
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 15/12/2023

Submission Reference Number #:172

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

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Attachments:

2023.12.15 Powerco Submission Napier PDP.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

Submission points

Point 172.1

Section: General Approach

Sub-section: Permitted baseline

Provision:

The permitted baseline test will not be applied where:

- a. the application of the baseline would be inconsistent with Part 2 of the RMA;
- b. the permitted activity baseline has uncertainties, is fanciful, or not credible, and
- c. the application of the baseline would be inconsistent with objectives and policies in the District Plan.

Sentiment: Amend

Submission:

If the Plan provides for an activity as a permitted activity, then those effects are anticipated and should be included in the permitted baseline test.

Relief sought

The permitted baseline test will not be applied where:

- ~~a. the application of the baseline would be inconsistent with Part 2 of the RMA;~~
 - ~~b. the permitted activity baseline has uncertainties, is fanciful, or not credible, and~~
 - ~~c. the application of the baseline would be inconsistent with objectives and policies in the District Plan.~~
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Point 172.2

Section: General Approach

Sub-section: Zoning of roads, railways, and rivers

Provision:

All public roads (including state highways), railways, and rivers are zoned the same as the zoning of adjoining sites. Where a different zone applies on either side of the road, railway, or river, then the zoning will apply to the centreline of the road, railway, or river.

Sentiment: Support

Submission:

As the majority of Powerco assets are located within roads, it supports the clarification of zoning that will apply to roads.

Relief sought

Retain as drafted.

Point 172.3

Section: Definitions

Sub-section: Definitions

Provision:

DEVELOPMENT | means the erection or placement of buildings and structures, and/or the resurfacing of land.

Sentiment: Amend

Submission:

Powerco is concerned that the definition would inappropriately capture infrastructure. The term is utilised to broadly characterise development in the Strategic Direction and Financial Contributions chapters, however it should not apply to infrastructure. For example, the introduction to the Strategic Direction for Sustainability, Resilience, and Climate Change states '*New developments must be designed to incorporate sustainable design principles such as water sensitive design and low-impact stormwater management...*' Clearly it would be inappropriate to apply such a consideration to gas networks. It is noted that the term 'infrastructure' is individually referenced throughout these chapters.

Relief sought

DEVELOPMENT | means the erection or placement of buildings and structures, and/or the resurfacing of land, but excludes infrastructure.

Point 172.4

Section: Definitions

Sub-section: Definitions

Provision:

EARTHWORKS | means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand, and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Sentiment: Support

Submission:

Powerco supports this national planning standards definition.

Relief sought

Retain as drafted.

Point 172.5

Section: Definitions

Sub-section: Definitions

Provision:

FUNCTIONAL NEED | means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Sentiment: Support

Submission:

Powerco supports this national planning standards definition.

Relief sought

Retain as drafted.

Point 172.6

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 2 of the RMA (as below):

means:

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
- b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
- c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - i. uses them in connection with the generation of electricity for the person's use; and
 - ii. does not use them to generate any electricity for supply to any other person:
- e. a water supply distribution system, including a system for irrigation:
- f. a drainage or sewerage system:
- g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- h. facilities for the loading or unloading of cargo or passengers transported on land by any means:
 - i. an airport as defined in section 2 of the Airport Authorities Act 1966:
 - j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
- k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

INFRASTRUCTURE

Sentiment: Support

Submission:

Powerco supports this definition as contained in s2 of the RMA.

Relief sought

Retain as drafted.

Point 172.7

Section: Definitions

Sub-section: Definitions

Provision:

MAINTENANCE (NETWORK UTILITIES)

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.

Sentiment: Amend

Submission:

Powerco generally supports this definition however specific reference to pipelines needs to be included.

Relief sought

MAINTENANCE (NETWORK UTILITIES)

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, pipeline, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.

Point 172.8

Section: Definitions

Sub-section: Definitions

Provision:

MINOR UPGRADING OF NETWORK UTILITIES

means an increase in the capacity, efficiency, or security of existing infrastructure where this utilises existing structures and networks and/or structures and networks of a similar scale and character.

Sentiment: Amend

Submission:

Powerco supports the need for this definition, however it needs to be clear that replacement structures or networks are anticipated under this definition. Upgrading works often entail replacement components.

Relief sought

MINOR UPGRADING OF NETWORK UTILITIES

means an increase in the capacity, efficiency, or security of existing infrastructure where this utilises existing structures and networks and/or replacement structures and networks of a similar scale and character.

Point 172.9

Section: Definitions

Sub-section: Definitions

Provision:

NETWORK UTILITY

a project, work, system or structure that is a network utility operation undertaken by a network utility operator.

Sentiment: Support

Submission:

Powerco supports this definition and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.10

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 166 of the RMA (as below):

means a person who:

- a. undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- b. operates or proposes to operate a network for the purpose of:
 - i. telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - ii. radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
- c. is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- d. undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- e. undertakes or proposes to undertake a drainage or sewerage system; or
- f. constructs, operates, or proposes to construct or operate, a road or railway line; or
- g. is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- i. undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,

and the words **network utility operation** have a corresponding meaning.

NETWORK UTILITY
OPERATOR

Sentiment: Support

Submission:

Powerco supports this national planning standards definition.

Relief sought

Retain as drafted.

Point 172.11

Section: Definitions

Sub-section: Definitions

Provision:

OPERATIONAL NEED

means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Sentiment: Support

Submission:

Powerco supports this national planning standards definition.

Relief sought

Retain as drafted.

Point 172.12

Section: Definitions

Sub-section: Definitions

Provision:

TEMPORARY
INFRASTRUCTURE

Short-term structures and activities undertaken by a network utility operator as defined by the Resource Management Act 1991, including the operation of generators such as diesel powered generators.

Sentiment: Support

Submission:

Powerco supports this definition and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.13

Section: Definitions

Sub-section: Definitions

Provision:

UPGRADING (NETWORK
UTILITIES)

as it applies to network utilities, means the replacement, repair or renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes 'maintenance'.

Sentiment: Amend

Submission:

Powerco supports the need for this definition, however as there is also a definition of 'minor upgrading' in the Plan this also needs to be excluded from this definition for clarity.

Relief sought

UPGRADING (NETWORK UTILITIES)

as it applies to network utilities, means the replacement, repair or renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes 'maintenance' and 'minor upgrading'.

Point 172.14

Section: SD - Historic and Cultural Heritage

Sub-section: Objectives

Provision:

SD-HH-O1: Character, culture, heritage, and landscapes

Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, protected, and enhanced.

Sentiment: Amend

Submission:

Powerco notes that this objective will need to be assessed for any application for resource consent that is discretionary or non-complying. We are concerned that the inclusion of 'protection' in this objective would likely be used as grounds to decline an application for resource consent.

Relief sought

SD-HH-O1: Character, culture, heritage, and landscapes

Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, ~~protected,~~ and enhanced.

Point 172.15

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

SD-TI-O1: Enabling infrastructure

Infrastructure that supports economic growth, including the port, airport, transportation, and electricity transmission networks, is enabled and protected.

Sentiment: Support

Submission:

Powerco supports this objective and the clarity which it provides

Relief sought

Retain as drafted.

Point 172.16

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

SD-TI-O3: Managing adverse effects of infrastructure

The adverse effects of infrastructure are managed with regard to the economic, social, environmental, and cultural benefits and the technical and operational needs of infrastructure.

Sentiment: Support

Submission:

Powerco supports this objective and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.17

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

SD-TI-O4: Significant infrastructure and reverse sensitivity

Significant infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects.

Sentiment: Support

Submission:

Powerco supports this objective and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.18

Section: NU - Network utilities

Sub-section: Objectives

Provision:

NU-O1: Essential role of network utilities

Safe, effective, efficient, and resilient network utilities throughout the city, that provide essential integrated and secure services, including in emergencies, and enable people and communities to provide for their health, safety, and wellbeing.

Relates to NU-11

Sentiment: Amend

Submission:

Powerco supports the intent of this objective, however it is lacking clarity as to what it is trying to achieve. Issue NU-11 states that adequate provision of network utilities is vital – as such, adding the words 'are enabled' is appropriate.

Relief sought

NU-O1: Essential role of network utilities

Safe, effective, efficient, and resilient network utilities throughout the city, that provide essential integrated and secure services are enabled, including in emergencies, and enable people and communities to provide for their health, safety, and wellbeing.

Relates to NU-11

Point 172.19

Section: NU - Network utilities

Sub-section: Objectives

Provision:

NU-O2: Adverse effects of network utilities

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

Relates to NU-12

Sentiment: Support

Submission:

Powerco supports this objective and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.20

Section: NU - Network utilities

Sub-section: Objectives

Provision:

NU-O3: Adverse effects on network utilities

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

Relates to NU-13

Sentiment: Support

Submission:

Powerco supports this objective and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.21

Section: NU - Network utilities

Sub-section: Policies

Provision:

NU-P1: Essential role of network utilities

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

- a. enabling the operation, maintenance, repair, minor upgrade and removal of network utilities throughout the city;
- b. providing for upgrades to, and the development of, new network utilities;
- c. providing flexibility for network utilities to adopt new technologies that improve access to and efficient use of networks and services, allow for reuse of redundant services or structures, increase resilience, safety, reliability, or result in environmental benefits and enhancements, and
- d. recognising the functional and operational needs of network utilities.

Relates to NU-O1

Sentiment: Support

Submission:

Powerco supports this policy and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.22

Section: NU - Network utilities

Sub-section: Policies

Provision:

NU-P2: Adverse effects of network utilities

Require the development, operation, maintenance, repair, upgrading, and removal of infrastructure to avoid, remedy, or mitigate adverse effects, including by:

- a. avoiding, remedying or mitigating adverse effects on:
 - i. natural and physical resources;
 - ii. amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;

- iii. the safe and efficient operation of other network utilities, including effects on electricity distribution, electricity transmission and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks, and
 - iv. the health, wellbeing, and safety of people and communities, including by minimising risks from exposure to radiofrequency fields, electric and magnetic fields, and from natural hazards.
- b. requiring compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields, and electric and magnetic fields.
 - c. encouraging the progressive undergrounding of appropriate network utilities where technically feasible and practicable.
 - d. encouraging the co-siting and sharing of facilities and other innovative solutions.
 - e. encouraging the removal of redundant and superseded above ground network utility facilities.

Relates to NU-O2

Sentiment: Amend

Submission:

Powerco is concerned that the broad inclusion of amenity values in this policy will become problematic for network utilities as this term is very subjective.

Relief sought

NU-P2: Adverse effects of network utilities

Require the development, operation, maintenance, repair, upgrading, and removal of infrastructure to avoid, remedy, or mitigate adverse effects, including by:

- a. avoiding, remedying or mitigating adverse effects on:
 - i. natural and physical resources;
 - ii. ~~amenity values, including from~~ shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;
 - iii. the safe and efficient operation of other network utilities, including effects on electricity distribution, electricity transmission and the National Grid, gas transmission pipelines, road and rail networks, and infrastructural service networks, and
 - iv. the health, wellbeing, and safety of people and communities, including by minimising risks from exposure to radiofrequency fields, electric and magnetic fields, and from natural hazards.
- b. requiring compliance with recognised standards and guidelines for the potential adverse effects of noise, vibration, radiofrequency fields, and electric and magnetic fields.
- c. encouraging the progressive undergrounding of appropriate network utilities where technically feasible and practicable.
- d. encouraging the co-siting and sharing of facilities and other innovative solutions.
- e. encouraging the removal of redundant and superseded above ground network utility facilities.

Relates to NU-O2

Point 172.23

Section: NU - Network utilities

Sub-section: Policies

Provision:

NU-P3: Adverse effects of network utilities on protected areas and sites of significance

- 1. Manage the adverse effects of upgrades to and development of new network utilities on:

- a. outstanding natural features and significant landscapes;
- b. significant natural areas;
- c. sites of significance to Māori, and
- d. historic heritage areas, heritage items, and notable trees.

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

2. Manage the adverse effects of upgrades to and the development of new network utilities on the values and attributes of areas identified in the District Plan as:
 - a. high natural character areas;
 - b. heritage character areas, and
 - c. significant amenity features.

Relates to NU-O2

Sentiment: Support

Submission:

Powerco supports this policy and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.24

Section: NU - Network utilities

Sub-section: Policies

Provision:

NU-P4: Adverse effects on network utilities

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:

- a. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;
- b. managing new activities that are sensitive to noise adjoining the railway corridor;
- c. managing access to the railway corridor and to the national, regional, and arterial road network;
- d. managing light spill and glare from activities on road users and aircraft;
- e. avoiding physical obstructions within the Airport Zone;
- f. managing land disturbance and activities in the vicinity of electricity distribution infrastructure including cables, poles, and substations, and maintaining safe electrical clearance distances under electricity distribution lines and support structures;
- g. ensuring that land disturbance, subdivision, and activities within the National Grid Yard, the National Grid Subdivision Corridor, or within the vicinity of a designated National Grid substation that may compromise the National Grid;
- h. maintaining safe electrical clearance distances under electricity distribution lines and support structures, and
- i. ensuring subdivision of sites containing a network utility can achieve safe clearance distances and retain the ability for the network utility operator to access, operate, maintain, repair, and upgrade the network utility.

Relates to NU-O3

Sentiment: Support

Submission:

Powerco supports this policy and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.25

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Sentiment: Amend

Submission:

Powerco believes that it would be beneficial to insert a statement before the start of the NU rules table to clarify what other plan provisions apply to network utilities with clear cross referencing (Similar to the Earthworks Chapter Activity Table).

Relief sought

add the following text before the NU rules table: As this chapter contains district-wide provisions relating to Network Utilities, the rules and standards in the zone chapters do not apply to Network Utilities (unless otherwise specified).

Point 172.26

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

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

NU-R1A

NU-R1B

Activity Status: Permitted

Activity Status where activity condition 1 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards (NU-S1 – NU-S11), and
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;

2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1 and NU-P2.

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

Activity Status where activity condition 2 is not met: Non-complying

Sentiment: Support

Submission:

Powerco supports this rule as existing network utilities need to be operated, maintained, replaced and removed as required.

Relief sought

Retain as drafted.

Point 172.27

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R2: Minor upgrading of existing network utilities in all zones and precincts

NU-R2A

NU-R2B

Activity Status: Permitted

Activity Status where activity conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 or 11 are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets, or ancillary structures must be:
 - a. within 5 m of the existing alignment or location.
2. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not:
 - a. increase the number of conductors or wires/lines by more than

1. Functional and operational needs of and benefits derived from the network utility;
2. Purposes and necessity of the upgrading;
3. Potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality and any contribution to cumulative adverse effects;
4. Potential adverse effects on heritage values;

- 100%;
 - b. exceed a diameter of 50 mm, and
 - c. have additional cross arms that exceed the length of the existing cross arm by more than 100%, up to a maximum of 4 m.
3. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line or 50 mm, whichever is the greater.
 4. The addition or replacement of earthwires (either overhead or underground) and underground earthgrids may contain telecommunication lines and earthpeaks or above ground insulators on the poles.
 5. Any pole that replaces an existing pole must not:
 - a. have a diameter or width that is twice that of the replaced pole at its widest point;
 - b. exceed three times the width of the replacement pole at its widest point where a single pole is replaced with a pi pole;
 - c. have a height exceeding the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater;
 - d. be placed more than 5 m from its original position, and
 - e. be replaced with a tower.
 6. There must be no additional towers.
 7. Any tower that replaces an existing tower must:
 - a. not exceed the height of the replaced tower or the maximum height limit for above ground structures under NU-S3, whichever is the greater, and
 - b. not have a footprint that exceeds the width of the existing tower by more than 25%.
 8. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZECP 34:2001.
 9. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300 mm.
 10. Where a new antenna replaces an existing antenna, the new antenna must not:
 - a. exceed the maximum face area of the existing antenna by more than 20%, and
 - b. where it is a dish antenna, exceed the diameter of the existing antenna by more than 20%.
 11. Where it is attached to a facility, increase the height of the facility, unless the height increase is a result of an increase in the size of the new antenna only.
 12. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

5. Potential adverse effects on protected areas and natural hazards, and
6. Any measures to avoid, remedy or mitigate adverse effects.

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

Activity Status where activity condition 12 is not met: Non-complying

Sentiment: Amend

Submission:

Powerco is concerned at the requirement in NU-R2A.1 for upgrades to be within 5m of the existing alignment or location. Sometimes assets need to be relocated beyond 5m to avoid other network utilities, unsuitable ground conditions or sensitive environments. Moving an underground asset by more than 5m shouldn't trigger the need for a resource consent.

Powerco is also of the view NU-R2A.3 needs to be clarified to ensure it is not incorrectly applied to underground pipelines.

Powerco supports the inclusion of NU-R2A.9.

Relief sought

NU-R2: Minor upgrading of existing network utilities in all zones and precincts

NU-R2A

Activity Status: Permitted

Where:

1. The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets, or ancillary structures must be:
 - a. within 5 m of the existing alignment or location.
2. Alterations and additions to overhead electricity and telecommunication lines on existing poles must not:
 - a. increase the number of conductors or wires/lines by more than 100%;
 - b. exceed a diameter of 50 mm, and
 - c. have additional cross arms that exceed the length of the existing cross arm by more than 100%, up to a maximum of 4 m.
3. The diameter of a replacement conductor or telecommunication line must not exceed the diameter of the replaced conductor or telecommunication line or 50 mm, whichever is the greater.
4. The addition or replacement of earthwires (either overhead or underground) and underground earthgrids may contain telecommunication lines and earthpeaks or above ground insulators on the poles.
5. Any pole that replaces an existing pole must not:
 - a. have a diameter or width that is twice that of the replaced pole at its widest point;
 - b. exceed three times the width of the replacement pole at its widest point where a single pole is replaced with a pi pole;
 - c. have a height exceeding the height of the replaced pole or the relevant maximum height limit for above ground structures under NU-S3, whichever is the greater;
 - d. be placed more than 5 m from its original position, and
 - e. be replaced with a tower.
6. There must be no additional towers.
7. Any tower that replaces an existing tower must:
 - a. not exceed the height of the replaced tower or the maximum height limit for above ground structures under NU-S3, whichever is the greater, and
 - b. not have a footprint that exceeds the width of the existing tower

NU-R2B

Activity Status where activity conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 or 11 are not met: Restricted Discretionary

Matters of discretion are:

1. Functional and operational needs of and benefits derived from the network utility;
2. Purposes and necessity of the upgrading;
3. Potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality and any contribution to cumulative adverse effects;
4. Potential adverse effects on heritage values;
5. Potential adverse effects on protected areas and natural hazards, and
6. Any measures to avoid, remedy or mitigate adverse effects.

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

Activity Status where activity condition 12 is not met: Non-complying

by more than 25%.

8. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by NZECP 34:2001.
9. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300 mm.
10. Where a new antenna replaces an existing antenna, the new antenna must not:
 - a. exceed the maximum face area of the existing antenna by more than 20%, and
 - b. where it is a dish antenna, exceed the diameter of the existing antenna by more than 20%.
11. Where it is attached to a facility, increase the height of the facility, unless the height increase is a result of an increase in the size of the new antenna only.
12. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

Point 172.28

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R4: Construction of new network utilities and upgrading of existing network utilities (that are not regulated by an NES) within the Airport Zone (but not within the state highway)

NU-R4A

NU-R4B

Activity Status: Permitted

Activity Status where activity conditions 2 or 3 are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The above ground network utility is related or ancillary to the primary function of Hawke's Bay Airport;
2. All electrical power, telecommunications and information cabling are installed underground;
3. The activity complies with relevant standards (NU-S1 - NU-S11), and
4. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes, or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1, NU-P2, and NU-P3.

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

Activity Status where activity condition 1 is not met: Discretionary

Activity Status where activity condition 4 is not met: Non-complying

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that new network utilities are constructed and existing assets are upgraded as required within the Airport Zone.

Relief sought

Retain as drafted.

Point 172.29

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R5: Construction of new network utilities and upgrading of existing network utilities (that are not regulated by an NES) within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator) in all zones and precincts

NU-R5A

NU-R5B

Activity Status: Permitted

Activity Status where activity condition 1 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards (NU-S1 - NU-S11);
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields), and
3. The activity complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes, or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1, NU-P2, and NU-P3.

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

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that new network utilities are constructed and existing assets are upgraded as required within the National Grid Yard.

Relief sought

Retain as drafted.

Point 172.30

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R6: Construction of new network utilities (that are not regulated by an NES) not already provided for in NU-R4 (within the Airport Zone) and NU-R5 (within National Grid Yard) in all zones and precincts, except the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones

NU-R6A

NU-R6B

Activity Status: Permitted

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

Matters of discretion are restricted to:

1. The activity complies with relevant standards (NU-S1 - NU-S7 and NU-S9 - NU-S11);
2. All electrical power, telecommunications, and information cabling are installed underground, except where located within an industrial zone, or on lots greater than 2 ha in the rural zones, and
3. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1, NU-P2, and NU-P3.

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

Activity Status where activity condition 3 is not met: Non-complying

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that construction of new network utilities are provided for.

Relief sought

Retain as drafted.

Point 172.31

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R7: Construction of new underground network utilities in the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones

NU-R7A

NU-R7B

Activity Status: Permitted

Activity Status where activity condition 1 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards (NU-S1 - NU-S11), and
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1, NU-P2 and NU-P3.

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

Activity Status where activity condition 2 is not met: Non-complying

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that construction of new underground network utilities are provided for in these zones.

Relief sought

Retain as drafted.

Point 172.32

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R11: Temporary network utilities in all zones and precincts

NU-R11A

NU-R11B

Activity Status: Permitted

Activity Status where activity condition 4 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity operates for a maximum of 12 months;
2. The temporary network utility and associated buildings and structures are removed from the site when the operation of the activity ceases;
3. Where the temporary network utility is within road reserve, the site is reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (15 July 2019);
4. The activity complies with relevant standards (NU-S1 - NU-S11);
5. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields), and
6. The activity is not within the National Grid Yard.

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together, and
3. The matters set out in policy NU-P4.

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

Activity Status where activity conditions 1, 2, or 3 are not met: Discretionary

Activity Status where activity conditions 5 or 6 are not met: Non-complying

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that temporary network utilities are provided for.

Relief sought

Retain as drafted.

Point 172.33

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R12: New above ground network utilities within the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones (that are not regulated by an NES)

NU-R12A

NU-R12B

Activity Status: Controlled

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards (NU-S1 - NU-S11), and
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The effects on the amenity of the area and its surrounds;
2. The effects on any cultural, historical, amenity, recreational, and/or ecological values the area may possess, and
3. The effects on any outstanding natural feature or significant landscape identified in the District Plan.

Matters for control will be limited to:

1. The location, design, finishing, bulk, and form of any above ground buildings and structures, and
2. The prominence of the location, taking into account significant public views and any significant landscapes.

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

Sentiment: Support

Submission:

Powerco supports this rule - it is appropriate that new network utilities located within these zones are provided for as controlled activities.

Relief sought

Retain as drafted.

Point 172.34

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R13: Buildings or structures within the National Grid Yard in all zones

NU-R13A

NU-R13B

All zones

Activity Status where compliance is not achieved: Non-complying

Activity Status: Permitted

Where:

1. The activity is not a sensitive activity.
2. The building or structure is not for the handling or storage of hazardous substances (Hazard Classification Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to accessory use and storage of hazardous substances in domestic scale quantities).
3. The building or structure is:
 - a. a fence not exceeding 2.5 m in height;
 - b. an uninhabited farm or horticultural structure or building (but not commercial greenhouses, protective canopies, wintering barns, post-harvest facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms));
 - c. alterations and additions to an existing building or structure for a sensitive activity that do not involve an increase in the building height or footprint, or
 - d. an accessory building associated with an existing residential activity that is less than 10 m² and 2.5 m in height.
4. The building or structure must have a vertical clearance of 10 m below the lowest point of a conductor under all transmission lines and building operating conditions.
5. The building or structure is located at least 12 m from the outer visible edge of a foundation of a National Grid transmission line support structure or pole, except where it:
 - a. is a network utility;
 - b. is a fence not exceeding 2.5 m in height that is located at least:
 - i. 6 m from the outer visible edge of a foundation of a National Grid transmission line tower, or
 - ii. 5 m from the outer visible edge of a foundation of a National Grid transmission line pole.
 - c. is an artificial crop protection structure or crop support structure not exceeding 2.5 m in height and located at least 8 m from a National Grid transmission line pole that:
 - i. is removable or temporary to allow a clear working space of 12 m from the pole for maintenance;
 - ii. allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane, or
 - iii. meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) ISSN01140663.

Sentiment: Oppose

Submission:

Powerco is concerned that this rule effectively erodes the intent of rule NU-R5 as it applies to all 'structures' which has a very wide definition (and therefore would capture all network utility structures). It seems this rule should be located within the respective zone rules, not in the NU chapter.

Relief sought

Either delete the rule in its entirety or move it to the respective zone rules.

Point 172.35

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S1: Setbacks

Where adjoining residential activities

***Purpose:** to avoid, remedy, or mitigate effects on residential amenity and public health and safety.*

1. The following minimum setbacks from the site boundary must be provided for network utilities as follows:
 - a. any part of an above ground building or structure with a height of 2.3 m or less and/or a gross floor area of 10 m² or less - 1.5 m; nil (where located within road reserve);
 - b. any part of an above ground building or structure exceeding 2.3 m in height and/or exceeding a gross floor area of 10m² - 5 m;
 - c. road (including the road reserve), cycleway, and walkway - nil, and
 - d. lines and support structures used for the conveyance of electricity and/or telecommunications - nil.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. Effects on public health and safety, and
4. Impacts on the functional requirements and safe operation of other network utilities.

Sentiment: Support

Submission:

Powerco supports this standard - it is appropriate that no setbacks apply to network utilities in the road.

Relief sought

Retain as drafted.

Point 172.36

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S1: Setbacks

Where adjoining non-residential activities

***Purpose:** to avoid, remedy, or mitigate effects on amenity and public health and safety.*

2. The following minimum setbacks from the site boundary must be provided for network utilities as follows:
 - a. any part of an above ground building or structure with a height of 2.3 m or less and/or a gross floor area of 10 m² or less - nil;
 - b. any part of an above ground building or structure exceeding 2.3 m in height

Refer to assessment criteria NU-AC1.

and/or exceeding a gross floor area of 10 m² - must comply with any relevant setback standard(s) in the respective zone;

- c. road (including the road reserve), cycleway, and walkway - nil, and
- d. lines and support structures used for the conveyance of electricity and/or telecommunications - nil.

Sentiment: Support

Submission:

Powerco supports this standard - it is appropriate that no setbacks apply to network utilities in the road.

Relief sought

Retain as drafted.

Point 172.37

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S1: Setbacks

Where adjoining the rail corridor boundary

3. The following minimum setbacks for network utilities from the rail corridor boundary must be provided as follows: Refer to assessment criteria NU-AC1.

- a. any part of an above ground building or structure - 2 m.

Purpose: to avoid, remedy, or mitigate effects on public health and safety and the functioning of the rail corridor.

Sentiment: Amend

Submission:

Powerco is concerned that this standard could apply in situations where a road runs parallel to a rail corridor – and road corridor managers often require network utilities to be placed in close proximity to the road boundary (i.e. within 2m of the rail corridor).

Relief sought

NU-S1: Setbacks

Where adjoining the rail corridor boundary

1. The following minimum setbacks for network utilities from the rail corridor boundary must be provided as follows: Refer to assessment criteria NU-AC1.

- a. any part of an above ground building or structure - 2 m.
- b. any part of an above ground structure

Purpose: to avoid, remedy, or mitigate

effects on public health and safety and the functioning of the rail corridor.

located in road (including the road reserve) - nil.

Point 172.38

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S2: Height for above ground buildings

All zones and associated precincts

Purpose: to avoid, remedy, or mitigate effects of buildings on amenity, particularly in terms of visual effects and shading and effects on air traffic safety.

1. Any part of an above ground building of a network utility structure must not exceed the maximum permitted height stated in the condition table for the respective zone or the Airport Height Control Designation in Appendix 1.
2. Where an aerial is attached to an existing building, the aerial and support structure must not extend above the height of the building to which it is attached or the maximum height for the relevant zone (whichever is the greater) by more than 3 m vertically, with a horizontal dimension of 3 m in any commercial and mixed use zones, industrial zones, rural zones (including rural lifestyle zone), airport zones and associated precincts, and 2.5 m vertically with a horizontal dimension of 1.4 m within all other zones.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

Sentiment: Amend

Submission:

This standard is intended to apply to buildings, not structures which are covered in NU-S3. For clarity it is suggested that the word 'structure' in this standard is deleted.

Relief sought

NU-S2: Height for above ground buildings

All zones and associated precincts

1. Any part of an above ground building of a network utility ~~structure~~ must not exceed the maximum permitted height stated in the

Matters of discretion are:

Purpose: to avoid, remedy, or mitigate effects of buildings on amenity, particularly in terms of visual effects and shading and effects on air traffic safety.

- condition table for the respective zone or the Airport Height Control Designation in Appendix 1.
2. Where an aerial is attached to an existing building, the aerial and support structure must not extend above the height of the building to which it is attached or the maximum height for the relevant zone (whichever is the greater) by more than 3 m vertically, with a horizontal dimension of 3 m in any commercial and mixed use zones, industrial zones, rural zones (including rural lifestyle zone), airport zones and associated precincts, and 2.5 m vertically with a horizontal dimension of 1.4 m within all other zones.

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

Point 172.39

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S3: Height for above ground structures (other than buildings)

All zones and associated precincts

1. Any part of an above ground structure (other than buildings), including aerials, must not exceed the Airport Height Control Designation in Appendix 1, provided that:

- a. where there is conflict between any of the height control lines or limits, the lowest height must prevail.

Purpose: to avoid, remedy, or mitigate effects of over-height structures on amenity, particularly in terms of visual effects and effects on air traffic safety.

Note: A registered surveyor's certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 1 will be required at the time of applying for building consent or requesting a certificate of compliance.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2

Estuary, Foreshore Reserve, Reserve and River Conservation Zones and associated Precincts

2. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

- a. 10 m.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Residential, Rural Lifestyle, Settlement, Jervoistown, Rural Conservation, Lifestyle Character, Boat Harbour, Marine Parade Recreation, Sports Park Zones and associated Precincts

3. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

a. 15 m.

Refer to assessment criteria NU-AC2

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Airport Zone

4. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

a. 17 m.

Refer to assessment criteria NU-AC2.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Commercial, Mixed Use, and Rural Zones (including Rural Lifestyle Zone) and associated Precincts

5. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

1. 20 m.

Refer to assessment criteria NU-AC2.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Industrial Zones and associated Precincts

6. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

a. 25 m.

Refer to assessment criteria NU-AC2.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of

- adjoining sites and surrounding environment;
- 3. The prominence of the location, taking into account significant public views;
- 4. Effects on public health and safety, including air traffic safety, and
- 5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

Tertiary Education Zone and associated Precincts

- 7. Any part of an above ground structure (other than buildings), including aerials:
 - a. must not exceed a height of 20 m, and
 - b. shall be contained within a building envelope constructed by drawing planes along all parts of all zone boundaries. The planes shall commence 2.5 m above ground level at the zone boundary and shall be inclined into the zone at an angle of 45 degrees.

Matters of discretion are:

- 1. Functional and operational requirements of the network utility;
- 2. Effects on character and amenity of adjoining sites and surrounding environment;
- 3. The prominence of the location, taking into account significant public views;
- 4. Effects on public health and safety, including air traffic safety, and
- 5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

Sentiment: Support

Submission:

Powerco supports this standard – the height for structures as contained within this standard is appropriate

Relief sought

Retain as drafted.

Point 172.40

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S4: Floor space & dimensions

All zones and associated precincts

- 1. Any above ground building or structure (excluding new electric vehicle charging facilities) must not:

Matters of discretion are:

Purpose: to avoid, remedy, or mitigate effects of larger scale buildings and structures on character and amenity.

- a. exceed 10 m² gross floor area (where located within road reserve);
- b. exceed 15 m² gross floor area (where located outside road reserve) in the residential zones and associated precincts, and
- c. exceed 50 m² gross floor area (where

- 1. Functional and operational requirements of the network utility;
- 2. Effects on character and amenity of adjoining sites and surrounding environment;
- 3. The prominence of the location, taking into account significant public views, and
- 4. Effects on public health and safety.

located outside road reserve) in the rural zones (including rural lifestyle zone), commercial and mixed use zones, industrial zones and associated precincts.

Refer to assessment criteria NU-AC3

2. Electric vehicle charging facilities must not:
 - a. exceed 3 m² gross floor area.
3. Dish antennas must not:
 - a. Exceed 5 m in diameter in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
 - b. exceed 3 m in diameter in the rural zones (including Rural Lifestyle Zone) and associated precincts, and
 - c. exceed 1.2 m in diameter in all other zones.
4. The number of dish antennas must not exceed one on any site within a residential zone or settlement zone and associated precincts.
5. Panel antennas must not:
 - a. exceed 20 m² in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
 - b. exceed 1.2 m² in all other zones, and
 - c. when located within road reserve, must fit within an envelope of 3.5 m in length and 0.7m in width.
6. Omni directional 'whip' or dipole antenna must not:
 - a. exceed 1.6 m in vertical length;
 - b. exceed 60 mm in diameter, and
 - c. exceed 1.5 m in horizontal length.
7. A headframe must not:
 - a. exceed 2.5 m in diameter in the residential zones and associated precincts, and
 - b. exceed 6 m in diameter in all other zones and associated precincts.
8. A single telecommunications cabinet must not:
 - a. exceed a footprint of 2.5 m².

9. A group of telecommunications cabinets must not:
 - a. exceed a total footprint of 3 m².
10. A telecommunications kiosk must not:
 - a. exceed gross floor area of 3.5 m².

Sentiment: Support

Submission:

Powerco supports this standard – the gross floor areas are appropriate for the specified zones.

Relief sought

Retain as drafted.

Point 172.41

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S9: Signs

All zones and associated precincts

Purpose: *to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities.*

1. Any sign associated with a network utility that is not an official sign must:
 - a. not exceed an area of 1 m², and
 - b. not be attached to a heritage tree, heritage building, or heritage item identified in the District Plan.
2. Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be:
 - a. installed no more than three months prior to work commencing;
 - b. removed within one month of completion of the works, and
 - c. no greater than 3 m² in area.

Matters of discretion are:

1. The purpose and necessity of the sign (including any illumination of the sign);
2. Effects on the safe and efficient operation and function of other network utilities, and
3. Effects (including cumulative effects) on amenity values.

Refer to assessment criteria NU-AC9.

Sentiment: Support

Submission:

Powerco supports this standard – the signage standards are appropriate.

Relief sought

Retain as drafted.

Point 172.42**Section:** NU - Network utilities**Sub-section:** NU - Network Utilities - Standards Table**Provision:**

NU-S10: Pipelines, cables, conductors, and lines

All zones and associated precincts

***Purpose:** to protect public health and safety, and avoid, remedy, or mitigate adverse effects on amenity values.*

1. Any new gas transmission pipeline must not exceed a gauge pressure of 2,000 kilopascals.
2. Any new electricity distribution facilities for the purposes of a line service function must not exceed a voltage of more than 110 kV with a capacity not exceeding 100 MVA.
3. When located above a waterbody, new pipes, cables, conductors, or lines must be:
 - a. attached to an existing bridge structure and incorporated within an existing bridge structure or culvert, or
 - b. within an existing attached conduit or duct.

Matters of discretion are:

1. Effects on public health and safety, and
2. Effects on amenity values.

Refer to assessment criteria NU-AC10.

Sentiment: Support**Submission:**

Powerco supports this standard – the requirements applying to pipelines are appropriate.

Relief sought

Retain as drafted.

Point 172.43**Section:** NU - Network utilities**Sub-section:** NU - Network Utilities - Standards Table**Provision:**

NU-S11: Removal of derelict above ground network utilities

All zones and associated precincts

***Purpose:** to ensure unused and derelict network utilities do not adversely affect the environment, amenity values, and landscape character.*

1. All above ground buildings and structures, (including foundations) that are no longer used or intended to be used for the purposes of a network utility must be removed from the site within 12 months of the use of the building or structure ceasing.

Matters of discretion are:

1. Effects (including cumulative effects) on amenity values;
2. Effects on visual qualities of the landscape;
3. Effects on heritage values;
4. Ability for actual or potential reuse of the building or structure on the site, and
5. Timing of removal.

Sentiment: Support

Submission:

Powerco supports this standard – the removal of derelict above ground structures (only) is considered generally appropriate.

Relief sought

Retain as drafted.

Point 172.44

Section: HH - Historic heritage

Sub-section: Objectives

Provision:

HH-O2: Continued use and appreciation

The continued use and upgrade of historic heritage buildings is enabled where this does not compromise heritage values and/or provides continued appreciation of identified heritage values.

Relates to HH-I1 and HH-I2

Sentiment: Support

Submission:

Powerco supports this policy and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.45

Section: HH - Historic heritage

Sub-section: Policies

Provision:

HH-P3: Continued use

Provide for the continued use and adaptive reuse, structural upgrade, and upgrading of historic heritage where it:

- a. Encourages their retention, restoration, and maintenance;
- b. Does not compromise heritage values, and/or
- c. Provides for the continued appreciation of identified heritage values.

Relates to HH-O2

Sentiment: Support

Submission:

Powerco supports this policy and the clarity which it provides.

Relief sought

Retain as drafted.

Point 172.46

Section: HH - Historic heritage

Sub-section: HH - Historic Heritage - Rules Table

Sentiment: Amend

Submission:

Powerco seeks additional rules specific to network utilities, to ensure the the ability for existing network utilities to be maintained or upgraded, as well as the addition of new network utilities to be provided for. These new rules could sit in the Historic Heritage rules or the Network Utility rules (with suitable cross-referencing). Utilities play an important part of the continued use or adaptive reuse of heritage items, which is supported by Objective HH-O2 and Policy HH-P3.

Relief sought

Add new rules:

HH-Rxx: Maintenance and minor upgrades of existing network utilities located on or within Group A or Group B heritage items.

Activity Status: Permitted

HH-Rxx: The addition of new network utilities located on Group A or Group B heritage items.

Activity Status: Controlled

Matters of control are restricted to:

Streetscape values:

Effects on heritage values:

Visual effects:

Adaptive reuse, and

Cumulative effects.

Point 172.47

Section: TREE - Notable Trees

Sub-section: TREE - Notable Trees - Rules Table

Provision:

TREE-R5: Any network utility operations within the dripline of a notable tree

Activity Status: Discretionary NA

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

Sentiment: Oppose

Submission:

There may be instances where existing network utilities are located within the dripline of notable trees. The ability to access these utilities for maintenance or repairs is critical. It is considered that subject to appropriate conditions, such works can occur as a permitted activity.

Relief sought

TREE-R5: Any underground network utility operations within the dripline of a notable tree

Activity Status: ~~Discretionary~~ Permitted NA

Where: **Activity Status where activity conditions are not met:** Discretionary

1. Any soil disturbance is undertaken via the use of an airspade, hydrovac or handtools.
2. New works are installed using trenchless installation methods.
3. The works are undertaken or supervised by the Council or a qualified arborist.

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

Point 172.48

Section: SUB - Subdivision

Sub-section: SUB - Subdivision - Rules Table

Provision:

SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access

SUB-R3A **SUB-R3B**

Activity Status: Controlled **Activity Status where activity conditions are not met:** Restricted Discretionary

Where: **Matters of discretion are:**

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Compliance with standards SUB-S6 - SUB-S18, and 2. Compliance with SUB-S1 - SUB-S5 (minimum allotment sizes) does not apply. | <ol style="list-style-type: none"> 1. The matters of control listed for SUB-R3A, and 2. The matters identified in the standards not complied with (SUB-S6 - SUB-S18). |
|--|---|

Matters of control are:

Notification: Any application under this rule is

precluded from public and limited notification.

1. The size, design, and layout of allotments for the purpose of public works, network utilities, or reserves;
2. Safe, legal, and physical access to and from the allotments;
3. Infrastructure and stormwater in accordance with the Code of Practice for Land Development and Subdivision Infrastructure;
4. Natural hazards, including liquefaction, land stability, and coastal hazards;
5. Protection, maintenance, and enhancement of natural features and landforms, indigenous trees and vegetation, heritage values, and cultural values;
6. Financial contributions, and
7. Subdivision chapter assessment criteria.

Sentiment: Support

Submission:

Powerco supports this rule which provides for subdivision for network utilities.

Relief sought

Retain as drafted.

Point 172.49

Section: EW - Earthworks

Sub-section: EW - Earthworks - Rules Table

Provision:

EW-R5: Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks for network utilities

All zones

EW-R5A

Activity Status: Permitted

Where:

1. Compliance with the Earthworks effects standards EW-S2 – EW-S8.

EW-R5B

Activity Status where activity conditions are not met:

Restricted Discretionary

Matters of discretion are:

1. The matters of discretion of the effects standard infringed.

Sentiment: Support

Submission:

It is appropriate that there is a network utilities rule provided within the earthworks chapter.

Relief sought

Retain as drafted.

Point 172.50

Section: EW - Earthworks

Sub-section: EW - Earthworks - Standards Table

Provision:

EW-S8: Proximity to gas lines

All zones

Activity Status where standards are not met:
Restricted Discretionary

Purpose: *to ensure the safety and functioning of network utilities is not compromised.*

1. All earthworks must not be within 20 m of a gas transmission pipeline (unless earthworks are related to network utilities associated with gas transmission or distribution).
2. All earthworks must not involve explosives within 60 m of a gas transmission pipeline.

Matters of discretion are:

1. Purpose of the standard, and
2. Health and safety.

Sentiment: Support

Submission:

It is appropriate that this standard refers to gas distribution works.

Relief sought

Retain as drafted.

SUBMISSION BY POWERCO LIMITED ON THE NAPIER PROPOSED DISTRICT PLAN

To: Napier City Council
Private Bag 6010
Napier 4142

Lodged via: sayitnapier.nz

Name of submitter: Powerco Limited
Private Bag 2061
New Plymouth 4340
(Note that this is not the address for service.)

1. This is a submission by Powerco Limited (**Powerco**) on the Napier Proposed District Plan (**PDP**).
2. Powerco could not gain an advantage in trade competition through this submission.
3. The specific provisions of the PDP that the submission relates to, the submission points, reasons and decisions sought are detailed in **Appendix A**. Powerco seeks that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.
4. In summary, this submission seeks to ensure recognition, protection and continued operation of Powerco's gas distribution network within Napier City.
5. Powerco wishes to be heard in support of this submission.
6. If others make a similar submission, Powerco would be prepared to consider presenting a joint case at any hearing.

Signature of person authorised to sign on behalf of Powerco Limited:



Gary Scholfield
Senior Environmental Planner

POWERCO

Dated at Tauranga this 15th day of December 2023.



Address for Service: Powerco Limited
PO Box 13 075
Tauranga 3141
Attention: Gary Scholfield

████████████████████
Email: planning@powerco.co.nz

About Powerco

Powerco is an electricity and gas distribution company providing essential infrastructure to diverse communities across the North Island of Aotearoa. Powerco keeps the lights on and gas flowing to around 1.1 million customers, across 452,000 homes, businesses, and organisations in the North Island. We operate more than 28,000km of electricity lines and cables, and over 6,170km of gas pipelines. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.

A reliable and constant energy supply is critical to sustaining the economy, communities, and our way of life. Demand for energy is constantly increasing. Powerco faces an increasing number of constraints on its ability to provide secure and reliable energy supplies to meet increasing demand resulting from both population growth and the transition to a low carbon economy.

Powerco owns and operates the gas distribution network within the Napier City area as shown in **Appendix B**. The distribution network needs to be operated, maintained, repaired, replaced, and upgraded to maintain or improve capacity or security of supply; regardless of where those assets may exist.

Powerco's gas assets include a network of underground gas distribution pipelines and associated infrastructure (which may be aboveground, belowground or have components of both) throughout Napier City. The gas distribution network comprises distribution main pipelines (normally steel pipes) that transport gas from 'Delivery Points' to Regulator stations; service mains linking regulator stations or supplying large customers; ancillary equipment such as valves and pressure reducing stations; and service pipelines (normally PE pipes) which deliver gas to the customer, ending at the meter control valve at a customer's point of connection.

Appendix A - Powerco submission points on the Napier Proposed District Plan

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
General Approach Permitted Baseline	Oppose	If the Plan provides for an activity as a permitted activity, then those effects are anticipated and should be included in the permitted baseline test.	The permitted baseline test will not be applied where: a. the application of the baseline would be inconsistent with Part 2 of the RMA; b. the permitted activity baseline has uncertainties , is fanciful, or not credible, and c. the application of the baseline would be inconsistent with objectives and policies in the District Plan.
General Approach Zoning of roads, railways, and rivers	Support	As the majority of Powerco assets are located within roads, it supports the clarification of zoning that will apply to roads.	Retain as drafted.
Definition – development	Oppose in Part	Powerco is concerned that the definition would inappropriately capture infrastructure. The term is utilised to broadly characterise development in the Strategic Direction and Financial Contributions chapters, however it should not apply to infrastructure. For example, the introduction to the Strategic Direction for Sustainability, Resilience, and Climate Change states	means the erection or placement of buildings and structures, and/or the resurfacing of land, <u>but excludes infrastructure.</u>

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
		<p><i>'New developments must be designed to incorporate sustainable design principles such as water sensitive design and low-impact stormwater management...'</i></p> <p>Clearly it would be inappropriate to apply such a consideration to gas networks. It is noted that the term 'infrastructure' is individually referenced throughout these chapters.</p>	
Definition – Earthworks	Support	Powerco supports this national planning standards definition.	Retain as drafted.
Definition – Functional Need	Support	Powerco supports this national planning standards definition.	Retain as drafted.
Definition – Infrastructure	Support	Powerco supports this definition as contained in s2 of the RMA.	Retain as drafted.
Definitions – Maintenance (Network Utilities)	Support in part	Powerco generally supports this definition however specific reference to pipelines needs to be included.	any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, <u>pipeline</u> , building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
Definitions – Minor Upgrading of Network Utilities	Support with amendment.	Powerco supports the need for this definition, however it needs to be clear that replacement structures or networks are anticipated under this definition. Upgrading works often entail replacement components.	means an increase in the capacity, efficiency, or security of existing infrastructure where this utilises existing structures and networks and/or <u>replacement</u> structures and networks of a similar scale and character.
Definitions – Network Utility	Support	Powerco supports this definition and the clarity which it provides.	Retain as drafted.
Definition – Network Utility Operator	Support	Powerco supports this national planning standards definition.	Retain as drafted.
Definition – Operational Need	Support	Powerco supports this national planning standards definition.	Retain as drafted.
Definition - Temporary Infrastructure	Support	Powerco supports this definition and the clarity which it provides.	Retain as drafted.
Definition - Upgrading (Network Utilities)	Support with amendment.	Powerco supports the need for this definition, however as there is also a definition of minor upgrading in the Plan this also needs to be excluded from this definition for clarity.	as it applies to network utilities, means the replacement, repair or renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes 'maintenance' <u>and 'minor upgrading'</u> .
Strategic Direction SD_HH-01	Oppose in part	Powerco notes that this objective will need to be assessed for any application for resource consent that is discretionary or non-complying. We are concerned that the inclusion of 'protection' in this objective would likely be used as	Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, protected , and enhanced

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
		grounds to decline an application for resource consent.	
Strategic Direction SD-TI-O1	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.
Strategic Direction SD-TI-O3	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.
Strategic Direction SD-TI-O4	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.
Network Utilities NU-O1	Support with amendment.	Powerco supports the intent of this objective, however it is lacking clarity as to what it is trying to achieve. Issue NU-11 states that adequate provision of network utilities is vital – as such, adding the words 'are enabled' is appropriate.	Safe, effective, efficient and resilient network utilities throughout the City, that provide essential integrated and secure services <u>are enabled</u> , including in emergencies, and enable people and communities to provide for their health, safety and wellbeing.
Network Utilities NU-O2	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.
Network Utilities NU-O3	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.
Network Utilities NU-P1	Support	Powerco supports this policy and the clarity which it provides.	Retain as drafted.
Network Utilities	Oppose in part	Powerco is concerned that the broad inclusion of amenity values in this policy	amenity values, including from shading, visual dominance, noise, vibration, light spill, traffic and access, dust nuisance;

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
NU-P2 a.ii		will become problematic for network utilities as this term is very subjective.	
Network Utilities NU-P3	Support	Powerco supports this policy and the clarity which it provides.	Retain as drafted.
Network Utilities NU-P4	Support	Powerco supports this policy and the clarity which it provides.	Retain as drafted.
Network Utilities – Rules Table	Oppose	Insert statement before the start of the rules table to clarify what other plan provisions apply to network utilities with clear cross referencing (Similar to the Earthworks Chapter Activity Table).	<u>As this chapter contains district-wide provisions relating to Network Utilities, the rules and standards in the zone chapters do not apply to Network Utilities (unless otherwise specified).</u>
Network Utilities NU-R1	Support	Powerco supports this rule as existing network utilities need to be operated, maintained, replaced and removed as required.	Retain as drafted.
Network Utilities NU-R2A 1.a	Oppose	Powerco is concerned at the requirement for upgrades to be within 5m of the existing alignment or location. Sometimes assets need to be relocated beyond 5m to avoid other network utilities, unsuitable ground conditions or sensitive environments. Moving an underground asset by more than 5m shouldn't trigger the need for a resource consent.	The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets, or ancillary structures must be: a _____ within 5 m of the existing alignment or location.

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
Network Utilities NU-R2A.3	Oppose in part	This change is sought to ensure clarity of the rules – to ensure they are not incorrectly applied to underground pipelines.	The diameter of a replacement conductor or <u>telecommunication</u> line must not exceed the diameter of the replaced conductor or <u>telecommunication</u> line or 50 mm, whichever is the greater
Network Utilities NU-R2A.9	Support	Powerco supports this condition and the clarity which it provides.	Retain as drafted.
Network Utilities NU-R4	Support	Powerco supports this rule - it is appropriate that new network utilities are constructed and existing assets are upgraded as required within the Airport Zone.	Retain as drafted.
Network Utilities NU-R5	Support	Powerco supports this rule - it is appropriate that new network utilities are constructed and existing assets are upgraded as required within the National Grid Yard.	Retain as drafted.
Network Utilities NU-R6	Support	Powerco supports this rule - it is appropriate that construction of new network utilities are provided for.	Retain as drafted.
Network Utilities NU-R7	Support	Powerco supports this rule - it is appropriate that construction of new underground network utilities are provided for in these zones.	Retain as drafted.

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
Network Utilities NU-R11	Support	Powerco supports this rule - it is appropriate that temporary network utilities are provided for.	Retain as drafted.
Network Utilities NU-R12	Support	Powerco supports this rule - it is appropriate that new network utilities located within these zones are provided as controlled activities.	Retain as drafted.
Network Utilities NU-R13	Oppose	Powerco is concerned that this rule effectively erodes the intent of rule NU-R5 as it applies to all 'structures' which has a very wide definition (and therefore would capture all network utility structures). It seems this rule should be located within the respective zone rules, not in the NU chapter.	Either delete the rule in its entirety or move it to the respective zone rules.
Network Utilities NU-S1.1 & NU-S1.2	Support	Powerco supports these standards - it is appropriate that no setbacks apply to network utilities in the road.	Retain as drafted.
Network Utilities NU-S1.3	Oppose	Powerco is concerned that this standard could apply in situations where a road runs parallel to a rail corridor – and road corridor managers often require network utilities to be placed in close proximity to the road boundary.	Add the following minimum setback from rail corridor boundary: <u>b. any part of an above ground structure located in road (including the road reserve) – nil.</u>

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
Network Utilities NU-S2.1	Oppose in Part	This standard is intended to apply to buildings, not structures which are covered in NU-S3.	1. Any part of an above ground building of a network utility structure <u>building</u> must not exceed the maximum permitted height stated in the condition table for the respective zone or the Airport Height Control Designation in Appendix 1.
Network Utilities NU-S3	Support	Powerco supports this standard – the height for structures as contained within this standard is appropriate.	Retain as drafted.
Network Utilities NU-S4	Support	Powerco supports this standard – the gross floor areas are appropriate for the specified zones.	Retain as drafted.
Network Utilities NU-S9	Support	Powerco supports this standard – the signage standards are appropriate.	Retain as drafted.
Network Utilities NU-S10	Support	Powerco supports this standard – the requirements applying to pipelines are appropriate.	Retain as drafted.
Network Utilities NU-S11	Support	Powerco supports this standard – the removal of derelict above ground structures (only) is considered generally appropriate.	Retain as drafted.
Historic Heritage HH-O2	Support	Powerco supports this objective and the clarity which it provides.	Retain as drafted.

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
Historic Heritage HH-P3	Support	Powerco supports this policy and the clarity which it provides.	Retain as drafted.
Historic Heritage - Rules Table	Oppose in part	The ability for existing network utilities to be maintained or upgraded, as well as the addition of new network utilities needs to be provided for either in the Historic Heritage rules or the Network Utility rules. Utilities play an important part of the continued use or adaptive reuse of heritage items, which is supported by Objective HH-O2 and Policy HH-P3.	<p>Add new rules:</p> <p><u>HH-Rxx: Maintenance and minor upgrades of existing network utilities located on or within Group A or Group B heritage items.</u></p> <p><u>Activity Status: Permitted</u></p> <p><u>HH-Rxx: The addition of new network utilities located on Group A or Group B heritage items.</u></p> <p><u>Activity Status: Controlled</u></p> <p><u>Matters of control are restricted to:</u></p> <p><u>Streetscape values;</u></p> <p><u>Effects on heritage values;</u></p> <p><u>Visual effects;</u></p> <p><u>Adaptive reuse, and</u></p> <p><u>Cumulative effects.</u></p>
Tree-R5	Oppose	There are instances where existing network utilities are located within the dripline of notable trees. The ability to	Any <u>underground</u> network utility operations within the dripline of a notable tree

Specific provision / matter	Submitter Position	Reason for Submission	Requested decision (additions underlined and deletions strikethrough)
		access these utilities for maintenance or repairs is critical. It is considered that subject to appropriate conditions, such works can occur as a permitted activity.	Activity Status: Discretionary Permitted <u>Where:</u> 1. <u>Any soil disturbance is undertaken via the use of an airspade, hydrovac or handtools.</u> 2. <u>New works are installed using trenchless installation methods.</u> 3. <u>The works are undertaken or supervised by the Council or a qualified arborist.</u>
SUB-R3	Support	Powerco supports this rule which provides for subdivision for network utilities.	Retain as drafted.
EW-R5	Support	It is appropriate that there is a network utilities rule provided within the earthworks chapter.	Retain as drafted.
EW-S8	Support	It is appropriate that this standard refers to gas distribution works.	Retain as drafted.

Appendix B - Map of Powerco Gas Distribution Networks within Napier City

