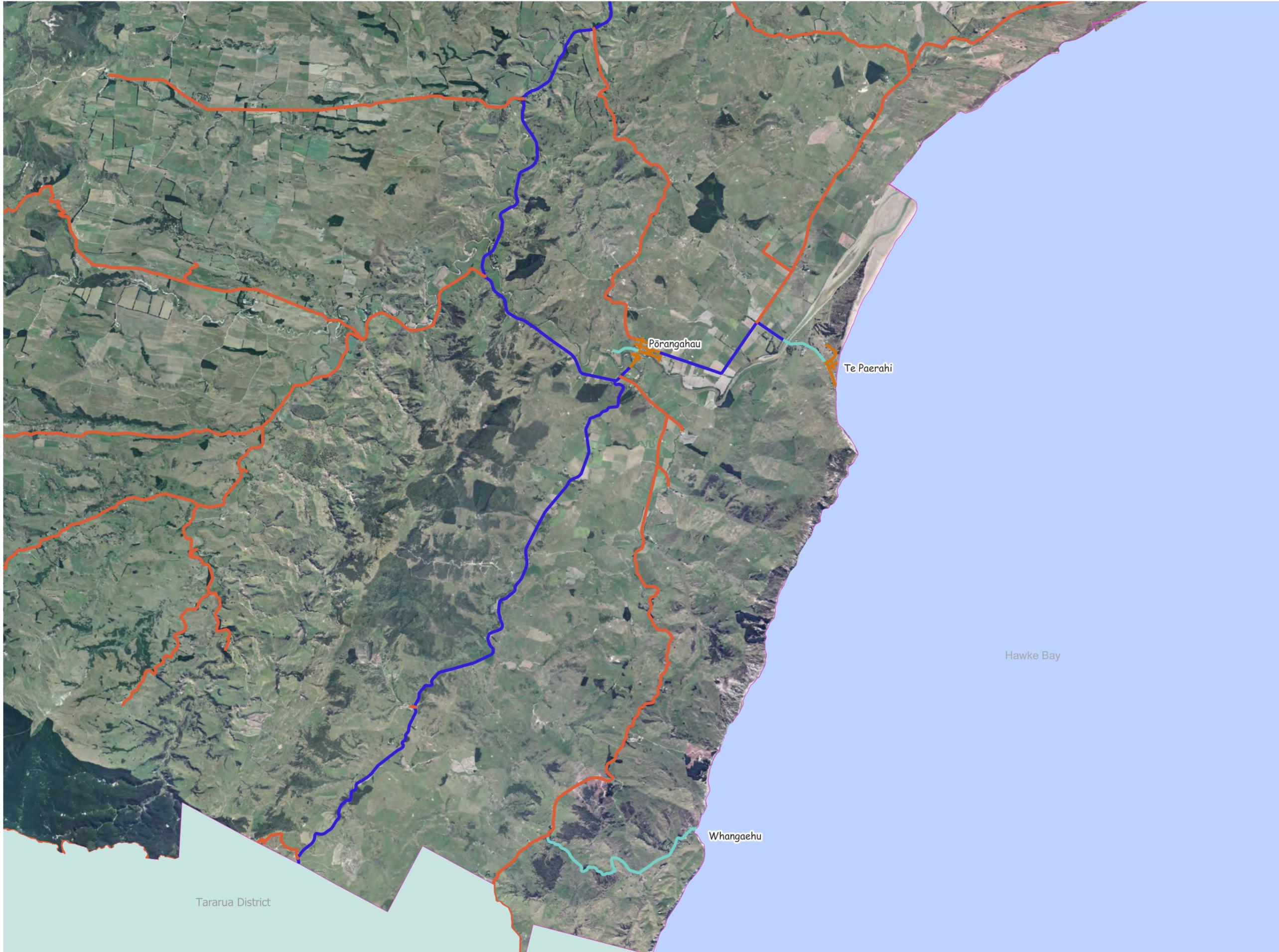
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Hawke Bay



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Hastings District



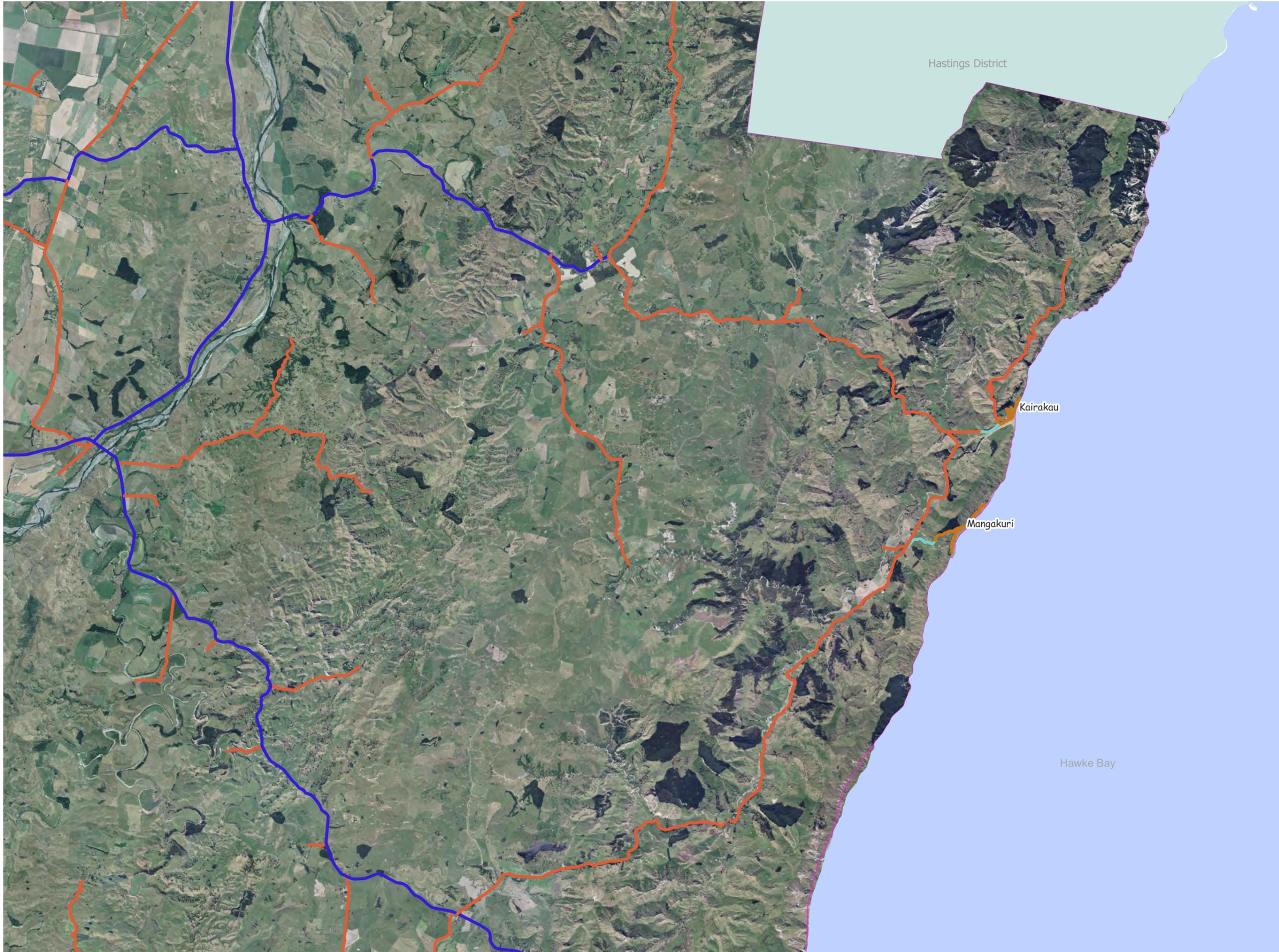
LEGEND

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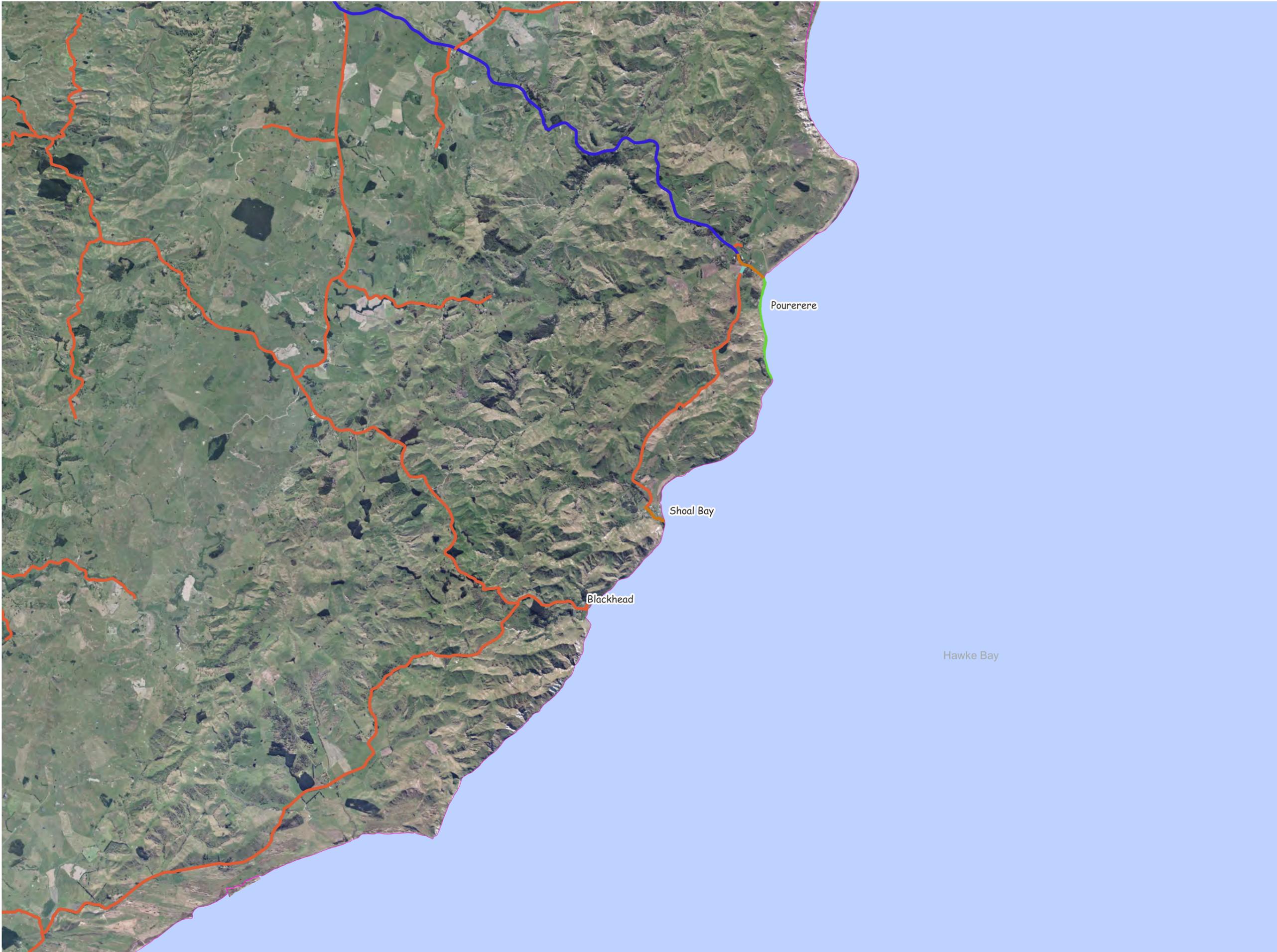


Hawke Bay



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