

JOINT STATEMENT

To: The Hearing Panel
Proposed Central Hawke's Bay District Plan

Regarding: Twenty-First Memorandum and Direction of the Hearings Panel
Directions Following Hearing 7

Date: 13 January 2023

Statement by: Rhea Dasent for Federated Farmers

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At the Hearing of the Energy, Infrastructure and Transport topic on 14 December 2022 there were differences in approach between Transpower, Horticulture NZ (HortNZ) and Federated Farmers in terms of the policy framework for the National Grid and the extent to which NU-P5 was appropriate.

Subsequently the Hearing Panel¹ invited the representatives of submitters Transpower, Horticulture NZ, Federated Farmers to meet to consider:

- a. an alternative policy which addresses their concerns as to the wording of Policy NU-P5, specifically in relation to the National Grid, and to file a joint statement with proposed wording for that policy; or
- b. alternatively, if no agreement can be reached, the three submitters may file their preferred wording for the alternative policy, with a brief (no more than 1 page) statement explaining the reasons for the change, and reference to any district plan and or case law supporting their preferred wording.

Transpower, Federated Farmers and HortNZ have met to consider an alternative policy.

The parties have agreed:

- 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;
- the draft wording is mostly agreed, however the draft policy below shows underlining on words that are not agreed with Transpower.

¹ Twenty first Memorandum and Direction of the Hearing Panel following Hearing 7 Date 19 December 2022.

Draft policy	Federated Farmers and HortNZ comments
<p>Adverse effects on the National Grid</p> <p><i>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:</i></p> <p>(a) <i>avoid reverse sensitivity effects arising from sensitive activities where it may compromise the operation, maintenance, upgrading and development of the National Grid, and</i></p> <p>(b) <i>ensure that inappropriate buildings and structures do not compromise the maintenance, upgrade, replacement, development and operation of the National Grid; and</i></p> <p>(c) <i>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.</i></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>

Policy framework

In the RMA context a policy states what is going to be done – it provides direction for the rules that will implement the policy. In this case the policy is also 'giving effect to' the National Policy Statement for Electricity Transmission and also providing the framework to implement Objectives NU-O1 and NU-O3 in the PCHBDP.

Policy 10 of the NPSET states that policy makers are to 'ensure' that the electricity transmission network is not compromised. Therefore the policy in the district plan needs to elaborate and describe how the 'ensure' will be achieved. The policy sought by Federated Farmers and HortNZ seeks to 'manage' and the sub-clauses direct how the activities will be managed and the level of control that is required.

Outstanding matters:

- To extent reasonably possible
- Inappropriate buildings
- Sensitive activities
- Inappropriate subdivision

To extent reasonably possible

As stated in the table above the inclusion of 'to the extent reasonably possible' gives effect to the NPSET and was supported in the s42A Report for Hearing 7.

Inappropriate buildings and structures

In providing guidance on the level of control needed for buildings and activities to not compromise the National Grid it should be clear what buildings need to be controlled. The rule framework provides for some buildings as permitted and others are non-complying. Including 'inappropriate' buildings in the policy provides direction as to which buildings will require resource consent. GRUZ-S13 2 sets standards for buildings and 2 a) ii) excludes certain buildings from the permitted activity standard. Where a building meets the standards it is considered to be 'appropriate' and will not compromise the National Grid. If a building does not meet the standards it is considered to be 'inappropriate' and managed through the rules. This implements the policy direction sought to direct control to 'inappropriate buildings'.

Transpower has accepted inclusion of 'inappropriate' buildings in other plans – e.g. Hastings NU-P6 b); Whangarei NTW-P2; Opotiki Policy 17.2.3.4.

By being specific to inappropriate buildings and sensitive activities it is describing the activities that will need to be managed in the rules to 'ensure' that the electricity transmission network is not compromised.

Sensitive activities

Policy 11 of the NPSET is specific to 'sensitive activities' generally not being provided for in the 'buffer corridor', which is provided as the National Grid Yard. Policy 11 does not refer to 'activities' generally, so it is appropriate that the policy in the district plan is clearly linked to 'sensitive' activities – as defined in the NPSET.

Transpower has accepted inclusion of 'sensitive activities' in other plans – e.g. Hastings NU-P6 b); Opotiki Policy 17.2.3.4.

Inappropriate subdivision

Inclusion of 'inappropriate' subdivision provides direction to the rules to implement the policy. Inappropriate subdivision is that which does not meet the standards in SUB-S4(2) and (3).

Consequential amendments to NU-P5.

HortNZ and Federated Farmers are cognisant that NU-P5 was recommended to be amended to give effect to the NPSET. If a standalone policy for the National Grid is accepted then NU-P5 will need to be amended to provide for other network utilities without specific provision for the National Grid Yard and the NPSET.

