

**Before the Napier City Proposed District Plan Hearing Panel**

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Under the Resource Management Act 1991 (the Act)

In the matter of the Napier City Proposed District Plan –  
**Hearing Stream 2 –**  
- **Subdivision**  
- **Coastal Environment**  
- **Earthworks**  
- **Natural Features and Landscapes**

Between **Napier City Council**  
Local authority

And **Transpower New Zealand Limited**  
Submitter 99 and Further Submitter FS415

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**Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited**

Dated 18 November 2024

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## 1 Executive Summary

- 1.1. Transpower New Zealand Limited (“**Transpower**”) owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower has assets within Napier City, located on the western edges of the City boundary.
- 1.2. Given this is the first hearing on the Napier City Proposed District Plan (“PDP”) at which Transpower is presenting evidence (noting a Hearing Statement was lodged to Hearing Stream 1) the evidence provides contextual information on the National Grid, including its role and function, operational and technical requirements and the planning policy framework.
- 1.3. The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 (“NPSET”).
- 1.4. Specific to Hearing Stream 2, Transpower sought a number of submission points. Having reviewed the S42A Reports I support/accept the majority of the officer recommendations. Those recommendations I do not support are confined in nature and relate to:
  - 1.4.1. The relationship to Network Utilities Chapter Policy NU-P4 and NU-P6 (to be heard at Hearing Stream 3) and the relationship between the respective plan chapters.
  - 1.4.2. The activity status for subdivision within the National Grid Subdivision Corridor, and assessment matters within Assessment Criteria SUB-AC9. Within this evidence I recommend the activity status be changed from Controlled defaulting to Resitricred Discretionary where the standards within SUB-S9 are not complied with, to Restricted Discretionary defaulting to Non Complying where the standards within SUB-S9 are not complied with.
- 1.5. The focus of this evidence is on the above matters with the specific relief recommended through this evidence detailed in **Appendix C**. Attached as **Appendix A** is a copy of the NPSET, and as **Appendix B** is a table summarising all of the Transpower submission points relevant to this hearing and my response to the officer recommendations.

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## 2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 26 years' experience as a resource management planner.
- 2.3. I have been a planning consultant based in Wellington for the past 21 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and energy sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
  - a. Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
  - b. Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 2.4. Specific to Transpower New Zealand Limited ("**Transpower**"), I have assisted Transpower on a number of planning processes and thus have a good practical understanding of how the grid operates.
- 2.5. My evidence is given in support of Transpower's submission on the Napier City Proposed District Plan ("**PDP**"). In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PDP.
- 2.6. While I acknowledge this will be a council hearing, I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice (2023), and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **3. Scope of Evidence**

- 3.1. Transpower lodged an extensive submission to the PDP with the overall intent to ensure the district plan gives effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”). Given this is the first hearing at which Transpower has appeared, I consider that it would be helpful to outline the specific policy framework associated with the National Grid. On this basis my evidence will address the following:
- a. The planning background to Transpower’s submission, and an outline of the need to provide sufficient recognition of the national significance of the National Grid, particularly in the context of the National Policy Statement on Electricity Transmission 2008 (“NPSET”);
  - b. An overview of Transpower’s submission on the PDP; and
  - c. My responses to the recommendations within the Hearing Stream 2 Section 42A Report on Transpower’s submission points.
- 3.2. My evidence should be read together with the evidence of Ms Sarah Silk who describes Transpower and the role and importance of the National Grid and addresses the nature of Transpower’s assets within Napier City.
- 3.3. On a procedural level, I note Transpower is unavailable to appear before the Hearing Panel on the allocated hearing dates of 4 – 6 December due to other pre confirmed hearing and expert conferencing commitments. This has been communicated to the panel with agreement reached to have the matter heard before the Hearing Stream 3 hearing in March. In my opinion this approach has its advantages for the process and the panel in that it allows all the National Grid provisions to be considered at one time in a comprehensive and integrated manner.

### **4. Transpower’s Assets with Napier City**

- 4.1. Transpower owns and operates a limited number of assets within Napier City (being two transmission lines and one substation). Ms Silk’s evidence details the assets and a plan of the specific existing National Grid assets within the district.
- 4.2. While I acknowledge the importance of the existing National Grid assets, I am also cognisant of the need for the district plan to recognise and provide for new National Grid assets.

## 5. National Direction under the RMA

### National Policy Statements

- 5.1. National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 (“**RMA**”). Of particular relevance to the PDP and Transpower’s submission is the National Policy Statement on Electricity Transmission 2008 (“**NPSET**”) (and the supporting Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NESETA**”), and the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”).
- 5.2. Addressing the interface between these statements and how they are read together is a key aspect of the relief sought by Transpower.
- 5.3. In terms of other potentially relevant national policy statements, in my opinion the National Policy Statement for Freshwater Management 2020 (“**NPS-FM**”) is of limited relevance given the PDP is a district as opposed to regional plan.
- 5.4. Also of limited relevance is the National Policy Statement on Urban Development 2020 – Updated 2022) (“**NPS-UD**”), noting there are no existing National Grid assets within any urban areas within Napier City. However, I am cognisant of the work on the proposed Future Development Strategy<sup>1</sup> which, at a very high level, shows the area currently traversed by existing National Grid assets around Puketapu being indicated for “*Potential growth on higher ground away from significant hazard constraints*”.
- 5.5. While I recognise the PDP has not identified Significant Natural Areas, for context I note the National Policy Statement on Indigenous Biodiversity 2023 (“**NPS-IB**”) is not relevant to the National Grid on the basis of clause 1.3(3) of the NPS-IB which provides:

*Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.*

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<sup>1</sup> <https://www.hastingsdc.govt.nz/hastingsnapierfuturedevelopment/>

- 5.6. The above exemption is important as it relates to the National Grid (being electricity transmission) in that it directs policies and rules recommended by the reporting officer to give effect to the NPS-IB (including the effects management hierarchy (clauses 3.10 and 3.11) and provisions relating to indigenous biodiversity outside SNAs (to implement clause 3.16 of the NPS-IB)) are not to be applied to the National Grid.
- 5.7. I recognise that while the NZCPS is the only mandatory national instrument, all the national policy statements (“**NPS’s**”) sit at the top of the planning instrument hierarchy. I note the NPS’s neither stipulate nor provide direction on their relationship or standing relative to one another. This presents councils with an interpretive and administrative challenge, particularly where effect needs to be given to multiple NPS’s. In my experience to date the relationship between the directives contained within the various NPS’s needs to be carefully assessed and a plan related policy framework developed that addresses obvious tensions between policy statements that need to be given effect to. Key to this is understanding the intent that underlies conflicting or competing directives and developing a tailored policy response to help guide decision makers to reconcile identifiable differences.

### **The National Policy Statement on Electricity Transmission 2008**

- 5.8. The NPSET directs the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 5.9. The primary basis for the National Grid specific provisions in the PDP sought in Transpower’s submission is to recognise the national significance of the National Grid and enable its operation, maintenance, upgrade and development. The proposed policy framework in PDP NU-P4 reflects Transpower’s evolving approach to the management of activities near the National Grid over nearly 10 years, as it works with Councils around the country on various plan reviews and plan change processes to give effect to the NPSET.
- 5.10. The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the NPSET. This significance applies universally across the country regardless of the nature of the specific National Grid asset. The NPSET Objective recognises that the network itself

potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network. The NPSET policies give direction on how to achieve the objective by providing for the recognition of the benefits of electricity transmission, as well as the management of the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers and Transpower itself.

5.11. The sole objective of the NPSET is as follows:

*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:*

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

5.12. The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant and impose obligations on both decision-makers and Transpower itself. The development of the National Grid is explicitly recognised in the NPSET.

5.13. In essence there are three broad aspects to the NPSET which must be given effect to in district plans, as below.

***Enabling the National Grid:***

5.14. Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising the national benefits. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation in the management of the effects of climate change.

5.15. In terms of its existing assets, Transpower undertakes a wide range of maintenance activities across its entire asset base. Typical maintenance activities include earthworks, vegetation trimming and clearance, and support structure maintenance activities. Some, but not all, of these activities are regulated under the Resource Management (National Environmental Standards for Electricity Transmission



Activities) Regulations 2009. Transpower considers it necessary for the District Plan to adopt an enabling framework through which the benefits of the National Grid can be considered and recognised.

***Managing the effects of the National Grid:***

- 5.16. Associated with the development of National Grid assets is the potential for adverse environmental effects. Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
- 5.17. Policy 1 specifies that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation, in managing the effects of climate change.
- 5.18. 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.”*
- 5.19. 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.
- 5.20. 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.
- 5.21. Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments/areas (being outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity, and existing sensitive activities). The wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).

- 5.22. Policies 2 to 9 are particularly relevant to the PDP as they provide the policy framework for managing the environmental effects of electricity transmission in recognising and providing for the ongoing operation and development of the National Grid.
- 5.23. The development of the National Grid must therefore be provided for in the PDP in a way that ensures the potential for adverse effects is appropriately managed while recognising the significance of the National Grid and the constraints under which it operates. The NPSET requires the District Plan to include objectives and policies that:
- 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.
  - Have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the route, site and method selection.
  - Ensure new planning and development seeks to avoid adverse effects on more sensitive areas.
- 5.24. This policy direction within the NPSET sets an appropriate rule framework for National Grid infrastructure.
- 5.25. Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.

***Managing the effects on the National Grid:***

- 5.26. Policies and plans must include provisions to protect the National Grid from other activities. The NPSET requires that district plans include a buffer corridor around National Grid transmission lines within which “sensitive” activities including residential buildings, hospitals and schools should not be given resource consent. Other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed.
- 5.27. In addition to the health and safety issues of activities locating within proximity of the National Grid, the National Grid can be affected by other activities that establish beneath or in close proximity to its lines and/or structures. Such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing Transpower infrastructure to manage effects such as noise,

reduced visual amenity, radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines. The location of buildings and activities, particularly 'sensitive activities' such as schools and residential properties, beneath or in close proximity to lines and/or structures can also compromise Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of National Grid lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated.

5.28. Of particular relevance in terms of the effects of activities on the National Grid are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed. The policies seek to:

- Avoid sensitive activities near electricity transmission lines and infrastructure;
- Manage other activities to avoid reverse sensitivity effects on the Grid; and
- Manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised.

5.29. The most effective and efficient way of managing the potential for adverse effects on the National Grid is to adopt a corridor approach. Transpower's corridor approach has two components, often referred to as the "National Grid Yard" and the "National Grid Subdivision Corridor". Adopting the National Grid corridor approach is supported by NPSET Policy 10 and 11. Policy 10 requires that councils to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and ensure that the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. Policy 11 requires that councils identify an appropriate buffer corridor, within which sensitive activities should generally not be provided for. Policy 12 requires the identification of the transmission network on territorial authority planning maps.

5.30. As outlined in the evidence of Ms Silk, Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect to and reliably distribute new forms of electricity generation. In my opinion, it is important that, in context of the NPSET, the PDP provides an appropriate enabling framework for the ongoing operation, maintenance, upgrading and, importantly, development of the National Grid. Such a framework is necessary, in my opinion, to give effect to the NPSET.

## **The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009**

5.31. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NESETA**”) addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations). Activities covered by the NESETA are activities relating to the operation, maintenance, upgrading, relocation or removal of an existing transmission line, including:

- a construction activity;
- use of land or occupation of the coastal marine area;
- activities relating to an access track to an existing transmission line; and
- undergrounding an existing transmission line.

5.32. The transmission lines within Napier City described in Ms Silk’s evidence are subject to the NESETA as ‘existing transmission lines’. The relationship between the NESETA and the district plan is such that the NESETA generally prevails. However, for some activities (including earthworks (within a natural area<sup>2</sup>) and vegetation removal), the NESETA defers to the district plan provisions in determining the applicable activity status under the NESETA.

## **6. Regional Direction under the RMA**

### *The Hawkes Bay Regional Resource Management Plan (Operative 2006)*

6.1. In terms of a regional context, the operative Regional Policy Statement provisions in the Hawkes Bay Regional Resource Management Plan (“RPS”) is of relevance. Section 75(3)(c) of the RMA, requires that a District Plan must ‘give effect’ to any RPS.

6.2. Having reviewed the provisions within the RPS, notwithstanding that an RPS plans must be prepared and changed in accordance with ‘a national policy statement’ and ‘a New Zealand Coastal Policy Statement’ (section 61(1)(da) RMA) and must give effect to ‘any national policy statement and any New Zealand coastal policy statement’ (section 61(3) RMA) In my opinion it is questionable whether the RPS gives effect to,

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<sup>2</sup> The NESETA defines a Natural area as “an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna”.

or is in accordance with the specifics of the NPSET. The following objectives and policies are of most relevance:

- **OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region’s people and communities and provides for their health and safety.**
- **OBJ 33 Recognition that some infrastructure which is regionally significant has specific locational requirements.**
- **OBJ 33A Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.**
- **OBJ 33B Adverse effects on existing land use activities arising from the development of physical infrastructure be avoided or mitigated in a manner consistent with Objectives 16,17, 18, 32 and 33.**

Specific to Energy, the plan explains “that the ability to maintain and develop the region’s energy resources, and to distribute energy to areas within and outside the region, is essential in supporting the region’s economic well being”. Objective OBJ 33A seeks to avoid or mitigate adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities. The Plan explains that *“reverse sensitivity effects can arise when sensitive activities are introduced near major infrastructure, or new infrastructure is placed near a certain existing land use. For example, a new residential development in close proximity to an airport, or the location of a new highway route through an existing urban area can both cause adverse effects that require careful management to reduce conflict between the activities. This conflict needs to be carefully managed in accordance with Section 3.5 of the Plan. In relation to specific types of strategic infrastructure, National Policy Statements may exist which direct local authorities to deal with reverse sensitivity effects in a certain way when making decisions on regional plans, district plans, and resource consent applications. For example, the NPS on Electricity Transmission requires local authorities to manage activities to avoid reverse sensitivity effects on the National Grid, to the extent reasonably possible. RPS provisions need to be applied in conjunction with any relevant National Policy Statement when considering new activities”*.

The Plan explains that a range of environmental effects may be associated with physical infrastructure.

- OBJ 16 – 16 relate to conflicting land uses **OBJ 16** seeks the avoidance or mitigation of off-site impacts or nuisance effects arising from the location of conflicting land use activities. **OBJ 17** addresses conflicting land use activities in the context of existing activities and their expansion. **OBJ 18** addresses conflicting land uses in the context of the expansion of existing activities that are tied operationally to a particular location. Reverse sensitivity with infrastructure is also addressed in OBJ UD1 which seeks to establish a compact and strongly connected urban form throughout the Region that avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure.

6.3. Relevant policies include:

- **Policy UD4.2(h)** requires that when determining future Residential Greenfield Growth Areas, an appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.
- **Policy UD10.3** requires structure plans to identify existing strategic infrastructure; and f) Identify the National Grid (including an appropriate buffer corridor).
- **Policy UD12** sets out matters for decision making which includes:
  - m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;*
  - o) Location and operational constraints of existing and planned strategic infrastructure;*

## 7. Transpower Submission on the Napier City Proposed District Plan

- 7.1. Given this is the first hearing appearance by Transpower, and the interconnected nature and breadth of all of Transpower's submission points, I consider it helpful to briefly summarise the general nature of Transpower's submission on the PDP (noting that the topic of strategic direction was addressed at the Hearing Stream 1 hearings).
- 7.2. While Transpower supported many aspects of the PDP as notified, numerous submission points were made. Many of the submission points sought to amend many

of the provisions in terms of specific wording or activity status, and clarify the relationship between and application of numerous chapters of the PDP.

7.3. The submission points can be summarised as follows:

#### ***Definitions***

- All Hearing Streams: The definitions were largely supported, with amendment sought to the definition of National Grid Yard and National Grid Subdivision Corridor to reflect the assets within the city.

#### ***Strategic Outcomes/Objectives***

- Hearing Stream 1 topic: Transpower largely supported the Strategic Objectives with confined amendments sought.

#### ***Network Utilities Chapter***

- Hearing Stream 3 topic: The Network Utilities Chapter includes provisions specific to the operation, maintenance, upgrading and development of network utilities, as well as policies and rules relating to the effects of activities on the National Grid. Numerous submission points were made, including sought amendment to NU-P4 to amend the policy framework as it relates to effects on the National Grid, and amendment to NU-P6. Transpower supported NU-R13 (and NU-R13A and NU-13B) on the basis it gives effect to Policy 10 and Policy 11 of the NPSET, with confined amendments sought.

#### ***Subdivision***

- Hearing Stream 2 topic: Subdivision within the defined National Grid Subdivision Corridor is managed within the Subdivision Chapter (noting the relevant policy for managing subdivision within the defined National Grid Subdivision Corridor is provided in the Network Utilities Chapter). The provisions were largely supported but Transpower sought a stand-alone National Grid Subdivision Corridors rule (and restricted discretionary activity status defaulting to non-complying), as opposed to the notified controlled defaulting to restricted discretionary activity status, on the basis this would provide a clear rule framework and appropriate activity status. Amendment was also sought to assessment criteria.

### ***Earthworks***

- Hearing Stream 2 topic: Transpower sought a specific earthworks rule to manage earthworks (and vertical holes) in the National Grid Yard, with the rule ideally located within the Network Utilities Chapter.

### ***Coastal Environment Chapter and Natural Features and Landscapes Chapter***

- Hearing Stream 2 topic: Transpower sought clarity the chapters do not apply to the National Grid and instead relevant provisions are contained within the Network Utilities Chapter. Should the chapters apply, Transpower sought amendments to provisions to give effect to the NPSET.

- 7.4. The submission recognised that Sites of Significant to Māori and Significant Natural Area provisions were not included in the notified plan.
- 7.5. In addition to its original submission, Transpower lodged 16 further submission points on the PDP.

## **8. Response to the Section 42A Report Recommendations**

- 8.1. The following section responds to the S42A Report recommendations on Transpower's submission points. For clarity, attached as **Appendix B** is a table outlining all the submission points relevant to Hearing Stream 2.
- 8.2. My response to the S42A Report recommendations are addressed under the following topics (which reflect the topics within the Transpower submission), with a particular focus on those submission points not accepted by the reporting officer as opposed to all the submission points.
- Subdivision
  - Earthworks
  - Coastal Environment
  - Natural Features and Landscapes

### **Subdivision**

- 8.3. As outlined above, subdivision within the defined National Grid Subdivision Corridor is managed within the Subdivision Chapter ("**SUB Chapter**"). Transpower largely supported the content of the notified provisions but sought a stand-alone National Grid Subdivision Corridor rule (and restricted discretionary activity status defaulting to non-



complying where the standards are not met), as opposed to the notified controlled defaulting to restricted discretionary activity status, on the basis this would provide a clear rule framework and appropriate activity status. Clarity was also sought within the provisions that the policy framework for subdivision within the National Grid Subdivision Corridor is contained within the Network Utilities Chapter (“**NU Chapter**”). Two additional assessment matters were sought within SUB-AC9.

- 8.4. I have reviewed the officer recommendations on the subdivision provisions, and these are addressed in turn, with the main recommendation in contention relating to the activity status for the National Grid Subdivision Corridor rule. I also recommend further amendment to SUB-AC9 to reflect the relief sought in the Transpower submission.

***SUB-I7 and Note to Objectives:***

- 8.4.1. I support the recommendations to retain SUB-I7<sup>3</sup> and amendment to the Note in the Objectives section<sup>4</sup> of the SUB Chapter, noting both recommendations reflect the relief sought in the Transpower submission.

***Objectives: SUB-O1 and SUB-O3***

- 8.4.2. The recommendations on SUB-O1<sup>5</sup> and SUB-O3<sup>6</sup> are supported. While SUB-O1 has not been amended as sought in the Transpower submission, the recommended amendment to SUB-O3 addresses the relief sought in the submission and in my opinion gives effect to Policy 10 of the NPSET.

***Policies: SUB-P1 and SUB-P13***

- 8.4.3. I support the recommendation to retain SUB-P13<sup>7</sup> as notified.
- 8.4.4. In relation to SUB-P1, depending on the recommendation to policy NU-P4 *Adverse effects on network utilities* (to be addressed at Hearing 3) Transpower sought<sup>8</sup> amendment to policy SUB-P1 to give effect to the NPSET. While the S42A Report recommends amendment to SUB-P1, this is not in response to the Transpower submission. As recommended, the resulting policy framework is such that while SUB-O3 requires subdivision does not compromise infrastructure, there is no corresponding policy support in the SUB Chapter. This leaves a policy gap in my opinion.

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<sup>3</sup> 99.59

<sup>4</sup> 99.60

<sup>5</sup> 99.86

<sup>6</sup> 99.61

<sup>7</sup> 99.63

<sup>8</sup> 99.62

However, acknowledging the Network Utility provisions are to be heard as part of Hearing Stream 3 (scheduled for March 2025), on the basis amendments are made to NU-P4 (to clarify the policy directive for subdivision as clause g. of the policy as notified appears incomplete), I accept the recommendation on SUB-P1. However, I do reserve my position pending review of the officer recommendations for Hearing Stream 3 topics.

- 8.4.5. My preference would be to rely on a comprehensive policy NU-P4, consistent with the officer recommended amendment to the Note in the Objectives section of the SUB Chapter which refers plan users to the objectives and policies in the Network Utilities Chapter, and specifically “as it relates to subdivision within the National Grid Subdivision Corridor”.

**Rules: National Grid Subdivision Corridor Rules SUB-R1, R3, R5, R7, R8 and Standard SUB-S9**

- 8.4.6. As notified, subdivision within the National Grid Subdivision Corridor is managed in the controlled activity general subdivision rules through cross reference to standard SUB-S9<sup>9</sup>. Where the standard is not met, consent is required for a restricted discretionary activity. In its submission Transpower sought a stand-alone National Grid Subdivision Corridors rule (and restricted discretionary activity status defaulting to non-complying where the standards are not met), as opposed to reliance on standard SUB-S9, on the basis this would provide a clear rule framework and appropriate activity status.

- 8.4.7. The Section 42A Report<sup>10</sup> rejects the relief sought for the following reasons:

*165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:*

- *SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.*
- *Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.*

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<sup>9</sup>SUB-S9: Building platforms within the National Grid Subdivision Corridor

1. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity located entirely outside of the National Grid Yard, other than where the allotments are for roads, access ways, or network utilities.

2. The layout of allotments of any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.

<sup>10</sup> SECTION 42A REPORT Hearing Stream 2 - Part 2– Subdivision: Report on submissions and further submissions on the Proposed Napier City District Plan

- *There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.*

8.4.8. I address the above reasons in turn:

***Response to S42A Report 1: “SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.”***

8.4.9. I am not recommending any changes to SUB-S9, and accept its location within the Subdivision Chapter. The sought approach outlined in the Transpower submission, and which I recommend through this evidence, is for SUB-S9 to remain but for a new rule to be provided which achieves two purposes:

1. To clearly identify there is a specific rule and standard for subdivision within the National Grid Subdivision Corridor; and
2. To remove the activity from the controlled rule framework of rules SUB-R1, R2, R3, R4, R5, and R8, noting that while SUB-R8 has a Discretionary activity status, the other aforementioned rules are a Controlled activity which default to either Restricted Discretionary where compliance with standard SUB-S9 is not met. I note rule SUB-R2 provides no need to comply with SUB-S9 but I note it refers to ‘other rules or standards’ but these are not specified.

8.4.10. In terms of plan consistency, the approach for a specific National Grid Subdivision Corridor rule is consistent with the approach within rules SUB-R7, SUB-R10 and SUB-R11 relating to landscape and character overlays. As such the provision of a new standalone rule is consistent with the plan framework.

***Response to S42A Report 2: “Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.”***

8.4.11. In its submission to the PDP Transpower provided reasoning<sup>11</sup> for the sought change in activity status and the importance and relevance of the sought rule framework and specifically the activity status. I have considered the material in the submission in forming my opinion as to the appropriate activity status. My reasoning for recommending a change in activity status (from

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<sup>11</sup> Refer Submission point 99.65

Controlled defaulting to Restricted Discretionary, to Restricted Discretionary defaulting to Non complying) is as follows:

- I do not support the recommended activity status as in my opinion the activity status classifications sought by Transpower are the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. The RMA provides for a range of activity classifications to provide for the management of land uses under a District Plan, in a tiered cascade from permitted, no consent required (possibly subject to compliance with specified standards, but not necessarily), through to prohibited activity, where no consent is possible. In between, the range of consents is from controlled activity, where consent has to be granted but subject to possible conditions, through to non-complying activity. My experience is that a restricted discretionary activity status infers that, in general, a particular activity is an efficient use and development of resources, but that it may not be appropriate within all locations within a particular environment and/or its adverse effects need to be managed through conditions of consent. As notified, the ability to manage the effects of activities which are unable to meet the standards within SUB-S9, through conditions of consent, is very limited given the nature of the standards and implication for the National Grid. As such, I do not support a default restricted discretionary activity status.
- In my experience, subdivision is the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located).
- In my opinion, the restricted discretionary activity status for subdivision provides an appropriate incentive to design subdivision layouts that not only avoid building sites within the National Grid Yard, but also ensure the long term operation, maintenance and upgrade of the National Grid is not compromised. The sought non-notification statement would clarify that where restricted discretionary consent is required, the application

need not be publicly notified and not be served on any other person other than Transpower. This would negate the need for wider notification and address any concerns that the change in activity status from controlled to restricted discretionary would make an application or consent process more onerous.

- A further benefit of the sought restricted discretionary activity status and non-notification advice note is that it involves Transpower in the subdivision process and retains the discretion for Council to be able to decline an application if necessary. As a controlled activity, the Council does not have the ability to decline an application and there is no requirement for Transpower to be involved in the consenting process. As explained by Ms Silk, Transpower takes a proactive approach to facilitating subdivision while ensuring the National Grid is not compromised, and a restricted discretionary activity status provides the avenue for Transpower to be involved.
- Other effects considered as part of the application process essentially relate to ensuring ongoing access to the National Grid is maintained for its operation, maintenance and any required upgrades. Access and building location are two of the key considerations in assessing an application (and in my opinion are those considerations for which rules can readily be applied). Other considerations include the configuration of the lots, density of the lots, visual mitigation measures (such as further landscape planting to screen the National Grid infrastructure), and physical sites features (such as soil type in which activities (particularly earthworks) outside the National Grid Yard may undermine a National Grid support structure).
- For those sites which do not identify a building platform fully outside the transmission line and structure setbacks (the National Grid Yard), and do not ensure ongoing access to support structures, I consider a non-complying activity status appropriate as:
  - The activity status most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2;
  - It is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10;

- It recognises the policy directive within Policy 11 to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for. In my opinion it would be an inconsistent approach to impose a restricted discretionary activity status for a subdivision which is not able to demonstrate a complying building platform for a sensitive activity outside of the National Grid Yard, which then triggers a non complying activity status under the land use rule NU-13. This sends a mixed message to applicants and could set up the expectation at the subdivision stage that non compliance with the standards will be considered.
  - It gives effect to SUB-O3 of the Proposed District Plan (as recommended in the Section 42A Report) which provides “*d. Subdivision does not compromise the operation, maintenance, upgrade and development of, and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects*”. It also gives effect to Policy NU-P4 “*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 ..*” noting that Transpower sought amendment to a clause within the policy through its submission. In my opinion the language within SUB-O3 and NU-P4 provide a clear directive to manage subdivision to ensure the National Grid is not compromised, and to protect the assets.
- While the officer is correct in that a restricted discretionary activity can be declined, a non-complying activity status gives a very clear signal that subdivision that provides no option but to under-build within the defined area is not appropriate as it can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. While an application for a non-complying activity can still be made under the RMA, an application would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan (including those in respect to electricity transmission)

or that its adverse effects on the environment would be no more than minor.

- Importantly, the activity classifications I recommend would provide clear guidance for applicants and the Council to ensure the design of subdivision manages the effects of the network on the future use of the subdivided land and the effects of that land use on the network.
- I am also of the opinion that a non-complying activity status promotes consistency in decision-making, and more effectively manages landowner expectations about what activities are appropriate or otherwise in the no-building area. As noted above, NU-R13 requires consent for a non complying activity for a building for a sensitive activity inside the National Grid Yard.
- The approach sought by Transpower has been rolled out across New Zealand for the past ten years as plans have come up for review. As outlined in the evidence of Ms Silk, the provision of a restricted discretionary activity (defaulting to non-complying) status would be consistent with that secured across multiple district plan reviews across New Zealand and is consistent with Transpower's model provision approach. While some plans have a differing activity status, there are predominantly older plans which have not been subject to plan reviews in the last 10 years. An example of this is the approach in the Hastings District Plan (decisions version 2015) which provides a Controlled activity status (Rule 15.1.7.1) defaulting to Restricted Discretionary under Rule 15.1.7.2 where the building platform standard within 15.1.9.1 cannot be complied with. The Hastings District Plan was notified in late 2013. A more recent example of a district plan with a differing activity status is the very recently made operative Central Hawkes Bay District Plan. Subdivision within the National Grid Subdivision Corridor is a Controlled activity, defaulting to Non-complying. I was involved in providing evidence to the Hearings Panel on the Transpower submission and in my evidence I accepted the recommended Controlled activity status on the basis of the following:
  - There are no National Grid assets within or close to urban areas, instead the lines traverse rural areas only. There is little or no existing underbuild under the existing transmission lines.

- The standards within SUB-S4 requiring that access be maintained and building platforms be available outside the National Grid Yard trigger a non-complying activity status should they not be met.
  - The minimum lot size for a rural subdivision is 12ha or of 20ha depending on the rural zoning. The activity status for any subdivision below the minimum lot area defaults to a discretionary, which can be declined. Comprehensive assessment matters are provided within SUB-AM17.
- The above differentiates the Central Hawkes Bay activity status approach from that proposed in Napier in that:
- Existing National Grid assets within Napier City traverse the Rural Lifestyle Zone which has a minimum net size area (lot size) of 5000m<sup>2</sup> (noting the minimum average lot size are of 1.5ha is recommended to be removed in the S42A Report);
  - The default activity status with Central Hawkes Bay is Non complying whereas in Napier the officer supports the notified Restricted Discretionary; and
  - There is existing underbuild under the lines in Napier, with the potential for increased development given the Rural Lifestyle zoning. Refer Figure 1.





Figure 1. Existing development under transmission lines.

**Response to S42A Report 3. “There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter”.**

8.4.12. While I acknowledge no supporting S32AA evaluation was provided in the Transpower submission, in my opinion reasoning was provided in the Transpower submission. However, to assist the panel, I have prepared the following S32AA evaluation.

**Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives**

This amendment (to amend the activity status for subdivision within the National Grid Subdivision Corridor from Controlled defaulting to Restricted Discretionary to Restricted Discretionary defaulting to Non complying) would impact on existing sites which have existing National Grid assets within the spatially defined National Grid Subdivision Corridor. The majority of the sites are zoned Rural Lifestyle, with a small number of sites to the south of the city boundary (near the Redclyffe Substation) located within the Rural Production zone.

The S42A Report recommends amendment to Objective SUB-O3 as follows, resulting in a clear directive within the objective to ensure existing Network Utility assets are not compromised:

*SUB-O3: Infrastructure, transport, and connectivity*

....

*d. Subdivision does not compromise the operation, maintenance, upgrade and development of subdivision ~~protects the operation~~ and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.*

Arguably a controlled activity status does not achieve the above objective as it does not allow consent to be declined. A Restricted Discretionary activity is more appropriate instead of a controlled activity as the management of effects within the defined National Grid Subdivision Corridor will be dependent on the features of the specific site and what is being designed. As a Restricted Discretionary activity, where the effects from subdivision on the Grid cannot be managed appropriately it enables the decision maker to either or both publicly notify or decline the consent. A key feature of the process is to ensure Transpower is involved in the subdivision design.

A default non complying activity would more appropriately recognise that where the standards are not met, approval should not be granted, again reflecting the policy directive “does not compromise’ within SUB-O3.

The change in activity status does not impose any additional consenting requirements in terms of requiring consent where none are presently required.

Benefits	Costs
<ul style="list-style-type: none"> <li>A secure and reliable electricity supply is vital to the functioning of the district and nationally. It enables people and communities to provide for their social, economic and cultural wellbeing. The rule framework ensures that development can occur in a safe manner, taking into account the existence of the line.</li> <li>The sought activity status provides a clear rule framework to give effect to the NPSET. The costs to landowners are not significantly increased in that subdivision consent is already triggered/required. There will also be benefits to landowners in that the rule will ensure the</li> </ul>	<ul style="list-style-type: none"> <li>A slight cost will be the costs associated with liaison with Transpower at the subdivision stage. However these costs will be very limited in that Transpower does not charge for its liaison/advice costs.</li> </ul>

consideration of whether a site can meet the National Grid yard rules is undertaken at the subdivision stage.	
<b>Risk of acting or not acting if there is insufficient information. – s 32(2)(c)</b>	
<p>The information available is considered sufficient to inform this aspect of the review. The sought approach (in terms of a change in activity status) is consistent with Transpower’s model provision approach which has been implemented on a national basis.</p> <p>The risk of not acting (and amending the activity status) is extremely significant in terms of risk to the integrity of the National Grid which could affect thousands of homes and businesses. There is also a high risk to both structures and lives if people and property are inappropriately located within close proximity to the lines and support structures.</p>	
<b>Efficiency – s 32(1)(b)(ii)</b>	
<p>The change in activity status would benefit both plan users and plan administrators as it offers a clear direction on the matter for consideration in the subdivision application. As currently notified, the controlled activity rule provides no guidance as to the matters to be considered as part of the consent application or requirement for engagement with Transpower. Overall, the benefits of the proposal are anticipated to outweigh the costs, both at a individual site level in terms of achieving a better site layout in terms of the National Grid assets, as well as to the wider community and region in terms of ensuring the Grid is not compromised.</p>	
<b>Effectiveness – s 32(1)(b)(ii)</b>	
<p>The preferred option is considered to be the most efficient means of addressing the issues and objectives within the plan, as it will:</p> <ul style="list-style-type: none"> <li>• Reflect the directive objective SUB-O3 and Policy 10 of the NPSET.</li> <li>• Provide a clear indication to landowners that subdivision which cannot meet the standard is no appropriate and will generally not be allowed.</li> </ul>	
<b>Alternative Options – s32(1)(b)(i)</b>	
Option 1: Status Quo, retention of the notified activity status	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• It fails to provide plan users with a clear framework in which to consider the effects of and on the National Grid.</li> <li>• The activity status fails to recognise the smaller minimum lot sizes provided for in the Rural Lifestyle zone and the creation of subdivision patterns which may compromise the Grid.</li> </ul>
<b>Overall evaluation</b>	
<p>In summary, amending the activity status provides a balanced approach to supporting subdivision while ensuring the National Grid is not compromised. It provides a rule framework that allows for a considered and comprehensive assessment of effects. It will provide for the effective implementation of the</p>	

objectives of the PDP (specifically SUB-O3, the NPSET (specifically Policy 10) and the benefits outweigh the costs overall.

- 8.4.13. Based on the above, I do not support the officer recommendation and instead recommend insertion of a new rule to manage subdivision within the National Grid Subdivision Corridor as follows. Consequential amendments are to remove reference to SUB-S9 from the other Subdivision rules. For the avoidance of doubt, a Note is recommended to clarify all other relevant Subdivision rules and standards apply in addition to the rule. This recommended approach retains the standard SUB-S9. Amendments recommended through this evidence are shown as blue text:

**SUB-RXX Subdivision within the National Grid Subdivision Corridor**

All Zones

1. Activity Status: Restricted Discretionary

Where the following condition is met:

- a. Compliance with: SUB-S9 National Grid Subdivision Corridor.

Matters of discretion are restricted to:

The matters in SUB-AC9

2. Activity status where compliance with SUB-S9 is not achieved: Non complying

Note: All other relevant Subdivision rules and standards apply in addition to this rule

Notification: Any application under this rule is precluded from being publicly notified.

When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.

**Assessment Criteria: SUB-AC7 and SUB-AC9**

- 8.4.14. I support the officer recommendation to delete SUB-AC7<sup>12</sup> on the basis subdivision within the National Grid Subdivision Corridor is addressed under SUB-AC9. The duplication of the assessment criteria is potentially confusing

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<sup>12</sup> 99.85

to plan users and is neither efficient or effective. However, I note the provision is not shown as deleted text within the Section 42A Report Appendix A – *Recommended Amendments to Plan Provisions*.

8.4.15. The officer has recommended some amendment to SUB-AC9<sup>13</sup> in response to the Transpower submission. I address these in turn:

- I support the officer recommended amendment to SUB-AC9 clause b. relating to a complying building platform as it provides a link to the land use rules which restrict buildings and structures within the National Grid Yard.
- In response to the officer recommended SUB-AC9 clause f., while I support the recommendation, the assessment criterion could be improved by providing specific reference to the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001, being the code which stipulates the safe separation distance requirements. As recommended by the reporting officer, there is no guidance or standard to inform what is a safe separation distance.

8.4.16. The final component of the Transpower relief sought to SUB-AC9 was to include an assessment criterion relating to “*The outcome of any technical advice provided by Transpower*”. The reporting officer has rejected this on the basis “incorporating this into assessment criteria is speculative and may not provide clear guidance to plan users”. I do not support the recommendation as I consider the advice received would be beneficial and inform the assessment process as to the issue and appropriateness of the technical information. In my opinion Transpower is best placed to provide the technical advice and the inclusion of the criterion provides a clear signal that engagement with Transpower is required. However, I do recommend the removal of the words “the outcome of” as do not consider them required.

8.4.17. Based on the above, I recommend amendment to SUB-AC9 as follows: (amendments recommended in the S42A report are shown as red text. Further amendments recommended through this evidence are shown as blue text):

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<sup>13</sup> 99.71

**SUB-AC9: National Grid Subdivision Corridor**

- a. *The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.*
- b. *The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.*
- c. *The risk of electrical hazards affecting public or individual safety and the risk of property damage.*
- d. *The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.*
- e. *The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.*
- f. *The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance from electrical networks requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.*
- g. *Technical advice provided by Transpower.*

## Earthworks

- 8.5. Transpower sought a specific earthworks rule to manage earthworks (and vertical holes) in the National Grid Yard, ideally located within the NU Chapter, but if not, located within the Earthworks Chapter (“**EW Chapter**”). Transpower also sought the relocation of rule EW-R5 *Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks*, to the Network Utilities chapter.
- 8.6. The reporting officer has accepted the submission point seeing a specific earthworks rule for the National Grid Yard within the EW Chapter that reflects the wording sought in the Transpower submission. I support the recommendation and concur with the reasoning provided in the S42A report and Section 32AA evaluation. In terms of the location of the rule, given the capabilities of Eplans to provide an integrated plan

framework, I accept the location of the rules in the EW Chapter (as opposed to the NU Chapter). However, I do note there is no corresponding policy framework within the EW chapter to support the rule and therefore support the amendments sought in the Transpower submission to NU-P4, accepting this matter will be addressed at the Network Utilities hearing.

- 8.7. While I appreciate the NU Chapter is to be addressed at Hearing Stream 3, to assist plan users navigate the PDP, I recommend amendment<sup>14</sup> to the fourth paragraph of the introduction to the NU Chapter to highlight the applicability of other chapters as follows (refer blue text):

**NU – Network Utilities**

**Introduction**

.....

*Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the electricity distribution network, ~~the National Grid~~, and gas transmission pipelines) are contained, in the relevant chapters for zones and precincts, special overlays, and district-wide chapters such as the Noise chapter.*

*Provisions to manage the effects of land use activities on the National Grid are contained in the Network Utilities Chapter, with earthworks within the National Grid Yard managed in the Earthworks Chapter and subdivision within the National Grid Subdivision Corridor managed in the Subdivision Chapter.*

- 8.8. The second earthworks matter related to the PDP location of rule EW-R5, and application of the associated standards. I accept the S42A Report recommendation to not relocate EW-R5 to the Network Utilities chapter. However, I do consider the relationship between the EW Chapter and the NU Chapter (and other chapters) could be clarified, noting paragraph 3 of the introductory text to the Network Utilities Chapter states “*As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District.*” My reading of this text infers that the rules in other chapters do not apply. This ambiguity is acknowledged in the S42A Report for the Natural Features and Landscapes Chapter with specific text recommended<sup>15</sup> to address the relationship between the chapters.

<sup>14</sup> The relief was sought in submission point 99.31, noting I have updated the wording to reflect the Hearing Stream 2 recommendations relating to the location of the earthworks and subdivision rules.

<sup>15</sup> **NFL - Natural Features and Landscapes - Rules Table**

- 8.9. I assume the matter regarding the application of, and relationship between the chapters, will be addressed at the NU Chapter hearing. In my opinion it would be beneficial to provide a clear statement within the NU Chapter as follows (refer [blue text](#)):

### **NU – Network Utilities**

#### **Introduction**

.....

*To achieve this, the network utility provisions in the District Plan provide for the establishment, operation, and maintenance of network utilities throughout the district while managing their adverse effects on the environment (particularly in sensitive environments such as the coastal environment, outstanding and significant landscapes, significant natural areas, areas containing cultural or historic heritage values, and areas subject to natural hazards). As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply [to Network Utilities](#) across the District. As such, the Network Utilities chapter is stand alone as it applies to Network Utility Operators and rules in other chapters do not apply. [The exception to this is rules EW-R4 and EW-R5 within the Earthworks Chapter, as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.](#)*

- 8.10. In terms of the application of Standards S2 to S8 in EW-R5, on the basis the standards would apply to earthworks associated with the development of new National Grid infrastructure, and the default restricted discretionary activity status, I accept the standards. I note that earthworks associated with existing assets are regulated by the NESETA.

### **Coastal Environment**

- 8.11. Transpower lodged five submission points specific to the Coastal Environment Chapter (“**CE Chapter**”). Support was expressed for the mapping<sup>16</sup> of the Coastal Environment line, Objective CE-O1<sup>17</sup>, Policy CE-P2<sup>18</sup>, and the clarification<sup>19</sup> that no rules are

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*All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated., [with the exception of Network Utilities Activities which are managed by the Network Utilities Chapter, and Earthworks Chapter, EW-R4 and EW-R5 as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.](#)*

<sup>16</sup> 99.75

<sup>17</sup> 99.76

<sup>18</sup> 99.77

<sup>19</sup> 99.78



provided. The only amendment sought<sup>20</sup> to the Chapter Introduction was to provide clarity that the CE Chapter does not apply to the National Grid and instead relevant provisions are contained within the Network Utilities Chapter. It is noted the CE Chapter has no rules.

- 8.12. I will address the submission points in turn starting with the relationship between the chapters (specifically the NU Chapter and the CE Chapter).
- 8.13. Transpower sought clarity as to the relationship between the chapters. The S42A Report rejects the relief sought (thereby both chapters apply) but has recommended changes<sup>21</sup> to the introductory text. I accept the intent of the PDP is that the policy framework of the CE Chapter would apply to Network Utilities. That then leaves plan users to apply and reconcile both sets of policies.
- 8.14. Subject to the officer recommendations on the NU Chapter (to be provided at Hearing Stream 3), at this stage I accept the recommendation that the CE Chapter would apply to Network Utilities. However, I do reserve my position until Hearing Stream 3. By way of context, in its submission to the PDP Transpower sought<sup>22</sup> amendment to the 'enabling' National Grid specific policy NU-P6 *Adverse effects of the National Grid*, to apply the 'seek to avoid' policy directive to the Coastal Environment. In recognition that there may be potential for some conflict between this policy and others in the PDP, in its submission Transpower sought insertion of a note to this policy to make it clear that this policy takes precedence, reflecting the national, regional and local significance of the National Grid.
- 8.15. Should NU-P6 not be amended as sought and the CE policy framework apply to network utilities, the application of the avoid policy CE-P3 to the National Grid would not give effect to the NPSET in that it contains an avoid directive inconsistent with the NPSET, and does not reconcile the two national instruments being the NPSET and the NZCPS. While I accept CE-P2 provides the consideration of the appropriateness of activities, it does not 'over-ride' the avoid directive within CE-P3.
- 8.16. My understanding is that the NPSET and NZCPS are to be read together and plans should try and resolve tensions as much as they can. The policy sought framework

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<sup>20</sup> 99.79

<sup>21</sup> **Other relevant District Plan provisions**

*It is important to note that in addition to the provisions in this chapter, a number of other Part 2 district-wide chapters and underlying spatial layers (eg zones) also contain provisions that may be relevant for your activity. , including: It is recommended you check all District-Wide and spatial layer chapters when considering the provisions that relate to your activity.*

<sup>22</sup> 99.44

within NU-P6 sought in the Transpower submission (99.44) achieves this reconciliation.

- 8.17. While I accept the directive nature of the ‘avoid’ policy framework within the NZCPS, Policy 8 of the NPSET is equally directive in that it has a clear ‘should seek to avoid’ directive. While “should seek to avoid” is clearly less onerous than “avoid”, that does not make it any less deliberate or precise, or less directive. NPSET Policy 8 and NZCPS Policies 11, 13 and 15 are both imperative directions, and reconciling the two should not just default to applying the most stringent standard. In the context of the NPSET, it is clear that the phrase “should seek to avoid” was chosen deliberately (as evidenced when it is compared with the use of “must” in NPSET policies 2, 3, 4, 5, 10, and 11). I also note the preamble to the NPSET talks about the “special characteristics” of electricity transmission, including the technical constraints that “limit the extent to which it is feasible to avoid, remedy or mitigate all adverse environmental effects”. On this basis, in my opinion the choice of the formula “should seek to avoid” in Policy 8 was intended to reflect these special characteristics.
- 8.18. In response to the officer recommendations on CE-O1, and CE-P2, the same caveat applies in that while I accept in principle the officer recommendations to amend the objective and policy, this is on the basis policy NU-P6 is amended as sought in the Transpower submission. Should it not be amended, in my opinion the CE chapter requires amendment to give effect to the NPSET. I note the officer has recommended significant amendment to CE-P3 and a new objective CE-Ox, both of which will have significant implications if applied to the development of the National Grid with no associated policy recognition of the NPSET.

### **Natural Features and Landscapes**

- 8.19. As with the CE Chapter, Transpower sought clarity as to the relationship between chapters.
- 8.20. In response to submissions seeking clarity as to the relationship between chapters, my understanding from the recommendations is that on the basis NFL-P7 *Manage the effects of Network Utilities* is relocated to the NU Chapter, the Natural Features and Landscapes Chapter (“NFL Chapter”) will not apply to Network Utilities. On that basis I support the recommendation to relocate policy NFL-P7 into the NU Chapter, and the insertion of wording<sup>23</sup> into the Introduction to the rules table that Network Utilities are

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<sup>23</sup> **NFL - Natural Features and Landscapes - Rules Table**  
*All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and*

managed under rules EW-R4 and EW-R5. I agree with the reporting officer that this will make the plan more streamlined and avoid duplication.

- 8.21. On that basis I support the recommendation on points 99.88 (NFL-P1), 99.89 (NFL-P2), 99.90 (NFL-P3), 99.91 (NFL-P4), and 99.93 (Rules), 99.94 (NFL-R2), 99.95 (NFL-R3), and 99.96 (Assessment Criteria NFI-AC2).
- 8.22. For the avoidance of doubt, in order to clarify the intended relationship between the two chapters, I recommend in this evidence explicit wording in the introduction, as follows: (amendments recommended in the S42A report are shown as red text. Further amendments recommended through this evidence are shown as blue text):

**NFL - Natural Features and Landscapes**

**Introduction**

.....

Other chapters of the District Plan may be relevant when considering land use and subdivision activities. It is recommended you check all District-Wide and underlying spatial chapters when considering the provisions that relate to your Zone, noting that Network Utilities are managed in the Network Utilities Chapter and the Natural Features and Landscapes Chapter does not apply.

~~The provisions that relate to Special Character Landscapes do not apply within the Special Purpose Airport Zone. The Special Purpose Airport Zone. protects the natural and cultural values of these landscapes and features by identifying View Shafts Control Areas and Landscape Sensitive Control Areas.~~

....

- 8.23. In terms of the appropriateness of NFL-P7 in context of the National Grid and the NPSET, my understanding is the policy will be amended and relocated. Given the nature of the tracked changes shown in the S42A Report I am not entirely clear as to what form the policy will take but assume it is as outlined below (officer recommended amendments are shown in red).

*NFL-P7: Manage the effects of network utilities on Outstanding Natural Features, Special Character Landscapes and Features*

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*district-wide rules unless otherwise stated., with the exception of Network Utilities Activities which are managed by the Network Utilities Chapter, and Earthworks Chapter, EW-R4 and EW-R5 as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.*

*Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features ~~and special character features~~*

*Avoid, remedy, or mitigate the adverse effects of network utilities on special character landscapes and special character features while considering any functional or operational needs of the network utility.*

*Relates to NFL-O2 and NFL-O3.*

- 8.24. As outlined above in my evidence on the CE Chapter, subject to the officer recommendations on the NU Chapter (to be provided at Hearing Stream 3), at this stage I accept the recommendation for the relocation of NFL-P7. However, I do reserve my position until Hearing Stream 3 in terms of whether the submission point seeking amendment to the National Grid specific policy NU-P6 is accepted. As drafted NFL-P7 does not give effect to the NPSET Policy 8 in that it has an avoid directive for outstanding natural features.

## **9. Conclusion**

- 9.1. The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.
- 9.2. Specific to Hearing Stream 2, Transpower sought a number of submission points relating to the topics of Subdivision, Earthworks, Coastal Environment Chapter and Natural Features and Landscapes Chapter.
- 9.3. Having reviewed the S42A Reports I support/accept the majority of the officer recommendations, including the provision of a specific National Grid Yard earthworks rule. Those recommendations I do not support are confined in nature and relate to:
- 9.3.1. The relationship to Network Utilities Chapter Policy NU-P4 and NU-P6 (to be heard at Hearing Stream 3) and the relationship between the respective plan chapters.
- 9.3.2. The activity status for subdivision within the National Grid Subdivision Corridor, and assessment matters within Assessment Criteria SUB-AC9. Within this evidence I recommend the activity status be changed from Controlled defaulting to Resitricred Discretionary where the standards within SUB-S9 are not complied with, to Restricted Discretionary defaulting to Non complying where the standards within SUB-S9 are not complied with.

9.4. I have recommended amendments to the provisions within my evidence to give address the above matters

Pauline Mary Whitney

18 November 2024

## Appendix A

### National Policy Statement on Electricity Transmission 2008

## NATIONAL POLICY STATEMENT

# on Electricity Transmission

*Issued by notice in the Gazette on 13 March 2008*

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## Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

## 1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

## 2. Commencement

This national policy statement comes into force on the 28<sup>th</sup> day after the date on which it is notified in the *Gazette*.

## 3. Interpretation

In this national policy statement, unless the context otherwise requires:

**Act** means the Resource Management Act 1991.

**Decision-makers** means all persons exercising functions and powers under the Act.



**Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system** all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

**National environmental standard** means a standard prescribed by regulations made under the Act.

**National grid** means the assets used or owned by Transpower NZ Limited.

**Sensitive activities** includes schools, residential buildings and hospitals.

## 4. Matter of national significance

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.

## 5. Objective

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:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

## 6. Recognition of the national benefits of transmission

### POLICY 1

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:

- 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.

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.

## 7. Managing the environmental effects of transmission

### 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.

### 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.

### 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.

### 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.

#### 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.

#### 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.

#### 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.

#### 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 *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

## 8. Managing the adverse effects of third parties on the transmission network

#### POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

#### POLICY 11

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

## 9. Maps

#### POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

## 10. Long-term strategic planning for transmission assets

#### POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

#### POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

#### Explanatory note

*This note is not part of the national policy statement but is intended to indicate its general effect*

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

## Appendix B

### Summary Table - Response to s42A Report Officer Recommendations

Those submission points highlighted **orange** are recommendations I oppose.

Those highlighted **yellow** are those I provisionally accept, subject to recommendations on the Network Utilities Chapter (specifically Policy NU-P4 and NU-P6) to be heard at Hearing Stream 3.

Sub Point	Plan Provision	Summary of Submission	S42A Recommendation	My response to S42A Recommendation
99.59	SUB - Subdivision /Issues /SUB-17: Issues of reverse sensitivity on adjacent land uses	<p><b>Relief sought:</b> Amend</p> <p>Should NU-P4 not be amended as sought in this submission, Transpower seeks amendment to the issue to give effect to the NPSET and reflect the amendments sought to NU-P4.</p> <p><b>Reasoning:</b></p> <p>On the basis of Policy NU-P4 and the amendments sought through this submission, Transpower supports the retention of the issue.</p>	<p><b>Officer Recommendation:</b> Noted</p> <p><b>Reasoning:</b></p> <p>144. Transpower (99.59) supports SUB-17: Issues of reverse sensitivity on adjacent land uses as notified provided amendments have been made to NU-P4 through their wider submission. Kāinga Ora (FS 373.99.59) oppose the alternative relief by Transpower and instead support SUB-17 as notified (inferred).</p> <p>59. As the Network Utilities Section 42 report is yet to be published, I make no comment on the relief sought by Transpower and Kāinga Ora on SUB-17, instead note their comments.</p> <p><b>Amended plan provision:</b></p> <p>No changes are recommended to the provision.</p>	Accept the recommendation.
99.60	SUB - Subdivision /Objectives	<p><b>Relief sought:</b> Amend</p> <p>Amend the text as follows:</p> <p><i>Note: The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter, <a href="#">Network Utilities Chapter (as it relates to subdivision within the National Grid Subdivision Corridor)</a>, Public Access chapter, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in addition to those below.</i></p> <p><b>Reasoning:</b></p> <p>While Transpower supports the intent of the note, amendment is required to provide reference to objectives and policies in the Network Utilities chapter. While the rule for managing subdivision in the National Grid Subdivision Corridor is contained within the Subdivision chapter, the applicable policy framework is contained in the Network Utilities chapter. This cross referencing needs to be made clear for plan users.</p>	<p><b>Officer Recommendation:</b> Accept</p> <p><b>Reasoning:</b></p> <p>200. Transpower (99.60) seeks to amend the note within the objectives in the Subdivision chapter to provide cross-references to the Network Utilities chapter as the submitter considers the rule applies in the subdivision chapter but the policy framework is within the Network Utilities chapter. Kāinga Ora (FS 373.99.86) opposes this relief.</p> <p>209. I concur with Transpower that an amendment to the note within the objectives section to include reference to the Network Utility chapter is appropriate. Consequentially I recommend rejecting the relief by Kāinga Ora.</p> <p>227. Hearing Stream 2, Subdivision, Recommendation 22: I recommend accepting the relief sought by Transpower (99.60) to amend the note within the objectives in the Subdivision chapter to provide cross-references to the Network Utilities chapter.</p> <p><b>Amended plan provision:</b></p> <p>Transpowers relief was accepted.</p> <p><b>Objectives</b></p> <p><b>Note:</b> The objectives and policies contained in other chapters, including (but not necessarily limited to) zone chapters and district-wide chapters, including the Transport chapter <a href="#">Network Utilities Chapter (as it relates to subdivision within the National Grid Subdivision Corridor)</a>, <a href="#">Public Access chapter</a>, the Natural Hazards chapter, and the Hazardous Substances and Contaminated Land chapter, are relevant in addition to those below.</p>	Support the recommendation as it provides clarity and directs plan users to the Network Utilities Chapter.
99.86	SUB - Subdivision /Objectives /SUB-O1: Compatible land use	<p><b>Relief sought:</b> Support</p> <p>Retain SUB-O1 on the basis NU-P4 is amended as sought in the Transpower submission. Should NU-P4 not be amended, Transpower seeks amendment to SUB-O1 to give effect to the NPSET.</p> <p><b>Reasoning:</b></p> <p>On the basis subdivision within the National Grid Subdivision Corridor is managed under NU-P4, Transpower is neutral on SUB- O1.However should NU-P4 not be amended as sought in the Transpower submission, Transpower seeks amendment to SUB-O1 to give effect to the NPSET.</p>	<p><b>Officer Recommendation:</b> No specific recommendation provided.</p> <p><b>Reasoning:</b></p> <p><b>Amended plan provision:</b></p> <p>No changes are recommended to the provision.</p>	Accept the recommendation to not amend SUB-O1 on the basis of the officer recommended changes to SUB-O3 which references subdivision which may compromise infrastructure.
99.61	SUB - Subdivision /Objectives /SUB-O3: Infrastructure, transport, and connectivity	<p><b>Relief sought:</b> Amend</p> <p>Should NU-P4 not be amended as sought in this submission, Transpower seeks amendment to the objective to give effect to the NPSET and reflect the amendments sought to NU-P4 as follows:</p> <p>SUB-O3: Infrastructure, transport, and connectivity</p> <p>a. subdivision has a layout that is:</p> <p>i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and</p> <p>ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.</p> <p>b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.</p> <p>c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.</p> <p>d. subdivision <del>does not compromise the operation, maintenance, upgrade and development of, protects the operation</del> and access to, established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.</p>	<p><b>Officer Recommendation:</b> Accept</p> <p><b>Reasoning:</b></p> <p>146. Kiwirail (168.70) supports SUB-O3: Infrastructure, transport, and connectivity as notified. Transpower (99.61) seeks a minor amendment to improve consistency with the activities enabled under Policy 10 of the NPSET as follows:</p> <p>SUB-O3: Infrastructure, transport, and connectivity</p> <p>a. subdivision has a layout that is:</p> <p>i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and</p> <p>ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.</p> <p>b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.</p> <p>c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.</p> <p>d. <del>Subdivision does not compromise the operation, maintenance, upgrade and development of, subdivision protects the operation</del> and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.</p>	Support the recommendation on the basis it reflects the relief sought in the Transpower submission and gives effect to Policy 10 of the NPSET.

		<p><b>Reasoning:</b> Considers that the management of reverse sensitivity effects in the context of ensuring that the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised is achieved partly through regulating subdivision. The wording of clause (d) does not currently read clearly and does not include the full suite of activities associated with the National Grid that require protection under Policy 10 of the NPSET. Further, insofar as it relates to the National Grid, clause d does not give effect to Policy 10 because it only requires mitigation rather than avoidance of reverse sensitivity effects.</p> <p>On the basis of Policy NU-P4 and the amendments sought to it through this submission, Transpower supports the retention of SUB- O3 as NU-P4 is the more relevant policy.</p>	<p>160. I concur with the relief sought by Transpower to amend SUB-O3 to improve consistency with the activities enabled under Policy 10 of the NPSET insofar as amending matter d.</p> <p><b>Amended plan provision:</b> Transpower's relief was accepted.</p> <p><b>SUB-O3: Infrastructure, transport, and connectivity</b></p> <p>a. subdivision has a layout that is:</p> <p>i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and</p> <p>ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.</p> <p>b. infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner at the time of subdivision.</p> <p>c. land is vested at the time of subdivision to provide for high-quality reserves, esplanade reserves, roads, stormwater, access and other purposes for the benefit of the wider community.</p> <p>d. <del>Subdivision does not compromise the operation, maintenance, upgrade and development of subdivision protects the operation and access to established network utilities and regionally significant infrastructure while mitigating reserve sensitivity effects.</del></p> <p><i>Relates to SUB-11, SUB-13, SUB-14, SUB-17</i></p>	
99.62	SUB - Subdivision /Policies /SUB-P1: Compatible land use	<p><b>Relief sought:</b> Support</p> <p>Should NU-P4 not be amended as sought in this submission, Transpower seeks amendment to SUB-P1 policy to give effect to the NPSET and reflect the amendments sought to NU-P4.</p> <p><b>Reasoning:</b> Specific to the PDP Subdivision Chapter, Policy NU-P4 (as sought to be amended in this submission) within the Network Utilities Chapter provides the policy framework for subdivision within the National Grid Subdivision Corridor. However, the associated rules are provided within the Subdivision Chapter (Rule SUB-S9). On the basis of Policy NU-P4 and the amendments sought through this submission, Transpower supports the retention of the policy SUB- P1, noting it is not sufficiently directive to give effect to the NPSET and therefore reliance is required on NU-P4.</p>	<p><b>Officer Recommendation:</b> No specific recommendation provided.</p> <p><b>Reasoning:</b> <i>P1 by incorporating references to natural environmental values and climate change resilience. However, I consider it unnecessary to specifically mention locating subdivisions away from floodplains. Instead, I propose a broader reference to ensuring subdivision design is resilient to climate change, as this encompasses a wider range of potential impacts beyond a single event, such as flooding.</i></p> <p><b>Amended plan provision:</b> <b>SUB-P1: Compatible land use</b> Ensure subdivision supports the objectives, policies, and rules of the District Plan through subdivision that:</p> <p>a. reflects patterns of development that are compatible with and reinforce the role, function, and predominant character of the zone;</p> <p>b. adheres to allotment size and layout in each zone to sufficiently accommodate intended land uses while retaining reasonable amenity;</p> <p>c. provides for intensification of the urban area where it can be supported by existing infrastructure and contributes to the viability and vibrancy of urban centres;</p> <p>d. incorporates setbacks, landscaping, or layout design to avoid or mitigate the effects of reverse sensitivity on existing, lawfully-established activities on adjoining properties, and</p> <p>e. provides for minor boundary adjustments which enable a more efficient and effective use of land; and</p> <p>f. enables natural environmental values to be protected, maintained and enhanced, and</p> <p>g. reflects the need to ensure that new development will be resilient to climate change.</p>	<p>Acknowledging the Network Utility provisions are to be heard as part of Hearing Stream 3 (scheduled for March 2025), on the basis amendments are made to NU-P4 to reference subdivision I accept the recommendation. However, I do reserve my position. As recommended, while SUB-O3 requires subdivision does not compromise infrastructure, there is no corresponding policy support in the SUB Chapter. This therefore leaves a policy gap in my opinion. My preference would be to rely on a comprehensive policy NU-P4.</p>
99.63	SUB - Subdivision /Policies /SUB-P13: Network utilities	<p><b>Relief sought:</b> Support</p> <p>Retain the policy.</p> <p><b>Reasoning:</b> Transpower supports the policy recognition for subdivision for network utility activities.</p>	<p><b>Officer Recommendation:</b> No specific recommendation provided.</p> <p><b>Reasoning:</b> 402. I recommend accepting in part the relief sought by Forest and Bird, supported by Heritage NZ, to amend SUB-</p> <p><b>Amended plan provision:</b> No changes are recommended to the provision.</p>	<p>Accept the officer to retain Policy NU-P13 as notified.</p>
99.64	SUB - Subdivision - Rules Table /SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	<p><b>Relief sought:</b> Amend</p> <p>Seeks a stand alone National Grid Subdivision Corridors rule (refer new rule SUB-RXX - made as a general submission point). If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief for a new submission point not be accepted, Transpower seeks amendment to SUB-R3 (and R3A and R3B) to amend the activity for subdivision in the National Grid Subdivisions Corridor to restricted discretionary, defaulting to non complying where the standards are not met.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b> 156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within</p>	<p>I oppose the recommendation. Refer Hearing evidence</p>

		<p><b>Reasoning:</b> As sought in the submission, Transpower seeks a stand alone National Grid Subdivision Corridors rule (refer new rule SUB-RXX - made as a general submission point). The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief for a new submission point not be accepted, Transpower seeks amendment to SUB-R3 (and R3A and R3B) to amend the activity for subdivision in the National Grid Subdivisions Corridor to restricted discretionary, defaulting to non complying where the standards are not met.</p>	<p>the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b> No changes are recommended.</p>	
99.65	SUB - Subdivision	<p><b>Relief sought:</b> Amend</p> <p>Seeks a specific subdivision rule within the Network Utilities Chapter as follows, which refers to SUB-S9. Should this not be granted, Transpower seeks amendment to rules which reference the standard SUB-S9, to change the activity from controlled to restricted discretionary:</p> <p><u><a href="#">SUB-RXX Subdivision within the National Grid Subdivision Corridor All Zones and Overlays Areas</a></u></p> <p><u><a href="#">1. Activity Status: Restricted Discretionary</a></u></p> <p><u><a href="#">Where the following condition is met:</a></u></p> <p><u><a href="#">a. Compliance with: SUB-S9 National Grid Subdivision Corridor.</a></u></p> <p><u><a href="#">Matters of discretion are restricted to:</a></u></p> <p><u><a href="#">The matters in SUB-AC9</a></u></p> <p><u><a href="#">2. Activity status where compliance with SUB-S9 is not achieved: Non complying Notification</a></u></p> <p><u><a href="#">An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</a></u></p> <p><u><a href="#">When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.</a></u></p> <p><b>Reasoning:</b> Given the national significance of the National Grid, inappropriate development is a potential issue. In order to manage subdivision that has the potential to compromise the operation, maintenance, upgrading and development of the National Grid, Transpower supports the provision of a corridor management approach which allows for the reasonable use of land inside the transmission line corridor, with several standards and rules imposed to ensure that any subdivision that might compromise the Grid is either avoided or managed. The approach sought by Transpower has been rolled out across New Zealand for the past nine years as plans have come up for review. Specific to the PDP Subdivision Chapter, Policy NU-P4 (as sought to be amended in this submission) within the Network Utilities Chapter provides the policy framework for subdivision within the National Grid Subdivision Corridor. However, the associated rules are provided within the Subdivision Chapter (Standard SUB-S9 which is referenced in rules SUB-R1, R3, R5, R7, and R8). This disconnection is potentially confusing to plan users and Transpower seeks a specific subdivision rule within the Network Utilities Chapter. Should this not be granted, Transpower seeks amendment to SUB-R9 and all the rules which reference the standard. As proposed the PDP Subdivision Chapter provides for the subdivision provisions relating to the National Grid Subdivision Corridor provided as a standard within SUB-S9, which is then referenced in each of the relevant rules. While Transpower supports a specific standard relating to subdivision within the National Grid Subdivision Corridor, Transpower seeks a stand-alone rule and a specific standard and activity status that appropriately manages subdivision within proximity of the National Grid.</p> <p>In relation to activity status, Transpower seeks that subdivision within the National Grid Subdivision Corridor be a restricted discretionary activity (as opposed to being controlled as notified) where the newly created lots comply with the standards SUB-S9. Transpower is opposed to the controlled activity status as a controlled activity status as provided in the proposed plan could not be declined and would not provide the ability for Transpower to be involved in the subdivision design process or ensure the subdivision does not compromise the ability to operate, maintain and upgrade the line, including the provision of access. Where the subdivision application is unable to demonstrate that this can be achieved, a non-complying activity status would apply to the subdivision (as proposed in the notified rules).</p> <p>Instead of controlled, a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, provides an</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b> 156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b> No changes are recommended.</p>	<p>I oppose the recommendation. Refer Hearing evidence</p>

		<p>appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Subdivision is considered the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) on potential activities, are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). The provision of a restricted discretionary activity status would be consistent with that secured across multiple district plan reviews across New Zealand.</p> <p>A default non-complying activity status is supported on the basis it is considered the most effective means of giving effect to the NPSET objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. In particular, a non-complying activity status:</p> <p>(a) Most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2;</p> <p>(b) Is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by Policy 10.</p> <p>(c) Recognises the policy directive within Policy 11 to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for.</p> <p>Transpower seeks a specific subdivision rule within the Network Utilities Chapter. Should this not be granted, Transpower seeks amendment to rules which reference the standard SUB-S9, to change the activity from controlled to restricted discretionary. The default non complying activity is supported.</p>		
99.66	SUB - Subdivision - Rules Table /SUB-R1: Subdivision	<p><b>Relief sought:</b> Amend</p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought in for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p> <p><b>Reasoning:</b></p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought in for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB- R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b></p> <p>156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b></p> <p>No changes are recommended.</p>	I oppose the recommendation. Refer Hearing evidence
99.67	SUB - Subdivision - Rules Table /SUB-R5: Cross lease title to freehold subdivision	<p><b>Relief sought:</b> Amend</p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p> <p><b>Reasoning:</b></p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b></p> <p>156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b></p> <p>No changes are recommended.</p>	I oppose the recommendation. Refer Hearing evidence

99.68	/SUB - Subdivision - Rules Table /SUB-R7: Subdivision of land within or containing a special character landscape	<p><b>Relief sought:</b> Amend</p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p> <p><b>Reasoning:</b></p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b></p> <p>156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b></p> <p>No changes are recommended.</p>	I oppose the recommendation. Refer Hearing evidence
99.69	SUB - Subdivision - Rules Table /SUB-R8: Subdivision of lifestyle sites within the Productive Rural Zone with amalgamation	<p><b>Relief sought:</b> Amend</p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p> <p><b>Reasoning:</b></p> <p>Transpower seeks a stand alone National Grid Subdivision Corridors rule. The reasoning is provided in the submission point. If accepted, this would mean the reference to SUB-S9 can be removed from the rule.</p> <p>Should the relief sought for a new National Grid Subdivision Corridor not be accepted, Transpower seeks amendment to SUB-R1 (and R1A and R1B) to amend the activity status for subdivision in the National Grid Subdivisions Corridor from controlled to restricted discretionary, defaulting to non complying where the standards in SUB-S9 are not met.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b></p> <p>156. Transpower (99.64, 99.65, 99.66, 99.67, 99.68, 99.69) seek an additional rule for the purpose of managing subdivision within the National Grid. Transpower seeks a restricted discretionary activity status for subdivision that demonstrates a building platform outside the National Grid Yard, and where vehicle access to support structures is maintained, as this provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Where compliance cannot be achieved, the submitter seeks a non-complying status.</p> <p>165. I recommend rejecting the relief sought by Transpower for an additional rule to specifically manage subdivision within the National Grid for the following reasons:</p> <ul style="list-style-type: none"> <li>• SUB-S9 provides for similar relief, building platforms outside of the National Grid and access must be maintained for the National Grid.</li> <li>• Non-compliance with SUB-S9 would elevate a subdivision resource consent application up to a restricted discretionary status thereby enabling decision makers to reject the application if effects cannot be managed.</li> <li>• There is an absence of any further compelling reasons or supporting section 32AA evaluation being supplied by the submitter.</li> </ul> <p><b>Amended plan provision:</b></p> <p>No changes are recommended.</p>	I oppose the recommendation. Refer Hearing evidence
99.70	SUB - Subdivision - Standards Table /SUB-S9: Building platforms within the National Grid Subdivision Corridor	<p><b>Relief sought:</b> Support</p> <p>Retain SUB-S9 but relocate within the NU Chapter.</p> <p><b>Reasoning:</b></p> <p>Notwithstanding its other submission points seeking the relocation of all the National Grid subdivision provisions within the NU Chapter and the provision of a new specific National Grid Subdivision Corridor rule, Transpower supports the standards in that they provide a clear framework for managing the effects of subdivision on the National Grid.</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b></p> <p>158. Transpower (99.70) supports SUB-S9 however, considers that it is better placed within the Network Utilities chapter. Kainga Ora (FS 373.99.70) opposes this relief and instead seeks that provisions relating to subdivision within the National Grid are best placed in the subdivision chapter.</p> <p>167. I concur with Kainga Ora in that I recommend the retention of SUB-S9 within the subdivision chapter as notified. I recommend rejecting the relief sought by Transpower for the purpose of plan users who are subdividing it would be better placed to consider building platforms at the time of subdivision within the National Grid Corridor therefore is best retained in the subdivision chapter.</p> <p><b>Amended plan provision:</b></p> <p>No changes are recommended.</p>	I oppose the recommendation. Refer Hearing evidence
99.85	SUB - Subdivision /Assessment criteria /SUB-AC7: Utility services - high voltage lines	<p><b>Relief sought:</b> Oppose</p> <p>Seeks SUB-AC7 to be deleted. On the basis SUB-AC7 applies to the National Grid, Transpower does not consider the criteria necessary as subdivision within the National Grid Subdivision Corridor is addressed under SUB-AC9. The duplication of the assessment criteria is potentially confusing to plan users and is neither efficient or effective.</p> <p><b>Reasoning:</b></p> <p>Opposes Assessment Criteria SUB-AC7 relating to Utility services - high voltage lines. The PDP does not define or explain what network utility constitutes 'high voltage lines' and the term is not used anywhere else in the PDP. On the basis SUB-AC7 applies to the National Grid, Transpower does not consider the criteria necessary as subdivision within the National Grid Subdivision Corridor is addressed under SUB-AC9. The duplication of the assessment</p>	<p><b>Officer Recommendation:</b> Accept</p> <p><b>Reasoning:</b></p> <p>208. Transpower (99.85) opposes SUB-AC7, arguing that it creates unnecessary duplication with SUB-AC9. They request that SUB-AC7 be deleted to avoid confusion for plan users.</p> <p>219. I concur with Transpower that SUB-AC7 can be deleted as the assessment criteria is otherwise included in SUB-AC1 and SUB-AC9.</p> <p>233. Hearing Stream 2, Subdivision, Recommendation 28: I recommend accepting the relief sought by Transpower (99.71) and deleting SUB-AC7 in its entirety.</p> <p><b>Amended plan provision:</b></p>	Support the recommendation as it avoid confusion with SUB-AC9. However, Appendix 1 to the S42A Report does not show the text as being deleted.



		criteria is potentially confusing to plan users and is neither efficient or effective.	NOT DELETED IN APPENDIX 1	
99.71	SUB - Subdivision /Assessment criteria /SUB-AC9: National Grid Subdivision Corridor	<p><b>Relief sought:</b> Amend Retain the matters within SUB-AC9 but amend as follows: <i>SUB-AC9: National Grid Subdivision Corridor</i></p> <p>a. <i>The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.</i></p> <p>b. <i>The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.</i> ....</p> <p>f. <i>The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.</i></p> <p>g. <i>The outcome of any technical advice provided by Transpower</i></p> <p><b>Reasoning:</b> Notwithstanding its other submission points seeking the relocation of all the National Grid subdivision provisions within the NU Chapter, Transpower supports the provision of assessment matters as they clearly articulate the issues associated with subdivision within the National Grid Subdivision Corridor. In order to further inform any assessment associated with a resource consent application, two additional assessment matters are sought.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b> 207. Transpower (99.71) seeks to amend SUB-AC9, supporting the current assessment matters while requesting two additional matters to address the design and construction of subdivisions near the National Grid Subdivision Corridor, ensuring safety and operational efficiency. The following is proposed: <i>SUB-AC9: National Grid Subdivision Corridor</i></p> <p>a. <i>The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.</i></p> <p>b. <i>The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.</i></p> <p>c. <i>The risk of electrical hazards affecting public or individual safety and the risk of property damage.</i></p> <p>d. <i>The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.</i></p> <p>e. <i>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.</i></p> <p>f. <i>The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.</i></p> <p>g. <i>The outcome of any technical advice provided by Transpower.</i></p> <p>218. I recommend accepting in part the relief sought by Transpower on SUB-AC9. It is appropriate to include assessment criteria that ensure an adequate building platform can be located outside the National Grid, which will lead to better planning outcomes. Including the compliance of earthworks, buildings, and structures with electrical safe distances is also a valid consideration. However, I recommend rejecting the inclusion of "the outcome of any technical advice provided by Transpower," as incorporating this into assessment criteria is speculative and may not provide clear guidance to plan users.</p> <p>231. Hearing Stream 2, Subdivision, Recommendation 26: I recommend accepting the relief in part sought by Transpower (99.71) on SUB-AC9.</p> <p>233. Hearing Stream 2, Subdivision, Recommendation 28: I recommend accepting the relief sought by Transpower (99.71) and deleting SUB-AC7 in its entirety.</p> <p><b>Amended plan provision:</b></p> <p><b>SUB-AC9: National Grid Subdivision Corridor</b></p> <p>a. <i>The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.</i></p> <p>b. <i>The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.</i></p> <p>c. <i>The risk of electrical hazards affecting public or individual safety and the risk of property damage.</i></p> <p>d. <i>The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.</i></p> <p>e. <i>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.</i></p> <p>f. <i>The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separate distance from electrical networks.</i></p>	<p>I oppose the recommendation in part. While I support the recommended amendment to clause b, I recommend further amendment to clause f, and a new matter clause g, as sought in the Transpower submission.</p> <p>Refer hearing evidence.</p>
99.72 and 73	EW - Earthworks	<p><b>Relief sought:</b> Amend Seeks a specific submission rule within the Network Utilities chapter to manage earthwork activities within the National Grid Yard. Should the submission point be rejected, Transpower seeks the rule within the Earthworks Chapter. Appropriate cross reference would be required in the introduction to the Network Utilities Chapter to make the existence and linkage of the rule evident to plan users.</p> <p><i>NU – REW Earthworks and vertical holes within the National Grid Yard Activity Status Permitted</i> <b>Where:</b></p> <p>1. <i>Earthworks and vertical holes do not:</i></p> <p>a. <i>Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;</i></p> <p>b. <i>Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;</i></p>	<p><b>Officer Recommendation:</b> Accept</p> <p><b>Reasoning:</b> 121. Transpower NZ (99.72) seek a specific rule within the Network Utilities chapter specific to managing earthwork activities within the National Grid Yard. If this submission point is rejected, they seek it within the Earthworks Chapter.</p> <p>129. I set out below my opinion on Transpower's submission (99.72) seeking a specific rule for managing earthwork activities within the National Grid Yard.</p> <p>130. Transpower's submission on this matter includes detail on the reasons why the relief sought is necessary. This includes the risk of earthworks undermining the stability of the structure foundations which could result in power outages, compromise access for maintenance and reducing clearance between the ground and conductors. The submission also highlights that EW-58 is specific to earthworks in proximity of a gas transmission line, but no such rule is included for earthworks within proximity of the National Grid, the operation, maintenance, upgrade and development and protection of</p>	<p>Support the recommendation that the inclusion of a rule is supported as it reflects that sought in the Transpower submission. However, I do note there is no corresponding policy framework within the</p>

	<p><u>c. Compromise the stability of any National Grid support structures;</u>  <u>d. Result in the loss of vehicular access to a National Grid support structure; and</u>  <u>e. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;</u></p> <p><u>2. Earthworks and vertical holes for the following activities are exempt from compliance with EW-RX.1(a) to (d):</u></p> <p><u>a. Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;</u>  <u>b. Agricultural or domestic cultivation;</u>  <u>c. The repair, sealing or resealing of a vehicle access or farm track, footpath or driveway;</u>  <u>d. Vertical holes not exceeding 500mm in diameter that are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation; and</u>  <u>e. Earthworks and vertical holes :</u>  <u>i. Subject to a dispensation from Transpower under New Zealand NZECP 34:2001, or</u>  <u>ii. In relation to rule NU-EWX 1(d), written approval is provided by Transpower.</u></p> <p><b>Reasoning:</b>  Seeks a specific submission rule within the Network Utilities chapter to manage earthwork activities within the National Grid Yard. Should the submission point be rejected, Transpower seeks the rule within the Earthworks Chapter/ Seeks an amendment to the Network Utilities chapter to include a new rule for earthworks within the National Grid Corridor.  Earthworks can compromise the National Grid and are anticipated by the NPSET (Policy 10). Earthworks adjacent to support structures can undermine the stability of the structure foundations, causing the structure to lean or, worse, collapse, leading to power outages. Excavations or mounding mid-span can increase risks by reducing the clearance between the ground and conductors. Excavated areas or piles of earthworks can also restrict Transpower’s ability to access and locate the heavy machinery required to maintain support structures and conductors around the lines, including in emergency situations. The PDP contains no provisions specific to earthworks in the National Grid Yard, either in the Network Utilities Chapter or in the Earthworks Chapter. It is noted that there is a standard EW-S8 specific to earthworks in proximity of a gas transmission line but no applicable standard for earthworks within proximity of the National Grid.  The National Planning Standard definition of earthworks specifically excludes the disturbance of land for the installation of fence posts. For this reason, the rule needs to be amended to expressly regulate fence posts.  A permitted rule is sought, defaulting to non complying where the standards are not complied with.</p>	<p>which, is recognised as a matter of national significance in the National Policy Statement for Electricity Transmission (NPSET).</p> <p>131. I note that National Grid Yard4 is a defined term in the PDP: National Grid Yard means the area located within: a. 12 metres in any direction from the outer visible edge of a “National Grid” support structure foundation; and or b. the area located within 10m either side of the centreline of an overhead 110kV National Grid line on single poles; and or c. the area located within 12 metres either side of the centreline of any overhead “National Grid” transmission line on 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. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end. Note – the definition in the Plan also includes a diagram.</p> <p>132. I support the relief proposed for the following reasons:</p> <ul style="list-style-type: none"> <li>• it is more effective and efficient in giving effect to Policy 2 and 10 of the NPSET.</li> <li>• It is more effective and efficient at implementing EW-O3 and EW-P1 by more appropriately managing the potential adverse effects on the National Grid.</li> </ul> <p>133. I consider that the relief sought is not contrary to the further submissions received on this submission. In particular, it provides for Horticulture NZ’s requested exception for cultivation activities (44.99.72) and is located within the Earthworks Chapter which is consistent with Kainga Ora’s further submission raising concern if the provision was located in the Network Utilities Chapter.</p> <p>134. With regard to the new rule requested by Horticulture NZ and supported by Ravensdown for ancillary rural earthworks, EW-S1 is a rule that applies maximum volume limits for earthworks that are not associated with a Building Activity. The rules include a maximum threshold for Rural Zones of 100m<sup>3</sup> on a per hectare of site for any 12-month period. The rule is therefore general in nature and would apply to ancillary rural earthworks. I do not consider it is necessary to have a specific rule for ancillary rural earthworks when they would fall under EW-S1. I note that the appropriateness of the notified thresholds is discussed further below in this report. I am however open to consider further evidence from Horticulture New Zealand on this matter to better understand the need for the relief sought.</p> <p><i>Section 32AA for changes recommended for NU – REW Earthworks and vertical holes within the National Grid Yard</i></p> <p>137. Effectiveness and efficiency</p> <ul style="list-style-type: none"> <li>• The recommended new rule is more appropriate at achieving the purpose of the RMA and the objectives and policies of the National Policy Statement for Electricity Transmission (NPSET).</li> <li>• The recommended new rule more appropriately recognises the National Grid as a matter of national importance while providing for appropriate earthworks activities within the National Grid Yard.</li> </ul> <p>138. Costs/Benefits</p> <ul style="list-style-type: none"> <li>• The recommended new rule balances protecting a matter of national importance while still providing for earthworks activities within the national grid yard which will not compromise or result in an adverse effect.</li> </ul> <p>139. Risk of acting or not acting</p> <ul style="list-style-type: none"> <li>• There is no risk in accepting the recommended amendments as there is sufficient information to act on the submission 99.72</li> </ul> <p>142. That Transpower New Zealand’s submission (99.72) is accepted.</p> <p><b>Amended plan provision:</b>  Transpowers relief sought was accepted and the following changes have been made.</p>	<p>EW chapter to support the rule and therefore I remain supportive of the amendments sought in the Transpower submission to NU-P4, accepting this matter will be addressed at the Network Utilities hearing.</p>
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EW-RXXX Earthworks and vertical holes within the National Grid Yard		
All Zones	EW-RXA	EW-RxB
	<p><b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <u>Earthworks and vertical holes do not:</u> <ol style="list-style-type: none"> <li>a. <u>Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure; Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;</u></li> <li>b. <u>Compromise the stability of any National Grid support structures;</u></li> <li>c. <u>Result in the loss of vehicular access to a National Grid support structure; and</u></li> <li>d. <u>Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;</u></li> </ol> </li> <li>2. <u>Earthworks and vertical holes for the following activities are exempt from compliance with EW-RX.1(a) to (d):</u> <ol style="list-style-type: none"> <li>a. <u>Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;</u></li> <li>b. <u>Agricultural or domestic cultivation;</u></li> <li>c. <u>The repair, sealing or resealing of a vehicle access or farm track, footpath or driveway</u></li> </ol> </li> </ol>	<p><b>Activity Status where compliance not achieved:</b> Non-Complying</p> <p><i>Notification 1. An application under this rule is precluded from being publicly notified in accordance with Section 95A of the RMA. When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific considerations to any adverse effects on Transpower New Zealand Limited.]</i></p>
	<ol style="list-style-type: none"> <li>d. <u>Vertical holes not exceeding 500mm in diameter that are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation; and</u></li> <li>e. <u>Earthworks and vertical holes:</u> <ol style="list-style-type: none"> <li>i. <u>Subject to a dispensation from Transpower under New Zealand NZECP 34:2001, or</u></li> <li>ii. <u>In relation to rule NU-EWX 1(d), written approval is provided by Transpower.</u></li> </ol> </li> </ol>	

99.74	EW - Earthworks - Rules Table /EW-R5: Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks for network utilities	<p><b>Relief sought:</b> Amend Relocate Rule EW-R5 and the relevant standards into the Network Utilities chapter, and amend remove reference to standards S2 and S4.</p> <p><b>Reasoning:</b>  Transpower supports the centralisation of all network utilities provisions into the Network Utilities chapter rather than being scattered through the Proposed District Plan.  Standard 7(30) of the National Planning Standards states that The Earthworks chapter must include cross-references to any relevant earthworks provisions under Energy, Infrastructure, and Transport heading. In addition to the above relocation issue, Rule EW-R5 requires compliance with Standards S2-S11 but not all are relevant to network utilities:  - S2 The cut and fill requirements may unintentionally apply to underground infrastructure when the focus should be on the finished ground level, not the depth of cut or fill which is undertaken in the process of undergrounding. As underground infrastructure spans multiple titles, S2(2) which required setbacks from boundaries is not relevant for network utilities.  - S4 For network utility projects it is likely that earthworks will be removed offsite, and this is an unreasonably small limit.</p>	<p><b>Officer Recommendation:</b> Further evidence required</p> <p><b>Reasoning:</b>  33. Transpower (99.74) and Telco (151.68) seek that earthworks provisions relating to Network Utilities be located in the Network Utilities Chapter. Specifically, they seek the centralisation of all network utilities provisions into the Network Utilities chapter rather than being scattered through the Proposed Plan. Transpower’s submission refers to Standard 7(30) of the National Planning Standards.  38. My interpretation of 7(30), (5), (6), (7) above is that the National Planning Standards do not explicitly require that earthworks provisions relating to Network Utilities be located in the Network Utilities chapter.  39. Turning to where the earthworks provisions relating to network utilities are most appropriately located in Proposed Plan, I have reviewed the structure and content of the Chapter in its entirety. There is an explanatory note included under the Earthworks Rule Table heading which confirms with Plan users that the Sites of Significance to Māori chapter, The Natural Features and Landscapes chapter and The Notable Trees chapter includes provisions for earthworks. The note confirms that where there is a conflict between the Earthworks chapter and these Chapters that the more restrictive provision applies.  40. Unlike the National Planning Standards for Energy, infrastructure and transport and General district-wide matters, the standards for Sites of Significance to Māori, Natural Features and Landscapes and Notable Trees Chapters explicitly require that provisions to manage sites and areas of significance to Māori, protect and manage outstanding natural features and landscapes and manage trees or groups of trees, must be located within the Sites of Significance to Māori, Natural features and landscapes or Notable Trees Chapters respectively. I consider that due to the potential adverse effects earthworks have on sites of significance to Māori and Natural Features and Landscapes earthworks provisions qualify as managing and protecting these sites, features and landscapes and therefore must be located within these chapters in accordance with the National Planning Standards.  41. Further, the Earthworks Chapter includes rules for earthworks relating to the coastal environment (EW-R5) rather than being located in the Coastal Environment Chapter and therefore if the relief sought was accepted, there would be an inconsistency within the Plan as to where earthworks provisions are located.  42. It is my opinion that the earthworks provisions relating to network utilities are most appropriately located in the Earthworks Chapter due to it not explicitly being required under the National Planning Standards and for general Plan consistency.  43. I recommend that submissions 99.74 and 151.68 and further submission 351.99.74 be rejected.</p> <p><b>6.1.7 Other Rules</b>  186. Transpower (99.74) seeks removal of reference to S2 and S4 in EW-R5. The reasoning included for the amendment sought is:  a) S2 The cut and fill requirements may unintentionally apply to underground infrastructure when the focus should be on the finished ground level, not the depth of cut or fill which is undertaken in the process of undergrounding. As underground infrastructure spans multiple titles, S2(2) which required setbacks from boundaries is not relevant for network utilities.  b) S4 For network utility projects it is likely that earthworks will be removed offsite, and this is an unreasonably small limit.  187. EW-R5 concerns earthworks or land disturbance for network utilities by a network utility operator, including vehicle access for network utilities. S2 is a standard relating to cut and fill, while S4 manages removal off site.  188. I support in principle changes to the notified provisions which better recognise and provide for the operation, maintenance, upgrade and development and protection of the National Grid is a matter of national significance. However, in order to make a determination on the relief sought, I consider the matter would benefit from further detail received through evidence and discussions at Hearing.  189. Transpower’s submission on this matter includes detail on the reasons why the relief sought is necessary. This includes the risk of earthworks undermining the stability of the structure foundations which could result in power outages, compromise access for maintenance and reducing clearance between the ground and conductors. The submission also highlights that EW-S8 is specific to earthworks in proximity of a gas transmission line, but no such rule is included for earthworks within proximity of the National Grid, the operation, maintenance, upgrade and development and protection of which, is recognised as a matter of national significance in the National Policy Statement for Electricity Transmission (NPSET).  190. That 99.74 is accepted in part and further information through evidence is provided in relation to the relief sought.</p> <p><b>Amended plan provision:</b>  The addition of EW-S5 to the rule in response to Transpowers submission.</p>	<p>I accept the recommendation to not relocate EW-R5. However, I do consider the relationship between the Earthworks and Network Utilities chapters could be clarified, noting paragraph 3 of the Network Utilities Chapter “As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District.” I assume the matter regarding the application of, and relationship between the chapters, will be addressed at the Network Utilities chapter hearing.</p> <p>In terms of the application of Standards S2 to S8 in EW-R5, on the basis the standards would apply to earthworks associated with the development of new National Grid infrastructure, and the default restricted discretionary activity status, I accept the standards. I note that earthworks associated with existing assets are regulated by the NESETA.</p>
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			EW-R5: Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks for network utilities				
			<table border="1"> <tr> <td>All zones</td> <td> <b>EW-R5A</b>  <b>Activity Status:</b> Permitted  <b>Where:</b>            1. Compliance with the Earthworks effects standards EW-S2 <b>and EW-S5</b> – EW-S8.         </td> <td> <b>EW-R5B</b>  <b>Activity Status where activity conditions are not met:</b>            Restricted Discretionary  <b>Matters of discretion are:</b>            1. The matters of discretion of the effects standard infringed.         </td> </tr> </table>	All zones	<b>EW-R5A</b> <b>Activity Status:</b> Permitted <b>Where:</b> 1. Compliance with the Earthworks effects standards EW-S2 <b>and EW-S5</b> – EW-S8.	<b>EW-R5B</b> <b>Activity Status where activity conditions are not met:</b> Restricted Discretionary <b>Matters of discretion are:</b> 1. The matters of discretion of the effects standard infringed.	
All zones	<b>EW-R5A</b> <b>Activity Status:</b> Permitted <b>Where:</b> 1. Compliance with the Earthworks effects standards EW-S2 <b>and EW-S5</b> – EW-S8.	<b>EW-R5B</b> <b>Activity Status where activity conditions are not met:</b> Restricted Discretionary <b>Matters of discretion are:</b> 1. The matters of discretion of the effects standard infringed.					
99.75	CE - Coastal Environment /Introduction	<b>Relief sought:</b> Support Retain the mapping of the Coastal Environment.  <b>Reasoning:</b> Supports the mapping and identification of the Coastal Environment, There are no existing National Grid assets within the Coastal Environment as identified in the PDP.	<b>Officer Recommendation:</b> Accept  <b>Reasoning:</b> 164. Transpower (99.75) supports the mapping of the coastal environment and seeks it is retained. HBAL (FS 351.99.75) opposes the submission as they are seeking minor amendments to the planning maps. 165. Submissions 198.164, 246.124 and FS 351.99.75 oppose the mapping of the coastal environment. The Coastal Environment Overlay has been mapped in accordance with the HBRCEP, and the mapping provided in the PDP Planning Maps aligns with this. Therefore, I recommend rejecting the submissions and accepting submission 99.75 that supports the mapping of the Coastal Environment.  <b>Amended plan provision:</b> No changes are recommended to the provision.	Support the recommendation on the basis the Coastal Environment is mapped.			
99.76	CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character	<b>Relief sought:</b> Support Retain as notified.  <b>Reasoning:</b> Supports the reference to significant adverse effects and reference to 'inappropriate' subdivision, use and development.	<b>Officer Recommendation:</b> Accept  <b>Reasoning:</b> 55. Submission 99.76 supports the reference to significant adverse effects and reference to inappropriate subdivision in CE-O1. I recommend accepting the submission as it supports parts of the objective that are not being amended.  <b>Amended plan provision:</b> No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended.  <b>CE-O1: Significant adverse effects on natural character, landscapes and features and indigenous biodiversity are avoided</b>  The natural character, landscapes and features, cultural, and <b>indigenous biodiversity</b> values of coastal, estuarine, and river margins are preserved <b>and protected</b> , and significant adverse effects from inappropriate subdivision, use, and development in the coastal environment are avoided, <b>mitigated or remedied</b> . <i>Relates to CE-I1, CE-I2, CE-I3 CE-I4, CE-I6, CE-I8, and CE-I9</i>	Acknowledging the Network Utility provisions are to be heard as part of Hearing Stream 3 (scheduled for March 2025), on the basis the National Grid specific policy NU-P6 takes precedence, at this stage I accept the recommendation. However, I do reserve my position. The application of the policy to the National Grid would not give effect to the NPSET in that it contains an avoid directive inconsistent with the NPSET, and does not reconcile the two national instruments being the NPSET and the NZCPS.			
99.77	CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment	<b>Relief sought:</b> Support Retain as notified.  <b>Reasoning:</b> Supports the reference to 'functional or operational need'.	<b>Officer Recommendation:</b> Accept  <b>Reasoning:</b> 98. Submission 99.77 supports reference to the functional or operational needs provided for within CE-P2. I recommend accepting the submission, noting my recommendations on other amendments being suggested for the policy below.  <b>Amended plan provision:</b> No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended.	Acknowledging the Network Utility provisions are to be heard as part of Hearing Stream 3 (scheduled for March 2025), on the basis the National Grid specific policy NU-P6 takes precedence, at this stage I accept the			

			<p><b>CE-P2: Determine whether an activity is inappropriate in the coastal environment</b></p> <p>In determining whether an activity may <del>reduce the natural character</del> be inappropriate in the coastal environment, <del>and is inappropriate</del>, particular regard must be given to:</p> <ol style="list-style-type: none"> <li>a. the nature and intensity of the proposed activity including: <ol style="list-style-type: none"> <li>i. the functional need or operational requirement to locate within the coastal environment, and</li> <li>ii. the opportunity to mitigate anticipated adverse effects of the activity.</li> </ol> </li> <li>b. the degree to which the natural character, <u>existing indigenous biodiversity and natural features and landscapes</u> will be modified, damaged or destroyed including: <ol style="list-style-type: none"> <li>i. the duration and frequency of any effect;</li> <li>ii. the magnitude or scale of any effect;</li> <li>iii. the irreversibility of adverse effects on natural character, <u>indigenous biodiversity and natural features</u> and landscape values, and/or</li> <li>iv. whether the activity will lead to cumulative adverse effects on the natural character, <u>indigenous biodiversity and natural features and landscapes</u> of the site/area.</li> </ol> </li> <li>c. the degree of naturalness and resilience of the site or area to change.</li> <li>d. the opportunities to restore, remedy or mitigate previous damage to the natural character.</li> <li>e. the existing land uses on the site.</li> </ol> <p><i>Relates to CE-01, CE-02, CE-03, CE-04, and CE-05</i></p>	<p>recommendation. However, I do reserve my position. The application of the policy to the National Grid would not give effect to the NPSET in that it contains an avoid directive inconsistent with the NPSET, and does not reconcile the two national instruments being the NPSET and the NZCPS.</p>
99.78	CE - Coastal Environment - Rules Table /	<p><b>Relief sought:</b> Support Retain as notified.</p> <p><b>Reasoning:</b> Supports the note (and therefore the clarification) there are no specific Coastal Environment Chapter rules, and instead reliance on other PDP rules.</p>	<p><b>Officer Recommendation:</b> Accept</p> <p><b>Reasoning:</b>  154. Transpower (99.78) supports that there are no specific Coastal Environment rules.  159. There are no specific rules, within the coastal environment chapter, which means that other chapters, including zone provisions and district-wide provisions, must provide the opportunity to consider the Coastal Environment chapter when resource consent is required. This is typically achieved through matters of discretion and assessment criteria. A comprehensive review of relevant chapters across the District Plan is required to ensure the Coastal Environment chapter is effectively integrated across the Plan. Where changes are required to other chapters, this submission will be addressed within those s42A reports, and the appropriate changes recommended. I therefore recommended accepting submissions 202.18, FS 35.2020.18 and 289.178 in part, insofar as these submission points will also be addressed in the relevant chapters where changes are recommended. I do not consider that rules within the Coastal Environment chapter are necessary and therefore I recommend accepting submission 99.78 and rejecting submissions 289.138 and FS 399.289.138.</p> <p><b>Amended plan provision:</b>  No changes are recommended to the provision.</p>	<p>Support the recommendation on the basis no rules are proposed.</p>
99.79	CE - Coastal Environment /Introduction	<p><b>Relief sought:</b> Amend Amend the text as follows:  <i>This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district wide chapters of the District Plan. <u>The policy and rule framework for the operation, maintenance, upgrade and development of Network Utilities are managed in the Network Utilities Chapter.</u></i></p> <p><b>Reasoning:</b>  Transpower requests clarification on the relationship between the various district plan chapters. On the basis of the introductory text to the Network Utility Chapter ("To achieve this, the network utility provisions in the District Plan provide for the establishment, operation, and maintenance of network utilities throughout the district while managing their adverse effects on the environment (particularly in sensitive environments such as the coastal environment, outstanding and significant landscapes, significant natural areas, areas containing cultural or historic heritage values, and areas subject to natural hazards). As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District.") it is assumed the intent is the Coastal Environment Chapter would not apply to Network Utilities. Transpower</p>	<p><b>Officer Recommendation:</b> Reject</p> <p><b>Reasoning:</b>  93. Transpower (99.79) seeks to amend the introduction to provide clarity that the policy and rule and framework for the operation, maintenance, upgrade and development of network utilities is contained within the network utilities chapter.  99. Submission 99.79 seeks to amend the introduction to provide clarity that the policy and rule framework for the operation, maintenance, upgrade and development of network utilities is contained within the network utilities chapter. FS 351.99.79 from HBAL on the basis that rules in the NU chapter should not apply to Airport Activities. I recommend rejecting the submission. The Coastal Environment Chapter already includes within its introduction that the chapter must be considered alongside other district wide matters:</p> <p><i>This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district-wide chapters of the District Plan. District-wide matters include Network utilities therefore I think it is unnecessary to recommend that this be stated explicitly within the Coastal Environment chapter. I also note that the section titled 'Other relevant District Plan provisions' is recommended to be amended to include a broader statement noting that other spatial and district-wide chapters may be relevant to this chapter, in response to submission 189.9. Where appropriate, activities triggering resource consent within the Network Utilities chapter often include matters of discretion that enable the consideration of effects on matters such as biodiversity and the ecosystem, and natural character, landscape values – all matters that are relevant where these network utilities are located within the coastal environment, In this situation, the</i></p>	<p>Subject to the officer recommendations on the NU Chapter (to be provided at Hearing Stream 3), at this stage I accept the recommendation that the CE Chapter would apply to Network Utilities. However, I do reserve my position until Hearing Stream 3.</p> <p>By way of context, in its submission to the PDP Transpower sought amendment to the 'enabling' National Grid specific policy NU-P6 Adverse effects of the National Grid, to apply</p>

		<p>requests amended text to clarify the relationship between the plan chapters. Should this not be the intent, appropriate policy recognition is required for Network Utilities within the Coastal Environment Chapter.</p>	<p><i>objectives and policies of the Coastal Environment would also be relevant and considered as part of considering the appropriateness of an activity. I recommend accepting in part FS351.99.79 from HBAL as the network utility chapter is not being referenced specifically within the introduction of the Coastal Environment chapter. This further submission is otherwise not relevant to the Coastal Environment chapter as the relief sought is related to the Network Utilities chapter.</i></p> <p><b>Amended plan provision:</b> No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended, including the following.</p> <p><b>Other relevant District Plan provisions</b></p> <p>It is important to note that in addition to the provisions in this chapter, a number of other Part 2 district-wide chapters <u>and underlying spatial layers (eg zones)</u> also contain provisions that may be relevant for your activity. <u>including: It is recommended you check all District-Wide and spatial layer chapters when considering the provisions that relate to your activity.</u></p> <ul style="list-style-type: none"> <li>• <del>Ecosystems and Indigenous Biodiversity: Provisions relating to significant natural areas in the coastal environment are located in the Ecosystems and Indigenous Biodiversity chapter;</del></li> <li>• <del>Natural Features and Landscapes: Provisions relating to outstanding natural features and landscapes and special amenity landscapes in the coastal environment are located in the Natural Features and Landscapes chapter;</del></li> <li>• <del>Natural Hazards: Provisions relating to natural hazards affecting the coastal environment are located in the Natural Hazards chapter;</del></li> <li>• <del>Subdivision: Provisions relating to subdivision in the coastal environment are located in the Subdivision chapter, and</del></li> <li>• <del>Earthworks: Provisions relating to earthworks in the coastal environment are located in the Earthworks chapter.</del></li> </ul> <p><del>Resource consent may therefore be required under the rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</del></p>	<p>the 'seek to avoid' policy directive to the Coastal Environment and in recognition that there may be potential for some conflict between this policy and others in the PDP, insertion of a note to this policy to make it clear that this policy takes precedence, reflecting the national, regional and local significance of the National Grid.</p>		
99.87	NFL - Natural Features and Landscape //	<p><b>Relief sought:</b> Amend Clarify the relationship between the chapters, and rely solely on the Network Utilities chapter to manage network utilities. The applicability of the objectives and policies of the NFL chapter to the Network Utilities chapter also requires clarification.</p> <p><b>Reasoning:</b> Seeks clarification as to whether the Natural Features and Landscapes provisions are applicable to the Network Utilities provisions. Based on the introductory text of the Network Utilities chapter, it is assumed that the NFL chapter does not apply. Policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b> 37. <i>Transpower (99.87) seeks clarification as to whether the Natural Features and Landscapes provisions are applicable to the Network Utilities provisions and requests that the applicability of the objectives and policies of the NFL chapter to the Network Utilities chapter be clarified.</i> 51. <i>In response to the submissions regarding the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters, it is evident that further clarification is necessary. The NU chapter already establishes that its provisions apply across all zones, precincts, and overlays, with policies specifically aimed at managing the effects of network utilities on significant landscapes. This framework effectively balances the operational and functional requirements of utilities with the protection of natural features. Retaining relevant provisions within the NFL chapter could provide an additional layer of scrutiny for sensitive landscapes; however, this approach may complicate the usability of the plan and create unnecessary duplication of provisions. Rather than introducing new rules in the NFL chapter, which may lead to duplication, a more streamlined approach would be to add a clarifying statement in the introduction of the NFL chapter, clearly indicating that network utilities are governed by the NU chapter. This solution would maintain the integrity of the NFL chapter while ensuring that the management of network utilities is effectively addressed under the NU framework. Given this context, it is considered appropriate to relocate the relevant policy to the NU chapter and accept the proposed amendments, which ensure that adverse effects on special character landscapes are managed while considering the operational needs of network utilities.</i></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• <i>Policy Structure: Moving the policy ensures consistency and avoids duplication of provisions related to network utilities.</i></li> <li>• <i>Plan Usability: Streamlining the provisions into the NU chapter simplifies the plan for users.</i></li> <li>• <i>Effectiveness: Managing all network utilities-related provisions in the NU chapter allows for more comprehensive and effective control.</i></li> </ul> <p><i>I consider that the recommended approach:</i></p> <ul style="list-style-type: none"> <li>• <i>Will enable a more coherent approach to managing network utilities and landscapes;</i></li> <li>• <i>Will better achieve the strategic objectives and policies of both the NFL and NU chapters;</i></li> <li>• <i>Are not inconsistent with the relevant notified objectives and policies of the PDP; and</i></li> <li>• <i>Will ensure that network utilities' effects on natural landscapes are managed comprehensively under the NU framework.</i></li> </ul> <p><i>The environmental, economic, social, and cultural effects, as well as costs and benefits, of the recommended amendments, as they vary from the existing PDP Evaluation Report, are as follows:</i></p> <table border="1" data-bbox="1516 1879 2665 1906"> <tr> <td data-bbox="1516 1879 1765 1906">Environmental</td> <td data-bbox="1765 1879 2665 1906">The recommended amendments will continue to ensure that the</td> </tr> </table>	Environmental	The recommended amendments will continue to ensure that the	<p>Support in part the recommendation but do consider additional wording within the NFL Chapter to clarify the NU Chapter applies to network Utilities, would assist with plan interpretation and application. Refer hearing evidence for suggested wording.</p>
Environmental	The recommended amendments will continue to ensure that the					

			<table border="1"> <tr> <td data-bbox="1528 180 1765 348"></td> <td data-bbox="1765 180 2424 348"> <p>effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.</p> </td> </tr> <tr> <td data-bbox="1528 348 1765 457">Economic</td> <td data-bbox="1765 348 2424 457"> <p>The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.</p> </td> </tr> <tr> <td data-bbox="1528 457 1765 567">Social</td> <td data-bbox="1765 457 2424 567"> <p>By maintaining robust controls over the placement and effects of network utilities, the amendments will continue to protect the visual amenity and landscape character of significant areas, contributing to community well-being and preserving valued landscapes.</p> </td> </tr> <tr> <td data-bbox="1528 567 1765 701">Cultural</td> <td data-bbox="1765 567 2424 701"> <p>While the operational needs of utilities are important, they must be carefully balanced with cultural values. Protecting these landscapes should not be compromised by utility requirements. This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.</p> </td> </tr> </table>		<p>effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.</p>	Economic	<p>The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.</p>	Social	<p>By maintaining robust controls over the placement and effects of network utilities, the amendments will continue to protect the visual amenity and landscape character of significant areas, contributing to community well-being and preserving valued landscapes.</p>	Cultural	<p>While the operational needs of utilities are important, they must be carefully balanced with cultural values. Protecting these landscapes should not be compromised by utility requirements. This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.</p>	
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99.88	NFL - Natural Features and Landscape /Policies /NFL-P1: Identification of outstanding natural features, special character landscapes, and special character features	<p><b>Relief sought:</b> Support Retain the policy.</p> <p><b>Reasoning:</b> Supports the identification and mapping of the areas.</p>	<p>Having regard to s32AA, the recommended amendments to relocate NFL-P7 to the NU Chapter, along with the inclusion of operational needs, are the most effective and efficient means of achieving the objectives of the PDP. The relocation enhances the clarity and usability of the plan by streamlining provisions related to network utilities, ensuring these are managed holistically within the NU framework. Including the consideration of operational needs strikes an important balance between enabling essential infrastructure development and maintaining stringent controls over the effects of network utilities on sensitive landscapes. This approach ensures that utilities are managed comprehensively while safeguarding landscape values, providing better integration of policies.</p> <p>52. In response to the submissions concerning the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters, I consider that the clarity provided by moving the policy related to network utilities to the NU chapter as discussed above will address most of the relief sought. The Network Utilities chapter already provides adequate enablement for the essential work of utilities while managing their impacts on significant landscapes. This shift would streamline the management of utilities and make the plan more user-friendly, avoiding duplication of provisions. (page 23) 1. Hearing Stream 2 NFL Recommendation 4: Accept in part submissions 99.87, 99.93, FS 265.99.93, and 151.56 regarding clarifying the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters by relocating Policy 7 to the NU chapter and amending it to recognize operational needs. Reject submission 151.57, 151.58, and 151.59. Submissions related to enabling Network Utilities are accepted in part (99.96, 99.89, 99.94, 99.95, 168.65, 168.66, 168.67, 168.68) except for submissions 151.59, 151.58 and 151.57, which are rejected.</p> <p><b>Amended plan provision:</b></p> <p><del>NFL P7: Manage the effects of network utilities on Outstanding Natural Features, Special Character Landscapes and Features</del></p> <p><del>Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features and special character features</del></p> <p><del>Avoid, remedy, or mitigate the adverse effects of network utilities on special character landscapes and special character features while considering any functional or operational needs of the network utility.</del></p> <p><del>Relates to NFL-Q2 and NFL-Q3.</del></p> <p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p><b>Amended plan provision:</b></p>	Support the recommendation on the basis the NFL Chapter (and therefore policy NFL-P1) would not apply to network utilities.								



99.89	NFL - Natural Features and Landscape /Policies /NFL-P2: Protection of Ōtātara as an outstanding natural feature	<p><b>Relief sought:</b> Amend</p> <p>Should policy NLF-P2 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p> <p><b>Reasoning:</b></p> <p>Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.</p> <p>Should policy NLF-P2 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p>50. Transpower (99.89, 99.90, 99.91, 99.92) seek amendments to policies NFL-P2, P3, and P4 to align with NPSET Policy 8, which directs councils to "seek to avoid" certain effects on the National Grid. They also seek deletion or amendment of NFL-P7 to reflect a more flexible approach to managing network utilities in line with NPSET.</p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Policy Structure: Moving the policy ensures consistency and avoids duplication of provisions related to network utilities.</li> <li>• Plan Usability: Streamlining the provisions into the NU chapter simplifies the plan for users.</li> <li>• Effectiveness: Managing all network utilities-related provisions in the NU chapter allows for more comprehensive and effective control.</li> </ul> <p>I consider that the recommended approach:</p> <ul style="list-style-type: none"> <li>• Will enable a more coherent approach to managing network utilities and landscapes;</li> <li>• Will better achieve the strategic objectives and policies of both the NFL and NU chapters;</li> <li>• Are not inconsistent with the relevant notified objectives and policies of the PDP; and</li> <li>• Will ensure that network utilities' effects on natural landscapes are managed comprehensively under the NU framework.</li> </ul> <p>The environmental, economic, social, and cultural effects, as well as costs and benefits, of the recommended amendments, as they vary from the existing PDP Evaluation Report, are as follows:</p> <table border="1" data-bbox="1525 758 2436 1310"> <tr> <td data-bbox="1525 758 1768 951">Environmental</td> <td data-bbox="1768 758 2436 951">The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. 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This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.</td> </tr> </table> <p>Having regard to s32AA, the recommended amendments to relocate NFL-P7 to the NU Chapter, along with the inclusion of operational needs, are the most effective and efficient means of achieving the objectives of the PDP. The relocation enhances the clarity and usability of the plan by streamlining provisions related to network utilities, ensuring these are managed holistically within the NU framework. Including the consideration of operational needs strikes an important balance between enabling essential infrastructure development and maintaining stringent controls over the effects of network utilities on sensitive landscapes. This approach ensures that utilities are managed comprehensively while safeguarding landscape values, providing better integration of policies.</p> <p>54. In response to Transpower (99.94, 99.95, 99.89, 99.90, 99.91, and 99.92), I consider that the clarity provided by moving the policy regarding network utilities to the NU chapter resolves the concerns raised. The NU chapter is already aligned with the National Policy Statement on Electricity Transmission (NPSET), and the rule structure ensures that the development of the National Grid and similar utilities is effectively managed within the framework of district-wide utility management. There is no need for further amendments, as the current framework sufficiently meets NPSET requirements.</p> <p><b>Amended plan provision:</b></p> <p>No changes are recommended to the provision</p>	Environmental	The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.	Economic	The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.	Social	By maintaining robust controls over the placement and effects of network utilities, the amendments will continue to protect the visual amenity and landscape character of significant areas, contributing to community well-being and preserving valued landscapes.	Cultural	While the operational needs of utilities are important, they must be carefully balanced with cultural values. Protecting these landscapes should not be compromised by utility requirements. This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.	Support the recommendation on the basis the NFL Chapter (and therefore policy NFL-P2) would not apply to network utilities.
Environmental	The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.											
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99.90	NFL - Natural Features and Landscape /Policies /NFL-P3: Protection of special character features	<p><b>Relief sought:</b> Amend</p> <p>Should policy NLF-P3 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p>Refer reasoning for 99.89</p>	Support the recommendation on the basis the NFL Chapter (and therefore policy NFL-P3) would not apply								

		<p><b>Reasoning:</b> Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.</p> <p>Should policy NLF-P3 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p>	<p><b>Amended plan provision:</b> No changes are recommended to the provision</p>	to network utilities.
99.91	NFL - Natural Features and Landscape /Policies /NFL-P4: Protection of special character landscapes	<p><b>Relief sought:</b> Amend Should policy NLF-P4 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission. The policy title of NFL-P4 requires amendment to replace 'protection' with 'minimise' to more correctly articulate the policy wording.</p> <p><b>Reasoning:</b> Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.</p> <p>Should policy NLF-P4 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b> <i>Refer reasoning for 99.89</i></p> <p><b>Amended plan provision:</b> No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended.</p> <p><b>NFL-P4: Protection of special character landscapes</b> <u>Protect special character landscapes by managing the effects of development through avoiding, remedying, or mitigating adverse impacts, including by:</u></p> <ul style="list-style-type: none"> <li>a. limiting the scale of earthworks, managing building sizes, colours, and plantation forestry.</li> <li>b. <u>in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.</u></li> </ul> <p><i>Relates to NFL-O3</i></p>	Support the recommendation on the basis the NFL Chapter (and therefore policy NFL-P4) would not apply to network utilities.
99.92	NFL - Natural Features and Landscape /Policies /NFL-P7: Manage the effects of network utilities	<p><b>Relief sought:</b> Oppose Delete NFL-P7. Should policy NLF-P7 be retained or apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. The directive "avoid" wording within NFL-P7 does not give effect to the NPSET. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p> <p><b>Reasoning:</b> Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.</p> <p>Transpower seeks deletion of NFL-P7. Should policy NLF-P7 be retained or apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. The directive "avoid" wording within NFL-P7 does not give effect to the NPSET. Potential wording is provided in NU-P6 as sought to be amended through this submission.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b> <i>Refer reasoning for 99.89</i></p> <p><b>Amended plan provision:</b> <del>NFL-P7: Manage the effects of network utilities on Outstanding Natural Features, Special Character Landscapes and Features</del> <del>Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features and special character features</del> <del>Avoid, remedy, or mitigate the adverse effects of network utilities on special character landscapes and special character features while considering any functional or operational needs of the network utility.</del> <del>Relates to NFL-O2 and NFL-O3.</del></p>	Acknowledging the Network Utility provisions are to be heard as part of Hearing Stream 3 (scheduled for March 2025), on the basis the National Grid specific policy NU-P6 takes precedence, at this stage I accept the recommendation. However, I do reserve my position. The application of the policy to the National Grid would not give effect to the NPSET in that it contains an avoid directive inconsistent with the NPSET.

99.93	/NFL -Natural Features and Landscapes - Rules Table /	<p><b>Relief sought:</b> Amend</p> <p>Amend the introductory text to the NFL rules as follows:  <i>All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated. <u>However the rules do not apply to Network Utilities. Instead Network Utilities are managed under the Network Utilities Chapter.</u></i></p> <p><b>Reasoning:</b></p> <p>The relationship and applicability between the NFL chapter and the NU chapter is required. Based on the introductory text to the NU chapter, it is assumed that the rules of the NFL chapter to not apply. If this is not the case, this requires clarification as this is potentially contradictory to the above statement in the NFL chapter.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p>38. Transpower (99.93) seeks clarification on the relationship between the NFL chapter and the Network Utilities chapter and requests that the rules of the NFL chapter be amended to exclude network utilities, which should be managed under the Network Utilities Chapter. • All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated. However the rules do not apply to Network Utilities. Instead Network Utilities are managed under the Network Utilities Chapter.</p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Policy Structure: Moving the policy ensures consistency and avoids duplication of provisions related to network utilities.</li> <li>• Plan Usability: Streamlining the provisions into the NU chapter simplifies the plan for users.</li> <li>• Effectiveness: Managing all network utilities-related provisions in the NU chapter allows for more comprehensive and effective control.</li> </ul> <p>I consider that the recommended approach:</p> <ul style="list-style-type: none"> <li>• Will enable a more coherent approach to managing network utilities and landscapes;</li> <li>• Will better achieve the strategic objectives and policies of both the NFL and NU chapters;</li> <li>• Are not inconsistent with the relevant notified objectives and policies of the PDP; and</li> <li>• Will ensure that network utilities' effects on natural landscapes are managed comprehensively under the NU framework.</li> </ul> <p>The environmental, economic, social, and cultural effects, as well as costs and benefits, of the recommended amendments, as they vary from the existing PDP Evaluation Report, are as follows:</p> <table border="1" data-bbox="1516 814 2436 1367"> <tr> <td data-bbox="1516 814 1765 1003">Environmental</td> <td data-bbox="1765 814 2436 1003">The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. 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In response to the submissions concerning the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters, I consider that the clarity provided by moving the policy related to network utilities to the NU chapter as discussed above will address most of the relief sought. The Network Utilities chapter already provides adequate enablement for the essential work of utilities while managing their impacts on significant landscapes. This shift would streamline the management of utilities and make the plan more user-friendly, avoiding duplication of provisions.</p> <p>(Page 23) 1. Hearing Stream 2 NFL Recommendation 4: Accept in part submissions 99.87, 99.93, FS 265.99.93, and 151.56 regarding clarifying the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters by relocating Policy 7 to the NU chapter and amending it to recognize operational needs. Reject submission 151.57, 151.58, and 151.59. Submissions related to enabling Network Utilities are accepted in part (99.96, 99.89, 99.94, 99.95, 168.65, 168.66, 168.67, 168.68) except for submissions 151.59, 151.58 and 151.57, which are rejected.</p>	Environmental	The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.	Economic	The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.	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			<p><b>Amended plan provision:</b>  <b>NFL - Natural Features and Landscapes - Rules Table</b></p> <p>All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated, with the exception of <u>Network Utilities Activities which are managed by the Network Utilities Chapter, and Earthworks Chapter, EW-R4 and EW-R5 as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.</u></p>									
99.94	/NFL - Natural Features and Landscapes - Rules Table /NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	<p><b>Relief sought:</b> Oppose</p> <p>Should Rule NLF-R2 apply to the National Grid, Transpower seeks amendment to the rule on the basis a non complying activity status for the development of the National Grid does not give effect to the NPSET.</p> <p><b>Reasoning:</b>  Based on the introductory text of the NU chapter, it is assumed that the NFL chapter does not apply to the NU chapter. If this is not the case, this requires clarification.</p> <p>Should Rule NLF-R2 apply to the National Grid, Transpower seeks amendment to the rule on the basis a non complying activity status for the development of the National Grid does not give effect to the NPSET.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b>  42. <i>Transpower (99.94) 99.95) Request amendments to NFL-R2 to align with the National Policy Statement on Electricity Transmission (NPSET) and to adjust the activity status of network utility developments in outstanding natural features and special character landscapes. Also accepts the default restricted discretionary activity status under Rule NLF-R3 if it applies to the National Grid.</i></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• <i>Policy Structure: Moving the policy ensures consistency and avoids duplication of provisions related to network utilities.</i></li> <li>• <i>Plan Usability: Streamlining the provisions into the NU chapter simplifies the plan for users.</i></li> <li>• <i>Effectiveness: Managing all network utilities-related provisions in the NU chapter allows for more comprehensive and effective control.</i></li> </ul> <p><i>I consider that the recommended approach:</i></p> <ul style="list-style-type: none"> <li>• <i>Will enable a more coherent approach to managing network utilities and landscapes;</i></li> <li>• <i>Will better achieve the strategic objectives and policies of both the NFL and NU chapters;</i></li> <li>• <i>Are not inconsistent with the relevant notified objectives and policies of the PDP; and</i></li> <li>• <i>Will ensure that network utilities' effects on natural landscapes are managed comprehensively under the NU framework.</i></li> </ul> <p><i>The environmental, economic, social, and cultural effects, as well as costs and benefits, of the recommended amendments, as they vary from the existing PDP Evaluation Report, are as follows:</i></p> <table border="1" data-bbox="1528 976 2433 1528"> <tr> <td><i>Environmental</i></td> <td><i>The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. 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In response to Transpower (99.94, 99.95, 99.89, 99.90, 99.91, and 99.92), I consider that the clarity provided by moving the policy regarding network utilities to the NU chapter resolves the concerns raised. The NU chapter is already aligned with the National Policy Statement on Electricity Transmission (NPSET), and the rule structure ensures that the development of the National Grid and similar utilities is effectively managed within the framework of district-wide utility management. There is no need for further amendments, as the current framework sufficiently meets NPSET requirements.</i></p>	<i>Environmental</i>	<i>The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. 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This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.</i>	Support the recommendation on the basis the NFL Chapter (and therefore the rules) would not apply to network utilities. The recommended wording is supported.
<i>Environmental</i>	<i>The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.</i>											
<i>Economic</i>	<i>The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.</i>											
<i>Social</i>	<i>By maintaining robust controls over the placement and effects of network utilities, the amendments will continue to protect the visual amenity and landscape character of significant areas, contributing to community well-being and preserving valued landscapes.</i>											
<i>Cultural</i>	<i>While the operational needs of utilities are important, they must be carefully balanced with cultural values. Protecting these landscapes should not be compromised by utility requirements. This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.</i>											

			<p>(Page 23) 1. Hearing Stream 2 NFL Recommendation 4: Accept in part submissions 99.87, 99.93, FS 265.99.93, and 151.56 regarding clarifying the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters by relocating Policy 7 to the NU chapter and amending it to recognize operational needs. Reject submission 151.57, 151.58, and 151.59. Submissions related to enabling Network Utilities are accepted in part (99.96, 99.89, 99.94, 99.95, 168.65, 168.66, 168.67, 168.68) except for submissions 151.59, 151.58 and 151.57, which are rejected.</p> <p><b>Amended plan provision:</b></p>										
99.95	NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	<p><b>Relief sought:</b> Support</p> <p>Should Rule NLF-R3 apply to the National Grid, Transpower accepts the default restricted discretionary activity status.</p> <p><b>Reasoning:</b></p> <p>Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. If this is not the case, this requires clarification.</p> <p>Should Rule NLF-R3 apply to the National Grid, Transpower accepts the default restricted discretionary activity status.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p>Refer reasoning for 99.94</p> <p><b>Amended plan provision:</b></p> <p>No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended.</p> <table border="1" data-bbox="1525 709 2368 1230"> <tr> <td colspan="2"><b>NFL-R3: Buildings or structures within a special character landscape and special character features (excluding the Special Purpose Airport Zone)</b></td> </tr> <tr> <td><b>NFL-R4A</b></td> <td><b>NFL-R4B</b></td> </tr> <tr> <td><b>Activity Status:</b> Permitted</td> <td><b>Activity Status where activity conditions are not met:</b> Restricted Discretionary</td> </tr> <tr> <td><b>Where:</b></td> <td><b>Matters of discretion are:</b></td> </tr> <tr> <td> <ol style="list-style-type: none"> <li>1. No part of a building or structure: <ol style="list-style-type: none"> <li>a. exceeds 3 m in height;</li> <li>b. has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;</li> <li>c. gross floor area does not exceed 300 m<sup>2</sup>, and</li> <li>d. compliance with all other building permitted activity standards in the underlying zone.</li> <li>e. <u>the building or structure is not in the Coastal Environment Overlay.</u></li> </ol> </li> </ol> </td> <td> <ol style="list-style-type: none"> <li>1. Visual impact;</li> <li>2. Landscape values, and</li> <li>3. Cultural values.</li> </ol> <p><b>Notification Status:</b> Any application under this rule is precluded from being publicly notified.</p> </td> </tr> </table>	<b>NFL-R3: Buildings or structures within a special character landscape and special character features (excluding the Special Purpose Airport Zone)</b>		<b>NFL-R4A</b>	<b>NFL-R4B</b>	<b>Activity Status:</b> Permitted	<b>Activity Status where activity conditions are not met:</b> Restricted Discretionary	<b>Where:</b>	<b>Matters of discretion are:</b>	<ol style="list-style-type: none"> <li>1. No part of a building or structure: <ol style="list-style-type: none"> <li>a. exceeds 3 m in height;</li> <li>b. has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;</li> <li>c. gross floor area does not exceed 300 m<sup>2</sup>, and</li> <li>d. compliance with all other building permitted activity standards in the underlying zone.</li> <li>e. <u>the building or structure is not in the Coastal Environment Overlay.</u></li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Visual impact;</li> <li>2. Landscape values, and</li> <li>3. Cultural values.</li> </ol> <p><b>Notification Status:</b> Any application under this rule is precluded from being publicly notified.</p>
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99.96	NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	<p><b>Relief sought:</b> Amend</p> <p>Amend NFL-AC2 as follows:</p> <p><i>NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2) Visual impact and landscape values</i></p> <p>a. <i>The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context.</i></p> <p>b. <i>Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape.</i></p> <p>c. <i>Whether there are any practical alternatives to the location of the building <u>or structure, and any operational or functional needs.</u></i></p> <p>...</p> <p><b>Reasoning:</b></p> <p>Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. If this is not the case, this requires clarification.</p> <p>Based on the above, should the NLF chapter apply to the National Grid, Transpower seeks amendment to the assessment criteria to include operational or functional need.</p>	<p><b>Officer Recommendation:</b> Accept in part</p> <p><b>Reasoning:</b></p> <p>41. Transpower (99.96) seeks an amendment to the assessment criteria in NFL-AC2 to include operational or functional needs for buildings or structures within outstanding natural features and special character features and within special character landscapes. KiwiRail (FS 265.99.96) supports the suggested additional matter of consideration for greater recognition of the needs of network utilities in the assessment criteria.</p> <ul style="list-style-type: none"> <li>• Amend NFL-AC2 as follows: <p><i>NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2) Visual impact and landscape values</i></p> <ol style="list-style-type: none"> <li>a. <i>The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context.</i></li> <li>b. <i>Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape.</i></li> <li>c. <i>Whether there are any practical alternatives to the location of the building <u>or structure, and any operational or functional needs.</u></i></li> </ol> </li> </ul> <p>53. In response to Transpower (99.96), I consider that the proposed amendment to include operational or functional needs in the assessment criteria (NFL-AC2) for buildings and structures within outstanding natural features and special character landscapes is not necessary. The policy and provisions relating to NU are to be moved to the Network Utilities (NU) chapter, where such considerations are more appropriately addressed. The rules in the NFL chapter primarily focus on landscape and visual impacts, which do not require operational needs to be considered in this context.</p> <p>(Page 23) 1. Hearing Stream 2 NFL Recommendation 4: Accept in part submissions 99.87, 99.93, FS 265.99.93, and 151.56</p>	<p>Support the recommendation on the basis the NFL Chapter (and therefore the rules) would not apply to network utilities. The recommended wording is supported.</p> <p>Support the recommendation on the basis the NFL Chapter (and therefore the assessment criteria) would not apply to network utilities. The recommended wording is supported.</p>									

			<p>regarding clarifying the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters by relocating Policy 7 to the NU chapter and amending it to recognize operational needs. Reject submission 151.57, 151.58, and 151.59. Submissions related to enabling Network Utilities are accepted in part (99.96, 99.89, 99.94, 99.95, 168.65, 168.66, 168.67, 168.68) except for submissions 151.59, 151.58 and 151.57, which are rejected.</p> <p><b>Amended plan provision:</b> No changes are recommended to the provision in response to the Transpower relief, but other relief has been recommended.</p> <p><b>NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)</b></p> <p><i>Visual impact and landscape values</i></p> <ol style="list-style-type: none"> <li>The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context.</li> <li>Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape.</li> <li>Whether there are any practical alternatives to the location of the building.</li> <li>Whether building design and appearance are appropriate, taking into account the vulnerability of the landscape to accommodate change.</li> <li>The scale of modification to the landscape, including any indigenous vegetation removal.</li> <li>Whether access roads, utilities (power, phone, pipe work, and water tanks) are appropriately designed and sited to reduce their visibility.</li> <li>The extent to which landscape design is able to provide a visual buffer to mitigate any visual impact of the building or structure.</li> <li><u>The extent to which view shafts are accommodated in the consideration of location of a building or structure</u></li> <li><u>The extent to which significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied or mitigated.</u></li> </ol>
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## Appendix C

### Specific relief recommended through this evidence

Amendments recommended in the S42A report are shown as red text. Further amendments recommended through this evidence are shown as blue text

#### 1. **Insert a new Rule SUB-RXX National Grid Subdivision Corridor**

**SUB-RXX Subdivision within the National Grid Subdivision Corridor All Zones and Overlays Areas**

**1. Activity Status: Restricted Discretionary**

**Where the following condition is met:**

**b. Compliance with: SUB-S9 National Grid Subdivision Corridor.**

**Matters of discretion are restricted to:**

**The matters in SUB-AC9**

**2. Activity status where compliance with SUB-S9 is not achieved: Non complying**

**Note: All other relevant Subdivision rules and standards apply in addition to this rule.**

**Notification: Any application under this rule is precluded from being publicly notified.**

**When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.**

#### 2. **And Consequential Amendment –**

**Remove Reference to SUB-S9 from Rules SUB-R1, R3, R4, R5, R7, R8, R15 and R16**

#### 3. **SUB-AC9: National Grid Subdivision Corridor**

**SUB-AC9: National Grid Subdivision Corridor**

***a. The extent to which the subdivision design allows for the ongoing efficient operation, maintenance, upgrading, and development of the National Grid, including the ability for continued reasonable access for inspections, maintenance, and upgrading.***

- b. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to provide a complying building platform outside of the National Grid Yard.
- c. The risk of electrical hazards affecting public or individual safety and the risk of property damage.
- d. The nature and location of any vegetation to be planted in the vicinity of the National Grid and how such landscaping will impact on the operation, maintenance, upgrade, and development (including access) of the National Grid.
- e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and amenity and nuisance effects of the National Grid asset.
- f. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance from electrical networks requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
- g. The outcome of any technical advice provided by Transpower.

#### 4. Amend Network Utilities: Introduction

##### **NU – Network Utilities**

##### **Introduction**

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To achieve this, the network utility provisions in the District Plan provide for the establishment, operation, and maintenance of network utilities throughout the district while managing their adverse effects on the environment (particularly in sensitive environments such as the coastal environment, outstanding and significant landscapes, significant natural areas, areas containing cultural or historic heritage values, and areas subject to natural hazards). As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply to Network Utilities across the District. As such, the Network Utilities chapter is stand alone as it applies to Network Utility Operators and rules in other chapters do not apply. The exception to this is rules EW-R4 and EW-R5 within the Earthworks Chapter, as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.



Provisions to manage the effects of other activities on network utilities (including state highway and rail corridors, the electricity distribution network, ~~the National Grid~~, and gas transmission pipelines) are contained, in the relevant chapters for zones and precincts, special overlays, and district-wide chapters such as the Noise chapter. Provisions to manage the effects of land use activities on the National Grid are contained in the Network Utilities Chapter, with earthworks within the National Grid Yard managed in the Earthworks Chapter and subdivision within the National Grid Subdivision Corridor managed in the Subdivision Chapter.

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## 5. Amend NFL - Natural Features and Landscapes: Introduction

### **NFL - Natural Features and Landscapes**

#### **Introduction**

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Other chapters of the District Plan may be relevant when considering land use and subdivision activities. It is recommended you check all District-Wide and underlying spatial chapters when considering the provisions that relate to your Zone, noting that Network Utilities are managed in the Network Utilities Chapter and the Natural Features and Landscapes Chapter does not apply.

~~The provisions that relate to Special Character Landscapes do not apply within the Special Purpose Airport Zone. The Special Purpose Airport Zone protects the natural and cultural values of these landscapes and features by identifying View Shafts Control Areas and Landscape Sensitive Control Areas.~~

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