

D13 Chapter 6: Infrastructure and Energy objectives and policies

This report section is D13 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan. This is the consideration of submissions on Chapter 6 which contains the objectives and policies for Infrastructure and Energy.

I Introduction

1. The main themes in submissions on Chapter 6 Infrastructure and energy are:
 - a. Support for retaining many of the objectives and policies as notified
 - b. Minor wording adjustments and amendments
 - c. New objectives/policies to give effect to the Waikato Regional Policy Statement (RPS), take into account the Regional Land Transport Plan (RLTP)
 - d. Additional clauses to policies to add specific matters (e.g. Crime Prevention Through Environmental Design (CPTED)), sustainability, renewable energy, reverse sensitivity, emergency services)
 - e. More enabling policies relating to primary production/farming activities.
2. Chapters 6 and 14 work together, with Chapter 6 setting out the objectives and policies for Infrastructure and Energy, and Chapter 14 setting out the rules. Chapter 6 contains all of the objectives and policies specific to network utilities but also manages activities and structures in close proximity to network utility infrastructure. There is no relationship to the zone objectives and policies, however the overlays' objectives and policies are relevant where the network utility infrastructure is located within an Identified Area.
3. There is a higher-order policy context, including a requirement to give effect to the RPS and the National Policy Statements on Electricity Transmission (NPSET), Urban Development (NPSUD), Coastal Policy (NZCPS), and Renewable Electricity Generation (NPSREG). There are also National Environmental Standards, which mandate some of the rules for infrastructure activities, effectively providing for the implementation of a national policy framework. The national policy statements, regional policy statement, and iwi management plans are indicated below, and further detail is provided in relation to the PWDP objectives.

1.1 New Zealand Coastal Policy Statement (NZCPS)

4. The key messages from the NZCPS for strategic direction on infrastructure, are that not all development is inappropriate in the coastal environment, but local authorities must consider the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment. Objective 6 of the NZCPS is: "To enable people and communities to provide for their social, economic, and cultural well-being and their health and safety, through subdivision, use, and development, recognising that: the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural well-being of people and communities; functionally some uses and developments can only be located on the coast or in the coastal marine area." The NZCPS has a number of policies that require adverse effects to be 'avoided' rather than remedied or

mitigated, in relation to values of the coastal environment. These values include conservation land and waters, outstanding natural character/features/landscapes, and indigenous biological diversity. Policy 6 of the NZCPS recognises the provision of infrastructure, including the generation and transmission of energy, are important activities; and requires consideration of the rate at which infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment.

1.2 National Policy Statement Electricity Transmission (NPSET)

5. The NPSET sets out one objective and a number of policies to standardise the approach to the electricity transmission network (the National Grid) across the country. The NPSET recognises as a matter of national significance the need to operate, maintain, develop and upgrade the electricity transmission network. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised. Transpower has confirmed that any new sections of the National Grid will be established by designation rather than resource consent.

1.3 National Policy Statement Urban Development (NPSUD)

6. Objectives include: New Zealand having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future; Planning decisions improve housing affordability by supporting competitive land and development markets; Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment near a local or town centre, or which are well-served by public transport, or where there is high relative demand for housing or business land; urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations; Planning decisions relating to urban environments, and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Local authority decisions on urban development that affect urban environments are to be: integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity. This is particularly relevant to the integration of infrastructure with areas live-zoned for development. Local authorities are required to have robust and frequently updated information about their urban environments and use it to inform planning decisions. New Zealand's urban environments are to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change. There is one other implication for infrastructure, a policy which may require in the future that Waikato District Council, as a tier 1 territorial authority, does not set minimum car parking rate requirements other than for accessible car parks. This policy must be implemented without using a plan change or plan variation process.

1.4 National Policy Statement for Renewable Electricity Generation (NPSREG)

7. The National Policy Statement for Renewable Electricity Generation (NPSREG) sets out objectives and policies for local authorities to address renewable electricity generation in RMA planning documents, including district plans. The NPSREG recognises the importance

of renewable energy. It promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources when councils make decisions on resource consent applications. The Infrastructure and Energy chapters include energy matters including the generation of electricity. The NPSREG objective is: "To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation." The NPSREG requires local authorities to provide specific recognition and provision for renewable electricity generation activities in their district plan. An objective is included in the PWDP which flows through into policies and assessment criteria (for appropriate activities) that aligns with the NPSREG objective.

1.5 National Environmental Standards

8. National Environmental Standards provide nation-wide direction on rules for a number of topics related to infrastructure, which is effectively implementing a policy framework, and includes National Environmental Standards for Electricity Transmission Activities (NESETA), which protects the existing National Grid facilities; National Environmental Standards for Telecommunication Facilities (NESTF); and National Environmental Standards for Freshwater (NESF).

1.6 Waikato Regional Policy Statement (RPS)

9. The Operative Waikato Regional Policy Statement (RPS) provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region's natural and physical resources will be achieved. The PWDP is required to give effect to the RPS. The RPS identifies providing for energy demand and managing the built environment as key issues for the Waikato Region.
10. The RPS objectives providing strategic direction for infrastructure and energy focus on adapting to climate change and the built environment and include: Objective 3.6 "Land use is managed to avoid the potential adverse effects of climate change induced weather variability and sea level rise on the built environment, including infrastructure"; and Objective 3.12 "Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by: a) promoting positive indigenous biodiversity outcomes; b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development; c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors; e) recognising and protecting the value and long-term benefits of regionally significant infrastructure; g) minimising land use conflicts, including minimising potential for reverse sensitivity; h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region.
11. The main focus of the RPS in relation to renewable electricity generation is: "To recognise opportunities for new renewable electricity generation structures; Protect existing renewable electricity generation structures; Ensure subdivision and development does not compromise existing renewable electricity generation activities; and Increase the use of

renewable electricity generation and decreased dependence of non-renewable energy sources as there are substantial benefits.”

12. The RPS identifies a list of ‘Regionally Significant Infrastructure’, including within Waikato District the State Highways, National Grid, renewable energy generation facilities connecting to the National Grid, high pressure gas transmission pipeline and the New Zealand rail network.
13. In relation to transport, the RPS requires regional and district plans to provide for a long-term strategic approach to the integration of land use and infrastructure, including a strategic land transport network, support for public transport and alternative modes, and a strategic freight network. Alternative transport modes are also supported for their benefits to air quality (emissions) and minimising energy and carbon use.
14. The RPS has Identified Area type objectives, which are relevant to planning for infrastructure and locating infrastructure within Identified Areas. These RPS objectives are:
 - a. 6.1.8 Development, operation and maintenance of infrastructure, and 6.1.8 Infrastructure in the community and Identified Areas
 - b. 3.1.1 Biodiversity and ecosystems
 - c. 3.2.1 Significant Natural Areas
 - d. 3.3 Outstanding Natural Features and Outstanding Natural landscapes
 - e. 3.4 Significant Amenity Landscapes
 - f. 3.5 Natural Character
 - g. 7.1.1 Whakapapa – Relationships with ancestral land, waters, sites, waahi tapu and other taonga are protected and enhanced.
15. More detailed summaries of the RPS directions are included in relation to the PWDP objectives below.

1.7 Iwi Management Plans

16. **Waikato-Tainui Environmental Plan - Vision and Strategy:** Waikato-Tainui is supportive of, and would like an increased focus on renewable electricity generation. The Vision and Strategy, within The Waikato-Tainui Environmental Plan, expresses concern about the development of renewable electricity generation activities through Infrastructure (Section 26) and Electricity Generation (Section 27). Waikato-Tainui generally do not support any form of energy generation unless it is sustainable and renewable, or any form of energy generation that has adverse social, cultural, spiritual, or environmental effects that cannot be managed to meet the requirements of this Plan. Objectives include: “26.3.1 Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui; 26.3.2 Infrastructure development, upgrade, and maintenance manages economic, social, cultural, spiritual, and environmental effects; 27.3.1 In partnership with Waikato-Tainui, existing and new electricity generation activities, and the structures and operations to transmit electricity to end users, effectively manages adverse social, cultural, spiritual, environmental, and economic effects; 27.3.2 Alternative sustainable forms of electricity generation are developed, provided any adverse effects on the environment, particularly on the Waikato River or culturally and/or spiritually sensitive sites, are managed (Note: Due to the adverse environmental, social, spiritual, and cultural effects of such structures, Waikato-Tainui does not consider containment hydro dams to be an alternative sustainable form of electricity generation); 27.3.3 Electricity generation and transmission activities demonstrate a direct community benefit for the communities near their activities.”

17. **Maniapoto Environmental Management Plan:** Prepared by Maniapoto Māori Trust Board on behalf of the people of Maniapoto, this is a high level direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships. Research for clean, renewable energy generation developments, include hydro, geothermal, solar, wind and wave power, is promoted although any activities are subject to the management of effects and protecting and enhancing the mauri of the environment and Maniapoto values. Objectives on relationship, energy generation and transmission and telecommunications include: “To avoid adverse effects of infrastructure on the relationship of Maniapoto with significant sites and resources; To ensure electricity generation, transmission and distribution benefits Maniapoto and protects the mauri of the environment; Maniapoto has access to reliable, sustainable and efficient energy sources; To provide telecommunications and ultrafast broadband access to Maniapoto to support them to engage with digital media for work, education and business.
18. Watercare Services Limited has provided further submissions on many submission points, however is intending to provide a new set of provisions. The Watercare further submissions are generally not shown against individual submission points or addressed directly unless specific to the topic, rather than proposing a full new set of provisions, and should be accepted or rejected in accordance with the responses to the original submission points. Watercare further submissions are identified in Appendix I along with recommendations. The further submissions provide Watercare with standing on these issues, including the right to be heard and appeal rights.

2 General

Submission point	Submitter	Decision requested
164.4	Hiini Kēpa	No specific decision sought, but submission states support for Chapter 6 Infrastructure and Energy.
942.26	Tainui o Tainui	No specific decision sought, but the submitter supports the objectives and most of the policies within Chapter 6 Infrastructure and Energy.
836.39	Powerco	Add an introduction to Chapter 6 Infrastructure as follows (or words to similar effect): <u>Introduction</u> <u>The provisions within this chapter of the district plan apply across the district in all zones. The underlying zone objectives and policies do not apply to infrastructure activities unless specifically referred to within this chapter.</u>
<i>FSI 134.1</i>	<i>Counties Power</i>	<i>Supports 836.39:</i>
81.190	Waikato Regional Council	Amend Chapter 6: Infrastructure to explicitly provide for the protection of waterways and public drainage networks by suggested additions to Policies 6.4.2 and 6.4.7 or, alternatively, reflect this outcome in the specific objectives and policies for each zone. Refer to suggested wording and examples in original submission.

81.191	Waikato Regional Council	Amend Chapters 6: Infrastructure and 14: Infrastructure and Energy to include a policy and rule framework that will provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure OR Alternatively provide specifically for flood protection and drainage scheme infrastructure in the policies and rule frameworks for each zone. (Refer to original submission for full details)
<i>FS1323.6</i>	<i>Heritage NZPT</i>	<i>Supports 81.191</i>
<i>FS1342.12</i>	<i>FFNZ</i>	<i>Supports 81.191</i>
<i>FS1045.4</i>	<i>Auckland/Waika to Fish and Game Council</i>	<i>Opposes 81.191</i>
<i>FS1041.1</i>	<i>Aka Aka Otaua Land Drainage Subcommittee</i>	<i>Supports 81.191</i>

2.1 Analysis

19. **Hiini Kēpa** [164.4] and **Tainui o Tainui** [942.26]: No specific decision sought, but submissions support Chapter 6 Infrastructure and Energy.
20. I recommend accepting in part Hiini Kēpa [164.4] and Tainui o Tainui [942.26], to the extent that Chapter 6 is retained, albeit amended in response to submissions.
21. **Powerco** [836.39]: seeks the addition of an introduction to Chapter 6 Infrastructure.
22. The submitter would prefer a clear statement indicating that the underlying zone and overlay objectives and policies do not apply to infrastructure activities unless specifically referred to within this chapter. [FS1134.1] Counties Power supports [836.39], agreeing with the proposed addition to the introduction.
23. This chapter applies across the district to roads as well as all zones. Chapter 12 explains that roads are not zoned and that Chapters 14 and 15 apply across the whole district. Chapter 6 has only objectives and policies, and the infrastructure rules are in Chapter 14. Underlying zone objectives and policies are not intended to apply to infrastructure activities which are discretionary or non-complying activities, as the Chapter 6 objectives and policies recognise the zone effects on infrastructure and the effects of infrastructure on the zones. The intention is that only Chapter 6 objectives and policies, and those of the overlays, apply to network utility infrastructure. I recommend rejecting [836.39] Powerco [836.39] and [FS1134.1] Counties Power, as the introduction proposed by the submitter is not necessary and would be inaccurate.
24. **Waikato Regional Council (WRC)** [81.190]: Amend Chapter 6: Infrastructure to explicitly provide for the protection of waterways and public drainage networks by suggested additions to Policies 6.4.2 and 6.4.7 or, alternatively, reflect this outcome in the specific objectives and policies for each zone.
25. WRC has key areas of interest relating to co-ordinating growth and infrastructure, the location and character of development, rural subdivision and high-class soils, and various

matters pertaining to the natural environment. WRC is also a landowner and manager of flood protection and drainage assets in Waikato District. The submitter states that there are no provisions proposed to protect the existing drainage networks from being over-loaded from residential, rural residential, industrial and commercial developments that discharge additional stormwater volumes into existing WRC drainage-managed catchments. An example provided by WRC is the Butcher Road rural residential expansion without any form of suitably-maintained road berm drainage disposal system. WRC considers that there is an opportunity to incorporate provisions that align with Waikato Regional Council stormwater management plan standards. For example, any subdivision or development of land in an existing Waikato Regional Council-managed drainage catchment should be designed to avoid adverse effects on the drainage catchment, or result in no additional flows, as these can affect the cost of maintenance and operation, which are then passed on to ratepayers.

26. The submitter seeks that Chapters 6 and 14 be amended to include a policy and rule framework that will provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure and waterway protection. An alternative option may be to provide specifically for flood protection and drainage scheme infrastructure in the policies and rule frameworks for each zone, however as the issues are common across all zones, this is not the preferred option.
27. The submitter proposes the addition of regional flood management and drainage objectives and policies to PWDP Policies 6.4.2 and 6.4.7, as follows:

Objectives:

1. To recognise the importance to the economic and social well-being of the district and the essential nature of WRC [flood management, drainage and waterway protection] infrastructure and to provide for their development, operation and maintenance.
2. To ensure that WRC [regional] infrastructure is provided in a manner that:
 - does not adversely affect the health and safety of the people of the district
 - avoids, remedies or mitigates any adverse effects on the natural and physical resources
 - is sensitive to the amenity values of the district, and relevant cultural or spiritual values
 - is efficient.

Policies:

1. The continuing operation of existing WRC infrastructure shall be protected from the adverse effects of other activities. In particular consideration shall be given to:
 - a) Maintaining and enhancing the operational efficiency, effectiveness, viability and safety of WRC infrastructure
 - b) Protecting investment in existing WRC infrastructure
 - c) Retaining the ability to maintain and upgrade WRC infrastructure.
2. To ensure that new WRC infrastructure is considered having regard to:
 - a) The environment as it exists
 - b) The duration, timing and frequency of the adverse effect
 - c) The impact on other existing WRC infrastructure if the new work is not undertaken

- d) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure
 - e) The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable
 - f) The demand for and benefits of new WRC infrastructure
 - g) The route, site, and method selection process
 - h) The technical and locational constraints
 - i) The benefits of the WRC infrastructure in terms of managing climate change effects.
3. Provision of new WRC infrastructure occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is based on sufficient information to allow assessment of the potential long-term effects on the environment.
28. There are infrastructure, stormwater and drainage management objectives and policies in the PWDP, and they are recommended to be enhanced in response to this and other submissions. The specific relevant objectives and policies are: 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 6.1.9, 6.1.10, 6.1.12, 6.1.13, 6.1.16, 6.4.1, 6.4.2, 6.4.3, 6.4.6, and 6.4.7. In relation to flooding, Stage 2 of the PWDP will deal in part with Natural Hazards and Climate Change, with a primary focus on preventing development in high risk flood hazard areas. The current PWDP Chapter 15 and Policy 6.1.5 are only placeholders until that occur. Stage 2 will not be about infrastructure to mitigate the risk or maintenance of flood or river management systems. The matters requested to be included by WRC are required to give effect to the RPS objectives and policies on regionally-significant infrastructure. The policy framework will allow operation, development, maintenance and repair, and protection of their stopbanks and drainage network. I recommend amendments to PWDP Policies 6.4.2 “Provide adequate infrastructure” (add policy versions of the suggested WRC changes), and 6.4.7 “Stormwater” (add the three additional WRC suggested policies), to provide for the flood and river protection infrastructure, along with an additional policy on Regionally-Significant Infrastructure, which cross references to the RPS Glossary definition, and which is also requested in a Genesis Energy submission.
29. I recommend accepting in part Waikato Regional Council [81.190], to the extent that further additions are made to the policies. Some of the relief sought can be supported by changes requested by other submissions to 6.4.2 and 6.4.7, further proposals may come forward in evidence from Watercare, and Stage 2 of the PWDP will also partly address natural hazards, such as preventing development in high risk flood hazard areas.
30. **Waikato Regional Council** [81.191] seeks to amend Chapters 6: Infrastructure and 14: Infrastructure and Energy to include a policy and rule framework that will provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure. Alternatively provide specifically for flood protection and drainage scheme infrastructure in the policies and rule frameworks for each zone. (Refer to original submission for full details.)
31. The submitter states that, given the national significance of flood and drainage scheme infrastructure (similar to the protection of national rail network, state highways etc.), relevant objectives and policies should be included to ensure that infrastructure’s continued functioning (maintenance, repair, replacement and upgrades). This includes the related structures, for example pump sheds, transformers, etc. and the upgrades of this infrastructure should be included in the appropriate rules, as required.

32. *[FS1323.6] Heritage NZPT supports [81.191]: Heritage NZPT understands the WRC interest to amend the Chapters to provide for flood and drainage management. However, Heritage NZPT is unclear how this would impact the provisions relating to the management of Historic Heritage, and the avoidance of related adverse effects.*
33. *[FS1342.12] FFNZ supports [81.191]: FFNZ understands the intent of this submission; however, without proposed policy or rule wording, it is difficult to know whether private flood protection and drainage infrastructure would be captured by design or fault. It is also difficult to assess the impact this proposal could have on private landowners who may host public flood and drainage scheme infrastructure. FFNZ submits that this issue could be better addressed under the Stage 2 process.*
34. *[FS1045.4] Auckland/Waikato Fish and Game Council opposes [81.191]: No reason given.*
35. *[FS1041.1] Aka Aka Otaua Land Drainage Subcommittee supports [81.191]: The Subcommittee supports the point for the primary reason that it will mean that flood and drainage works within their Land Drainage area, and other areas, will remain a permitted activity, as provided for under the present Franklin Section (refer to Rule 23A.1.1.19 - The ongoing maintenance upgrade and repair of flood protection, land drainage and erosion control work). This operative permitted activity rule was introduced through the former Franklin District Council's Rural Plan Change 14 and has worked well to date, without having to carry out such necessary works through a resource consent process. The further submitter also supports a district-wide framework to provide for all the activities associated with flood and drainage activities throughout the district. The alignment of rules and policy between adjoining District and Regional Councils should be the same.*
36. Chapters 6: Infrastructure and 14: Infrastructure and Energy already include a policy and partial rule framework that will provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure, and that will be enhanced by the recommended policy additions. More will come from the proposed Stage 2 PWDP, dealing with natural hazards and climate change, but only to the extent of avoiding development in high risk natural hazard areas. I recommend accepting in part Waikato Regional Council [81.191], to the extent that there are already objectives, policies and rules within Chapters 6 and 14 and the policy additions and Stage 2 PWDP will address this further. I recommend accepting in part *[FS1323.6] Heritage NZPT, [FS1342.12] FFNZ, [FS1045.4] Auckland/Waikato Fish and Game Council and [FS1041.1] Aka Aka Otaua Land Drainage Subcommittee*, to the extent that they support the relief proposed, being reliance on the notified and amended provisions of Chapters 6 and 14 and Stage 2 PWDP on Natural Hazards and Climate Change.

2.2 Recommendations

37. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Hiini Kapa [164.4] and Tainui o Tainui [942.26], to the extent that Chapter 6 be recommended in a form amended in response to submissions.
 - b. Reject [836.39] Powerco and [FS1134.1] Counties Power
 - c. Accept in part Waikato Regional Council [81.190]
 - d. Accept in part Waikato Regional Council [81.191]; Accept in part *Heritage NZPT [FS1323.6], FFNZ [FS1342.12], [FS1045.4] Auckland/Waikato Fish and Game Council and Aka Aka Otaua Land Drainage Subcommittee [FS1041.1]*.

2.3 Recommended Amendments

38. Add to Chapter 6 policies 6.4.2 and 6.4.7, as follows:

6.4.2 Policy – Provide adequate infrastructure

- a. Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided or its use intensified.
- b. Recognise the importance to the economic and social well-being of the district and the essential nature of WRC [flood management, drainage and waterway protection] infrastructure and to provide for their development, operation and maintenance.
- c. To ensure that WRC [regional] infrastructure is provided in a manner that:
 - (i) does not adversely affect the health and safety of the people of the district
 - (ii) avoids, remedies or mitigates any adverse effects on the natural and physical resources
 - (iii) is sensitive to the amenity values of the district, and relevant cultural or spiritual values
 - (iv) is efficient.¹

6.4.7 Policies – Stormwater

- a. Ensure that stormwater and drainage infrastructure for subdivision, land use and development:
 - (i) Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater;
 - (ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for on-site treatment;
 - (iii) Minimises impervious surfaces to reduce stormwater run-off;
 - (iv) Retains pre-development hydrological conditions as far as practicable;
 - (v) Does not increase the flow of stormwater runoff onto adjoining properties or flood plains, or reduce storage capacity on-site;
 - (vi) Provides a stormwater catchment management plan for future urban development; and
 - (vii) Promotes clean water reuse and groundwater recharge where practicable.
- b. The continuing operation of existing WRC infrastructure shall be protected from the adverse effects of other activities. In particular consideration shall be given to:
 - (i) Maintaining and enhancing the operational efficiency, effectiveness, viability and safety of WRC infrastructure
 - (ii) Protecting investment in existing WRC infrastructure
 - (iii) Retaining the ability to maintain and upgrade WRC infrastructure.
- c. To ensure that new WRC infrastructure is considered having regard to:
 - (i) The environment as it exists
 - (ii) The duration, timing and frequency of the adverse effect
 - (iii) The impact on other existing WRC infrastructure if the new work is not undertaken
 - (iv) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure
 - (v) The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable
 - (vi) The demand for and benefits of new WRC infrastructure

¹ 81.190 Waikato Regional Council

- (vii) The route, site, and method selection process
 - (viii) The technical and locational constraints
 - (ix) The benefits of the WRC infrastructure in terms of managing climate change effects.
- d. Provision of new WRC infrastructure occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is based on sufficient information to allow assessment of the potential long-term effects on the environment.²

2.4 Section 32AA evaluation

Other reasonably-practicable options

39. Reasonably-practicable options include stand-alone objectives and policies for regional council drainage, flood management and river protection infrastructure; retaining the objectives and policies and upgrading Stage 2 of the PWDP to manage WRC natural hazards infrastructure; or the proposed recommended amendments. Retaining the objective and policies as notified would not provide for the WRC drainage, flood management and river protection infrastructure. Stage 2 of the PWDP does contain some provision for infrastructure policies (for resilience) and Chapter 15 deals with preventing development in high risk flood areas, but not enabling the drainage, flood management or river protection infrastructure.

Effectiveness and efficiency

40. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The policies are required to be the most appropriate, in terms of efficiency and effectiveness, in achieving the objective. The enabling objectives are in the PWDP, for infrastructure and stormwater. The policies can be upgraded to enable the WRC specific infrastructure.

Costs and benefits

41. I do not consider that there are significant costs if the objective is amended. If it is not amended, there may be opportunity costs in not supporting the local, economic, social, environmental and cultural, regional and national benefits of infrastructure, , which are provided by the flood and river infrastructure.

Risk of acting or not acting

42. There is sufficient information to avoid risks of acting or not acting to amend the policies.

Decision about most appropriate option

43. The amended policies give effect to the RPS. They are considered to be the most appropriate, in efficiently and effectively achieving the PWDP infrastructure objectives.

² 81.190 Waikato Regional Council

3 6.1 General Infrastructure

3.1 Section-wide submissions

Submission point	Submitter	Decision requested
749.23	HNZC	Retain the objectives and policies in Section 6.1 General infrastructure as notified.
367.10	Liam McGrath for Mercer Residents and Ratepayers Committee	Retain the objectives and policies in Section 6.1 General infrastructure as notified.
924.16	Genesis Energy	Add a new Policy to Section 6.1- General Infrastructure as follows: <u>6.1.X Policy- Regionally Significant Infrastructure</u> <u>a. Have particular regard to the benefits that can be gained from the development and use of regionally significant infrastructure (as defined in the Waikato Regional Policy Statement 2016); and</u> <u>b. Protect the effectiveness and efficiency of existing and planned regionally significant infrastructure.</u>
<i>FSI350.9</i>	<i>Transpower</i>	<i>Supports 924.16</i>
<i>FSI168.135</i>	<i>Hort NZ</i>	<i>Opposes 924.16</i>
<i>FSI134.2</i>	<i>Counties Power</i>	<i>Supports 924.16</i>
<i>FSI266.1</i>	<i>WEL Networks</i>	<i>Supports 924.16</i>
<i>FSI202.62</i>	<i>NZTA</i>	<i>Supports 924.16</i>
<i>FSI045.13</i>	<i>Auckland/Waikato Fish and Game Council</i>	<i>Opposes 924.16</i>
576.14	Transpower	Retain Section 6.1 General Infrastructure, except for the amendments sought below AND Add to Section 6.1 General Infrastructure a preface with the following note: <u>In addition to Sections 6.2, 6.3, 6.4 and 6.5, the following objective and policies apply, unless otherwise stated.</u>

3.2 Analysis

44. **HNZC** [749.23] and **Liam McGrath for Mercer Residents and Ratepayers Committee** [367.10]: seek to retain the objectives and policies in Section 6.1 General infrastructure as notified.

45. I recommend accepting in part HN2C [749.23] and Liam McGrath for Mercer Residents and Ratepayers Committee [367.10], to the extent that the Objective be largely retained but amended in response to submissions.
46. **Genesis Energy** [924.16]: seeks to add a new Policy to Section 6.1- General Infrastructure to address regionally-significant infrastructure.
47. *Transpower [FS1350.9] supports [924.16]: The submission point is supported, as it appropriately provides explicit and clear recognition that particular regard should be had to the benefits of Regionally-Significant Infrastructure, and that the effectiveness and efficiency of Regionally-Significant Infrastructure is to be protected. Such policy recognition reflects and gives effect to Policy 6.6 of the Waikato RPS, which explicitly recognises regionally-significant infrastructure. [FS1168.135] Hort NZ opposes [924.16]: The submitter seeks that regionally-significant infrastructure be protected. Such infrastructure should be recognised and provided for, but protection needs to be balanced by other community needs. Counties Power [FS1134.2] supports [924.16]: Additional policy would clearly recognise the importance and benefit of all regionally- significant infrastructure in the Waikato District. WEL Networks [FS1266.1] supports [924.16]: This submission seeks to include a new policy in Section 6.1 to give effect to Regionally-Significant Infrastructure, which is in line with WEL's submission. NZTA [FS1202.62] supports [924.16]: NZTA supports the Waikato Regional Policy Statement and the recognition of regionally-significant infrastructure.*
48. *[FS1045.13] Auckland/Waikato Fish and Game Council opposes [924.16]. [FS1168.135] Hort NZ opposes [924.16]: as the submitter seeks that regionally-significant infrastructure be protected, however such infrastructure should be recognised and provided for, but protection needs to be balanced by other community needs.*
49. In relation to regionally-significant infrastructure, the RPS Objective 3.12 Built environment is as follows:
- “Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by: e) recognising and protecting the value and long-term benefits of regionally significant infrastructure.”
50. RPS Built environment policies include Policy 6.1 “Planned and co-ordinated subdivision, use and development”; 6.1.8 “Information to support new urban development and subdivision District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following: how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced, and g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods”; 6.3.9 “Strategic planning for infrastructure within the coastal marine area and connections with land - To ensure integrated management of infrastructure in the coastal marine area, Waikato Regional Council will collaborate with territorial authorities, the NZ Transport Agency and other relevant stakeholders to investigate: a) establishing a strategic framework for the provision of infrastructure, including marinas, moorings, aquaculture, energy generation and transport routes within the coastal marine area with particular consideration to the connectivity with the necessary supporting land-based infrastructure; and b) identifying and protecting through regional and district plans any

regionally significant routes and infrastructure in the coastal marine area, and necessary linkages with land-based infrastructure”; Policy 6.6 Significant infrastructure and energy resources “Management of the built environment ensures particular regard is given to: a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected; b) the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and c) the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network”; Implementation methods 6.6.1 “Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment: a) avoids, as far as practicable, adverse effects on the function of significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B), and otherwise remedies or mitigates any adverse effects that cannot be practicably be avoided; b) avoids, as far as practicable, the adverse effects of ribbon development along the defined significant transport corridors, and otherwise remedies or mitigates any adverse effects that cannot practicably be avoided; c) avoids as far as practicable, the need for additional access points onto the defined significant transport corridors, and otherwise remedies or mitigates the adverse effects of any additional access points that cannot practicably be avoided; d) avoids as far as is practicable, the exacerbation of community severance caused by defined significant transport corridors, and otherwise remedies or mitigates the adverse effects of any exacerbated community severance that cannot practicably be avoided; e) provides for renewable energy. f) provides for infrastructure in a manner that: i) recognises that infrastructure development can adversely affect people and communities; ii) enables the ongoing operation, maintenance, upgrading and development of municipal water supply infrastructure so as to provide for the justified and reasonably foreseeable needs of current and future generations; and iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure. g) considers how existing and planned renewable electricity generation activities and existing and planned urban development will be managed in relation to one another”; 6.6.2 “Transmission corridor management approach Waikato Regional Council will work with territorial authorities and energy companies and in consultation with other relevant industry organisations, to develop a transmission corridor management approach”; 6.6.3 “Collaboration Waikato Regional Council will seek to collaborate with territorial authorities, KiwiRail and the NZ Transport Agency to ensure development protects the function of significant transport corridors as defined in Maps 6.1 and 6.1A in section 6B”; 6.6.4 “Regional Land Transport Plan Waikato Regional Council will ensure the Regional Land Transport Plan includes provisions to support the protection of the function of significant transport corridors including through the development of a regional transport hierarchy which gives a consistent approach to be used by territorial authorities in their district plans”; 6.6.5 “Measures to avoid adverse effects Local authorities should ensure that appropriate measures are implemented to avoid adverse effects of development of the built environment on the safe, efficient and effective operation of regionally significant infrastructure. With respect to electricity transmission corridors, development of the built environment should also take into account National Policy Statements, National Environmental Standards and Transmission Corridor Guidelines as relevant to the circumstances”; 6.6.6 “Resilience of regionally significant infrastructure: Infrastructure providers should develop ways to maintain and improve the resilience of regionally significant infrastructure, such as through back-up systems and protection from the risk of natural hazards.”

51. The RPS Policy 6 Explanation – “Regionally significant infrastructure and energy resources support the well-being of the regional community. Much of this infrastructure and energy is also very important for New Zealand as a whole, such as energy and transport infrastructure that connects areas to the north, east and south of the Waikato Region. It is therefore very important that development of the built environment does not compromise the functioning of this infrastructure. Methods 6.6.1, 6.6.3, 6.6.4 and 6.6.5 are provided for this purpose. Policy 6.6(a) is intended to ensure the ongoing efficiency and effectiveness of regionally significant infrastructure, but does not imply that all adverse effects on that infrastructure must be avoided in all cases. If the adverse effects of a built environment proposal cannot practicably be avoided, then Methods 6.6.1(a), (b), (c) and (d) do not imply that the selected site should always be considered unsuitable as it may be possible to remedy or mitigate the adverse effects of concern. Method 6.6.6 also seeks to protect regionally significant infrastructure from natural hazards. The way in which the term ‘planned’ is to be applied is explained in the explanation to Policy 6.1.”
52. The significant transport corridors identified in Maps 6.1 and 6.1A reflect the strategic corridors identified in the operative Regional Land Transport Plan 2015-2045, which classifies them as nationally, regionally and sub-regionally significant. Significant transport corridors are equivalent to national, regional and sub-regional significant transport corridors in the Regional Land Transport Plan.
53. New Zealand and the region will benefit from further development of infrastructure and energy resources. Methods are provided to support such development in a way that appropriately manages potential adverse effects. Many effects of new electricity transmission, for example, could be avoided by appropriate siting of this infrastructure. This can be achieved through developing a transmission corridor management approach as described in Method 6.6.2. There is an increasing need for renewable energy, and renewable energy developments such as hydro-electric dams can be regionally significant. The potential for development of renewable energy resources can be reduced due to development of the built environment. The methods ensure that this is recognised in district and regional plans. Decisions about the future location of some developments (such as rural residential development) should take into account the potential for locations to be used for future renewable energy developments.
54. Policy 10.3 Effects of development on historic and cultural heritage - “Manage subdivision, use and development to give recognition to historic and cultural heritage and to integrate it with development where appropriate” - The Implementation methods 10.3.2 include determining whether an activity is inappropriate subdivision, use and development, regional and district plans, having regard to the historic and cultural heritage values, but also the requirement to retain the operational function of nationally and regionally significant transport infrastructure.”
55. Policy 11.1.4 Recognition of activities having minor adverse effects on indigenous biodiversity - “Regional and district plans should include permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity. They may include: a) the maintenance, operation and upgrading of lawfully established infrastructure, regionally significant infrastructure and lawfully established activities using natural and physical resources of regional or national importance; b) existing lawfully established uses of land where the effects of such land use remain the same or similar in character, intensity and scale; c) activities undertaken for the purpose of maintenance or enhancement of indigenous biodiversity; d) the collection of material for maintaining

traditional Māori cultural practices; and e) actions necessary to avoid loss of life, injury or serious damage to property.”

56. Glossary of the RPS defines Regionally significant infrastructure as including:

pipelines for the distribution or transmission of natural or manufactured gas or petroleum; b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001; c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989; d) the national electricity grid, as defined by the Electricity Industry Act 2010; e) a network (as defined in the Electricity Industry Act 2010); f) infrastructure for the generation and/ or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010); g) significant transport corridors as defined in Map 6.1 and 6.1A; h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services; i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure; j) flood and drainage infrastructure managed by Waikato Regional Council; k) Hamilton City bus terminal and Hamilton Railway Station terminus; and l) Hamilton International Airport.

57. I agree that there should be a policy for Regionally-Significant Infrastructure, in order to give effect to the Waikato RPS (Policy 6.6). There are specific objectives and policies for the National Grid, and nationally-significant infrastructure. There is a definition of Regionally-Significant Infrastructure in the RPS, which can be referenced, or included in the PWDP definitions. That definition includes “significant Transport Corridors”, within which NZTA and KiwiRail have elements of the land transport network, and flooding and drainage management by the WRC. Regionally-significant flood management, drainage and waterway protection infrastructure can be added to the policy framework, and will also be addressed further in Stage 2 of the PWDP, which relies largely on placeholder policy within Stage 1. Network utility operators are requiring authorities and can also use Notices of Requirement to designate sites for regionally-significant infrastructure. I consider that infrastructure needs to be enabled, but also protected against adverse effects of land use, development and subdivision. I consider there is only limited value in including Regionally-Significant Infrastructure within the PWDP. I gave evidence to the Auckland Unitary Plan Independent Hearings Panel that there was little to be gained by including ‘regionally-significant infrastructure’ within the AUP, as the relative significance of infrastructure can be assessed at the time of designation or resource consent, and it could have the effect of disabling infrastructure that was not defined as regionally significant. The AUP does not use the term ‘regionally-significant infrastructure’. However, it is used within the Waikato RPS, which sets out a list of that level of significant infrastructure, and the PWDP is required to give effect to the RPS. I therefore support including the definition and concept of ‘regionally-significant infrastructure’ within the PWDP, although leaving its implementation to designations and resource consents.
58. I recommend that the proposed policy be included in the PWDP, and that the Hearings Panel accept [924.16] Genesis Energy, [FS1350.9] Transpower, [FS1134.2] Counties Power, [FS1266.1] WEL Networks and [FS1202.62] NZTA, and That the Hearings Panel reject [FS1168.135] Hort NZ and [FS1045.13] Auckland/Waikato Fish and Game Council.
59. **Transpower** [576.14]: supports Section 6.1 General Infrastructure, but seeks a preface with the following note:

In addition to Sections 6.2, 6.3, 6.4 and 6.5, the following objective and policies apply, unless otherwise stated.

60. I agree that this preface should be added to Section 6.1 to provide clarity as to which objectives and policies apply.

3.3 Recommendations

61. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part HNZN [749.23] and Liam McGrath for Mercer Residents and Ratepayers Committee [367.10], to the extent that the Objective be retained as amended in response to submissions
 - b. Accept Genesis Energy [924.16], [FS1350.9] Transpower, [FS1134.2] Counties Power, [FS1266.1] WEL Networks and [FS1202.62] NZTA. Reject [FS1168.135] Hort NZ and [FS1045.13] Auckland/Waikato Fish and Game Council
 - c. Accept Transpower [576.14].

3.4 Recommended amendments

62. Add to Section 6.1 General Infrastructure a preface with the following note:
In addition to Sections 6.2, 6.3, 6.4 and 6.5, the following objectives and policies apply, unless otherwise stated. [576.14 Transpower]
63. Add new Policy 6.1.17 as follows:
6.1.17 Policy- Regionally Significant Infrastructure
- a. Have particular regard to the benefits that can be gained from the development and use of regionally significant infrastructure (as defined in the Waikato Regional Policy Statement 2016); and
 - b. Protect the effectiveness and efficiency of existing and planned regionally significant infrastructure. [924.16 Genesis Energy]

3.5 Section 32AA evaluation

Other reasonably-practicable options

64. Reasonably-practicable options include inclusion of policy on regionally-significant infrastructure or retention of the objectives and policies as notified. The PWDP is required to give effect to the RPS. It can do that, to a large extent, without mentioning regionally-significant infrastructure, but there may be some value in identifying a hierarchy of significance of infrastructure for the management of effects of resource consents and designations, either by infrastructure or on infrastructure.

Effectiveness and efficiency

65. The proposed policy is required to be the most appropriate in efficiently and effectively achieving the objectives. The enabling objectives are in the PWDP, for infrastructure generally and for specific types of network utilities and other infrastructure. The policies can be upgraded to enable regionally-specific infrastructure.

Costs and benefits

66. I do not consider that there are significant costs if the policy is added. If it is not added there may be a failure to give effect to the RPS, and to provide adequately for the regional council infrastructure for drainage, flood management and river protection.

Risk of acting or not acting

67. There is sufficient information to avoid risks of acting or not acting to amend the policies.

Decision about most appropriate option

68. The amended policies give effect to the RPS. They are considered to be the most appropriate, in efficiently and effectively achieving the PWDP infrastructure objectives.

4 6.1.1 Objective – Development, operation and maintenance of infrastructure

Submission point and Submitter		Decision requested
945.34 First Gas 646.18 Vodafone 648.18 Chorus 827.11 NZ Steel 923.85 Waikato DHB 680.76 FFNZ 836.34 Powerco 578.87 POAL 692.23 WEL Networks 644.18 Spark		Retain Objective 6.1.1 Development, operation and maintenance of infrastructure as notified.
924.17 Genesis Energy		Retain Objective 6.1.1-Development, operation and maintenance of infrastructure in the same or similar form.
405.32 Counties Power		Retain Objective 6.1.1 (a) Development, operation and maintenance of infrastructure as notified.
Submission point	Submitter	Decision requested
742.45	NZTA	Amend Objective 6.1.1 Development, operation and maintenance of infrastructure, as follows: Infrastructure is developed, operated and maintained to benefit the <u>enhance</u> social, economic, cultural and environmental well-being of the district.
<i>FS1345.44</i>	<i>Genesis Energy</i>	<i>Supports 742.45</i>
<i>FS1062.97</i>	<i>Andrew and Christine Gore</i>	<i>Opposes 742.45</i>
576.73	Transpower	Amend Objective 6.1.1 (a) Development, operation and maintenance of infrastructure, as follows:

		(a) Infrastructure is developed, operated and maintained <u>and upgraded</u> to benefit the social, economic, cultural and environmental well-being of the district, <u>region and nation</u> .
FSI266.2	WEL Networks	Supports 576.73
FSI258.60	Meridian Energy	Supports 576.73
FSI168.136	Hort NZ	Opposes 576.73
FSI345.24	Genesis Energy	Supports 576.73
FSI211.4	First Gas	Supports 576.73
FSI134.3	Counties Power	Supports 576.73
986.30	KiwiRail	Amend Objective 6.1.1 Development, operation and maintenance of infrastructure as follows (or similar amendments to achieve the requested relief): (a) Infrastructure is developed, operated and maintained to benefit the social, economic, cultural and environmental well-being of the district .

4.1 Analysis

69. There was considerable support from submitters for this objective, and the other submissions only requested clarification on infrastructure upgrading and whether the benefits were, local, regional or national.
70. **First Gas** [945.34], **Counties Power** [405.32], **Spark** [644.18], **Vodafone** [646.18], **Chorus** [648.18], **NZ Steel** [827.11], **Waikato DHB** [923.85], **Genesis Energy** [924.17], **FFNZ** [680.76], **Powerco** [836.34], **POAL** [578.87] and **WEL Networks** [692.23]: all seek retention of Objective 6.1.1- Development, operation and maintenance of infrastructure as notified, or in similar form.
71. I recommend accepting in part these submissions and further submissions, to the extent that the objective remains largely intact, with amendments in response to submissions. The value of the objective is that it gives effect to the RPS, supporting RPS objectives and policy framework for infrastructure and the built environment.
72. **NZTA** [742.45]: seeks amendments to “enhance” rather than benefit the well-being and to delete reference to “District”.
73. [FSI345.44] Genesis Energy supports [742.45], for the reasons provided in the NZTA submission. [FSI062.97] Andrew and Christine Gore oppose [742.45], considering that it is important that the infrastructure is mitigated first. Frequently roading impinges into environments, therefore it should have first mitigation, then developers. I do not consider that the relief sought is relevant to this PWDP provision.
74. Submitter [742.45] NZTA [742.45] supports the intent of Objective 6.1.1 but requests that it be amended to recognise the wider benefits of infrastructure within and beyond the district.

75. I agree that changing “benefit” to “enhance” is an objective of improvement rather than maintaining the status quo, and that there are wider benefits of infrastructure within and beyond the district (See KiwiRail [986.30] and Transpower [576.73] immediately below) and that the objective should refer to “well-being”, rather than be restricted or detailed to district, regional or national. The RPS may largely limit itself to regional benefits, but the PWDP will be required to seek local, regional and national benefits, and enhance well-being. **KiwiRail** [986.30]: similarly seeks to delete references to “the District”. I consider it appropriate to acknowledge the benefits of infrastructure wider than the district because of the linear nature, and that many of the networks cross jurisdictional boundaries and are part of a regional or even national network. I recommend accepting NZTA [742.45], [FS1345.44] *Genesis Energy* and rejecting [FS1062.97] *Andrew and Christine Gore*. I recommend accepting KiwiRail [986.30].
76. Transpower [576.73]: supports Objective 6.1.1 (a) Development, operation and maintenance of infrastructure, but seeks inclusion of “upgrading” and broadening “district” to include regional and national well-being.
77. [FS1266.2] *WEL Networks* supports [576.73]: *This submission seeks to retain Objective 6.1.1, subject to an acceptable amendment to Objective 6.1.1(a), which is in line with WEL's submission.* [FS1258.60] *Meridian Energy* supports [576.73]: *The proposed amendment - to recognise the benefits of upgrading infrastructure - is appropriate to support the efficient use and development of electricity generation and transmission assets.* [FS1168.136] *Hort NZ* opposes [576.73]: *The submitter seeks changes to the objective for all infrastructure, but they are not appropriate to be applied to all infrastructure. Amendments for the National Grid should be included in the specific National Grid provisions.* [FS1345.24] *Genesis Energy* supports [576.73]: *For the reasons outlined in the Transpower submission.* [FS1211.4] *First Gas* supports [576.73]: *First Gas supports the proposed amendment which acknowledges the regional and nationwide benefits of infrastructure.* [FS1134.3] *Counties Power* supports [576.73]: *Upgrades of infrastructure should also have benefit to the social, economic, cultural and environmental well-being of the district.*
78. I agree that the upgrading of infrastructure should be included in the objective, and that there are wider benefits of infrastructure, including its upgrading, within and beyond the district (see NZTA [742.45] and KiwiRail [986.30] immediately above), but that the objective should refer to “well-being”, rather than be restricted or detailed to district, region and nation. Upgrading is essentially a component of operating and maintaining a network. I recommend accepting in part Transpower [576.73], [FS1266.2] *WEL Networks*, [FS1258.60] *Meridian Energy*, [FS1345.24] *Genesis Energy*, [FS1211.4] *First Gas* and [FS1134.3] *Counties Power*, to the extent of amending the objective; and recommend rejecting [FS1168.136] *Hort NZ* as the objective as amended is in my opinion appropriate to be applied to all infrastructure.

4.2 Recommendations

79. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part First Gas [945.34], Counties Power [405.32], Spark [644.18], Vodafone [646.18], Chorus [648.18], NZ Steel [827.11], Waikato DHB [923.85], Genesis Energy [924.17], FFNZ [680.76], Powerco [836.34], POAL [578.87] and WEL Networks [692.23], to the extent that the objective remains largely intact, with amendments in response to submissions
 - b. Accept NZTA [742.45], [FS1345.44] *Genesis Energy* and reject [FS1062.97] *Andrew and Christine Gore*

- c. Accept KiwiRail [986.30]
- d. Accept in part Transpower [576.73], [FSI266.2] WEL Networks, [FSI258.60] Meridian Energy, [FSI345.24] Genesis Energy, [FSI211.4] First Gas and [FSI134.3] Counties Power to the extent of amending the objective; reject [FSI168.136] Hort NZ.

4.3 Recommended amendments

80. Amend Objective 6.1.1 as follows:

Infrastructure is developed, operated and maintained and upgraded to benefit the enhance social, economic, cultural and environmental well-being of the district.
[742.45 NZTA, 986.30 KiwiRail and 576.73 Transpower]

4.4 Section 32AA evaluation

Other reasonably-practicable options

81. Retaining the objective as notified is the principal option, however I do not consider it correctly states the range of benefits desired, including improvement rather than maintenance, and in certain circumstances local, regional and/or national in significance for well-being.

Effectiveness and efficiency

82. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The amended objective is a more appropriate way to achieve the purpose of the Act, to promote the sustainable management of natural and physical resources, with sustainable management meaning managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The objective should not be limited to well-being of the district.

Costs and benefits

83. I do not consider that there are significant costs if the objective is amended. If it is not amended there may be opportunity costs in not supporting regional and national infrastructure, economic, social, environmental and cultural benefits. As an example, protection of RMA s.6 matters is of national importance, and infrastructure siting and routes can achieve those benefits.

Risk of acting or not acting

84. There is sufficient information to avoid risks of acting or not acting to amend the objective.

Decision about most appropriate option

85. The amended objective gives effect to the National Policy Statements and the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the purpose of the Act.

5 6.1.2 Policy - Development, operation and maintenance

Submission point and	Decision requested
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Submitter		
836.35 Powerco 777.6 Radio New Zealand Limited 644.19 Spark 646.19 Vodafone 648.19 Chorus 680.77 FFNZ 405.33 Counties Power 742.46 NZTA 578.88 POAL 576.74 Transpower 986.31 KiwiRail 692.24 WEL Networks 827.12 NZ Steel		Retain Policy 6.1.2 Development, operation and maintenance as notified.
924.18 Genesis Energy		Retain Policy 6.1.2- Development, operation and maintenance in the same or similar form.
Submission point	Submitter	Decision requested
297.38	Counties Manukau Police	Add to Policy 6.1.2(a) Development, operation and maintenance, a new point as follows: <u>(vii) the need to conform to the national guidelines for CPTED</u>
945.35	First Gas	Add a new clause (vii) to Policy 6.1.2 Development, operation and maintenance as follows: <u>(vii) the need to access infrastructure.</u>
<i>FSI 134.8</i>	<i>Counties Power</i>	<i>Supports 945.35</i>
<i>FSI 350.11</i>	<i>Transpower</i>	<i>Supports 945.35</i>
<i>FSI 375.18</i>	<i>Radio New Zealand</i>	<i>Supports 945.35</i>
<i>FSI 168.137</i>	<i>Hort NZ</i>	<i>Opposes 945.35.</i>
<i>FSI 266.6</i>	<i>WEL Networks</i>	<i>Supports 945.35</i>
580.24	Meridian Energy	Retain Policy 6.1.2 Development, operation and maintenance, except for the amendments sought below AND Amend Policy 6.1.2(a)(iii) to reference "site" as plural as follows: <u>(iii) Locational constraints related to the need to access suitable resources or sites;</u>
<i>FSI 134.6</i>	<i>Counties Power</i>	<i>Supports 580.24</i>
798.10	Ngati Te Ata	Add a new clause (vii) to Policy 6.1.2 Policy-Development, operation and maintenance as follows: <u>(vii) is environmentally sustainable.</u>
<i>FSI 266.5</i>	<i>WEL Networks</i>	<i>Opposes 798.10</i>

<i>FSI134.7</i>	<i>Counties Power</i>	<i>Opposes 798.10</i>
567.8	Ngati Tamaoho Trust	Add a new clause (vii) to Policy 6.1.2 - Development, operation and maintenance, as follows <u>(vii) is environmentally sustainable.</u>
<i>FSI134.5</i>	<i>Counties Power</i>	<i>Opposes 567.8</i>
<i>FSI266.4</i>	<i>WEL Networks</i>	<i>Opposes 567.8</i>
419.68	Hort NZ	Add Clause (vii) to Policy 6.1.2 (a) Development, operation and maintenance, as follows: (a) Provide for the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure throughout the district by recognising: ... <u>(vii) potential for impacts on affected landowners and property on which infrastructure is located.</u> AND Amend Chapter 14 Infrastructure and Energy, to ensure that minor upgrading is clearly defined and does not include development or increase voltage of electricity lines.
<i>FSI258.18</i>	<i>Meridian Energy</i>	<i>Opposes 419.68</i>
<i>FSI350.10</i>	<i>Transpower</i>	<i>Opposes 419.68</i>
<i>FSI342.81</i>	<i>FFNZ</i>	<i>Supports 419.68.</i>
<i>FSI134.4</i>	<i>Counties Power</i>	<i>Opposes 419.68</i>
<i>FSI266.3</i>	<i>WEL Networks</i>	<i>Opposes 419.68</i>

5.1 Analysis

86. **Powerco** [836.35]; **Radio New Zealand Limited** [777.6], **Spark** [644.19], **Vodafone** [646.19], **Chorus** [648.19], **FFNZ** [680.77], **Counties Power** [405.33], **NZTA** [742.46], **Genesis Energy** [924.18], **POAL** [578.88], **Transpower** [576.74], **KiwiRail** [986.31], **WEL Networks** [692.24] and **NZ Steel** [827.12]: all seek the retention of Policy 6.1.2 Development, operation and maintenance as notified.
87. I recommend accepting in part these submissions and further submissions, to the extent that the policy remains largely intact, with amendments in response to submissions. The value of the policy is that it gives effect to the RPS objectives and policies on infrastructure, and to the PWDP infrastructure objective.
88. **Counties Manukau Police** [297.38]: seek an addition to Policy 6.1.2(a) Development, operation and maintenance, requiring conformation with the national guidelines for Crime Prevention Through Environmental Design (CPTED).
89. Infrastructure providers are aware of the need for CPTED and security of their assets against crime. CPTED is relevant to network utilities and their structures, as they are common targets for vandalism, damage and theft, and provide transport-related locations for personal and property crimes. Network utility operators need to ensure security of their networks so that any structures are inherently going to be designed to prevent damage or interference. It is implicit that the structures will be designed with property and personal

security in mind, and there is no need to embed this in a policy. From the CPTED national guidelines: There are four key overlapping CPTED principles. They are: 1. Surveillance – people are present and can see what is going on. 2. Access management – methods are used to attract people and vehicles to some places and restrict them from others. 3. Territorial reinforcement – clear boundaries encourage community ‘ownership’ of the space. 4. Quality environments – good quality, well maintained places attract people and support surveillance. There are three approaches to managing the physical environment in ways that will reduce the opportunity for crime: Natural – the integration of security and behavioural concepts into how human and physical resources are designed and used (e.g. border definition, windows). Organised – the introduction of labour-intensive security (e.g. guards, police, security patrols). Mechanical – the introduction of capital or hardware-intensive security (e.g. locks, closed circuit television, lighting). CPTED emphasises the employment of natural strategies where possible, so that crime prevention is integrated into design. More formal and expensive mechanical strategies are a last resort, when other options are unsuitable. These principles are incorporated into design and installation of infrastructure, and in particular the security against unauthorised access and damage or interference. I recommend rejecting Counties Manukau Police 9297.38], as the additional policy point is not needed. If it were added to the policy, it would need a resource consent assessment of whether conforming with the guidelines has been achieved.

90. **First Gas** [945.35]: seeks to add a new clause (vii) regarding the need to access infrastructure.
91. The submitter supports the inclusion of Policy 6.1.2, and in particular the acknowledgement that linear infrastructure has locational, functional and operational constraints. The submitter seeks the addition of a sub-policy to address access.
92. *[FS1134.8] Counties Power supports [945.35]: Counties Power agrees that the need to access infrastructure, especially linear infrastructure, is recognised throughout the district; [FS1350.11] Transpower supports [945.35]: The submission point is supported, as access is a key consideration in the development, operation and maintenance of regionally-significant infrastructure. Explicit recognition of access would assist in plan interpretation and application. [FS1375.18] Radio New Zealand supports [945.35]: RNZ agrees that some infrastructure has locational, functional and operational constraints and the need for access is important; [FS1266.6] WEL Networks supports [945.35]: This submission seeks to retain Objective 6.1.2, subject to an acceptable new clause to provide for the need to access infrastructure, which is in line with WEL's submission.*
93. *[FS1168.137] Hort NZ opposes [945.35]: The submitter seeks to include the need to access infrastructure as a matter in Policy 6.1.2; the further submitter considers that access to infrastructure across private land is a matter between the infrastructure provider and the landowner and the council cannot remove landowners' rights.*
94. I accept that the policy should acknowledge the need for access to infrastructure, which is already implicit in Policy 6.1.2 (i), (ii), (iii), and (v) and is a functional and operational need of infrastructure, but can be stated separately. This policy point does not change landowner rights to control access across their land. Access is a key consideration in the development, operation and maintenance of infrastructure, and explicit recognition of access would assist in plan interpretation and application, including for resource consents and infrastructure Notices of Requirement. I recommend accepting First Gas [945.35], *[FS1134.8] Counties Power, [FS1350.11] Transpower, [FS1375.18] Radio New Zealand and [FS1266.6] WEL Networks; and rejecting [FS1168.137] Hort NZ.*

95. Meridian Energy [580.24]: seeks to retain Policy 6.1.2 Development, operation and maintenance, and to reference "site" as a plural..
96. The submitter states that this is a minor editorial matter to ensure that the policy does not limit its application; many forms of infrastructure will involve multiple sites.
97. *[FSI 134.6] Counties Power supports [580.24]: Minor amendment would allow for sufficient scope due to infrastructure being located on a number of different sites.*
98. I agree with this amendment as a correction. I recommend accepting Meridian Energy [580.24] and *[FSI 134.6] Counties Power.*
99. **Ngati Te Ata [798.10] and Ngati Tamaoho Trust [567.8]:** seek to add a new clause (vii) to Policy 6.1.2 Policy-Development, operation and maintenance to be environmentally sustainable. No reasons are provided by the submitters.
100. *[FSI 266.5] and [FSI 266.4] WEL Networks oppose [798.10] and [567.8] respectively: These submissions seek to include a further point to ensure that development, operation and maintenance are environmentally sustainable. As this matter is covered off in Objective 6.1.8 and Policy 6.1.9, it does not need to be repeated here. [FSI 134.7] and [FSI 134.5] Counties Power oppose [798.10] and [567.8] respectively: The suggested amendment does not fit within this policy and is covered in Policy 6.1.8 Environmental effects. Community health, safety and amenity already require that development, operation, maintenance, repair, replacement, upgrading and removal be carried out to avoid, remedy and mitigate adverse effects on the environment.*
101. Objective 6.1.8 and Policy 6.1.9 require infrastructure in the community and identified areas to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity. These are carried through into Chapter 14 provisions for infrastructure. The bigger question may be how to define 'environmentally-sustainable' and what it means in terms of infrastructure. The RMA has the purpose of promotion of sustainable management. That and other legislation and initiatives promote environmental sustainability in terms of renewable electricity generation, freshwater quality, protection of the coastal environment, protection of high value environments and historic and cultural heritage. I recommend that the Hearings Panel reject Ngati Te Ata [798.10] and accept *[FSI 266.5] WEL Networks and [FSI 134.7] Counties Power;* and reject [Ngati Tamaoho Trust [567.8]; accept *[FSI 266.4] WEL Networks and [FSI 134.5] Counties Power.*
102. **Hort NZ [419.68]:** seeks to add Clause (vii) to Policy 6.1.2 (a) Development, operation and maintenance, as potential for impacts on affected landowners and property on which infrastructure is located. The submitter also seeks amendments to ensure that minor upgrading is clearly defined and does not include development or increase voltage of electricity lines.
103. The submitter recognises the need to provide for infrastructure but considers that impacts on affected landowners should be recognised. In addition, the extent of "upgrading" needs to be defined so that it does not include development in terms of scale and effects or increased voltage of electricity lines.
104. *[FSI 258.18] Meridian Energy opposes [419.68]: Policy 4.1.2 already comprehensively addresses the relevant actual and potential effects; The requested amendment does not address a legitimate resource management effect; The submission point also requests amendments to the provisions for*

'minor upgrading' in Chapter 14 (Infrastructure and Energy) that unnecessarily constrain the efficient use and development of existing renewable electricity generation and transmission assets. [FS1350.10] Transpower opposes [419.68]: The submission point is opposed on the basis that Policy 6.1.2 relates to the development, operation and maintenance of infrastructure and that the sought insertion does not fit within this policy context; It is noted that the impacts of infrastructure are addressed under other policies such as 6.1.8 - 6.1.10. Transpower notes that the submission point relating to Minor Upgrading is addressed in Submission Points [419.127] and [419.81]. [FS1342.81] FFNZ supports [419.68]: FFNZ supports the reasoning outlined by the submitter. [FS1134.4] Counties Power opposes [419.68]: Infrastructure located on private land cannot be located there without approval from the landowner, with easements generally in place for maintenance; This would imply that the landowner(s) potentially affected already have an agreement with the infrastructure provider for it to be situated on the land. Any effects on adjacent landowners are already required to be considered under s95 of the Act. [FS1266.3] WEL Networks opposes [419.68]: This submission seeks to include a further point addressing the potential impacts of infrastructure on affected landowners and property; As this matter is covered off in Objective 6.1.8 and Policy 6.1.9, it does not need to be repeated here.

105. Policy 6.1.4 on infrastructure benefits is balanced by Policies 6.1.8, 6.1.9 and 6.1.10 managing environmental impacts. Infrastructure located on private land cannot be located there without approval from the landowner, with easements generally in place for maintenance and access arrangements.
106. Upgrading of infrastructure is addressed by a PWDP definition of “minor upgrading”:
 Minor upgrading of existing infrastructure 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.
107. Upgrading is accorded different activity status, depending on whether it is minor or not. Permitted activities include:
- Alterations and additions to overhead electricity and telecommunication lines on existing poles or support structures involving any of the following:
 - (a) The addition of conductors to form a twinned or duplex pairing;
 - (b) The re-conductoring of the line with higher capacity conductors;
 - (c) The re-sagging of conductors;
 - (d) The addition of longer, more efficient insulators;
 - (e) The addition of earth wires (which may contain telecommunication lines), earth-peaks and lightning rods;
 - (f) The addition, replacement or relocation of transformers;
 - (g) The addition, replacement or relocation of circuits and conductors;
 - (h) The addition or replacement of telecommunication lines and fittings;
 - (i) The replacement of existing crossarms with crossarms of an alternative design;
 - (j) The increase in voltage of electric lines up to 110kV; or
 - (k) The installation of mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 (NZECP34:2001)”(PWDP 14.3.1 P2).

108. I note that the increase in voltage of electric lines up to 110kV is a permitted activity. I recommend rejecting Hort NZ [419.68] and [FS1342.81] FFNZ; and accepting [FS1258.18] Meridian Energy, [FS1350.10] Transpower, [FS1134.4] Counties Power and [FS1266.3] WEL Networks.

5.2 Recommendations

109. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.35]; Radio New Zealand Limited [777.6], Spark [644.19], Vodafone [646.19], Chorus [648.19], FFNZ [680.77], Counties Power [405.33], NZTA [742.46], Genesis Energy [924.18], POAL [578.88], Transpower [576.74], KiwiRail [986.31], WEL Networks [692.24] and NZ Steel [827.12]: to the extent that the policy remain largely intact, with amendments in response to submissions
 - b. Reject Counties Manukau Police [297.38]
 - c. Accept [First Gas [945.35], [FS1134.8] Counties Power, [FS1350.11] Transpower; [FS1375.18] Radio New Zealand and [FS1266.6] WEL Networks, reject [FS1168.137] Hort NZ
 - d. Accept Meridian Energy [580.24] and [FS1134.6] Counties Power
 - e. Reject Ngati Te Ata [798.10]; accept [FS1266.5] WEL Networks and [FS1134.7] Counties Power
 - f. Reject Ngati Tamaoho Trust [567.8]; accept [FS1266.4] WEL Networks and [FS1134.5] Counties Power
 - g. Reject Hort NZ [419.68], [FS1342.81] FFNZ, accept [FS1258.18] Meridian Energy, [FS1350.10] Transpower, [FS1134.4] Counties Power and [FS1266.3] WEL Networks.

5.3 Recommended amendments

110. Amend Policy 6.1.2 as follows:

6.1.2 Policy - Development, operation and maintenance

- (a) Provide for the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure throughout the district by recognising:
 - (i) Functional and operational needs;
 - (ii) Location, route and design needs and constraints;
 - (iii) Locational constraints related to the need to access suitable resources or sites³;
 - (iv) The benefits of infrastructure to people and communities;
 - (v) The need to quickly restore disrupted services; and
 - (vi) Its role in servicing existing consented and planned development.
 - (vii) the need to access infrastructure.⁴

5.4 Section 32AA evaluation

111. The amendment provides clarification that infrastructure-enabling policies need to include accessibility of infrastructure, without going further to affect property rights controlling access.

³ [945.35 First Gas]

⁴ [580.24 Meridian Energy]

Other reasonably-practicable options

112. Retaining the policy as notified is the principal option, however I do not consider that it adequately recognises the operational and functional needs of infrastructure. The amendment recognises the need for access to infrastructure, and that access needs to be established both as part of the infrastructure and in relation to the often private land on which it may be sited.

Effectiveness and efficiency

113. The policy is required to be the most appropriate, in efficiently and effectively achieving the principal enabling Objective 6.1.1 “Development, operation and maintenance of infrastructure”.

Costs and benefits

114. I do not consider there are significant costs if the policy is amended. It does not affect private property rights further than at present in relation to access to infrastructure facilities. The infrastructure providers need to make arrangements for access to their networks and facilities. If it is not amended there may be costs in infrastructure built out to be inaccessible, and other activities occurring on land around infrastructure that constrain or prevents access.

Risk of acting or not acting

115. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

116. The amended policy gives effect to the RPS objectives and policies enabling infrastructure and more appropriately achieves PWDP Objective 6.1.1.

6 6.1.3 Policy - Technological advances

Submission point and Submitter		Decision requested
576.75 Transpower 827.13 NZ Steel 680.78 FFNZ 836.36 Powerco 692.25 WEL Networks 405.34 Counties Power 578.89 POAL 986.32 KiwiRail		Retain Policy 6.1.3 Technological advances, as notified
FS1211 First Gas		FS1211.6 supports 576.75 FS1211.5 supports 836.36 FS1211.7 supports 578.89
Submission point	Submitter	Decision requested

644.30	Spark	<p>Amend Policy 6.1.3- Technological advances by replacing it with the following wording as proposed in the draft National Planning Standard for Network Utilities or other changes of like effect:</p> <p><u>Provide flexibility for network utilities to adopt new technologies that: 1. Improve access to, and efficient use of, networks and services; 2. Allow for the re-use of redundant services and structures; 3. Increase resilience, safety or reliability of networks and services; 4. Result in environmental benefits and enhancements; or 5. Promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.</u></p> <p>OR Amend Policy 6.1.3- Technological advances by using "or" rather than "and" to remove the conjunctive nature of the clauses. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.</p>
<i>FSI 134.9</i>	<i>Counties Power</i>	<i>Supports 644.30:</i>
<i>FSI 266.7</i>	<i>WEL Networks</i>	<i>Supports 644.30</i>
<i>FSI 345.53</i>	<i>Genesis Energy</i>	<i>Opposes 644.30</i>
646.30	Vodafone	<p>Amend Policy 6.1.3- Technological advances by replacing it with the following wording as proposed in the draft National Planning Standard for Network Utilities or other changes of like effect:</p> <p><u>Provide flexibility for network utilities to adopt new technologies that: 1. Improve access to, and efficient use of, networks and services; 2. Allow for the re-use of redundant services and structures; 3. Increase resilience, safety or reliability of networks and services; 4. Result in environmental benefits and enhancements; or 5. Promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.</u></p> <p>OR</p> <p>Amend Policy 6.1.3- Technological advances by using "or" rather than "and" to remove the conjunctive nature of the clauses. AND Any consequential amendments necessary as a result of the amendments to grant the relief sought.</p>
<i>FSI 266.8</i>	<i>WEL Networks</i>	<i>Supports 646.30</i>
<i>FSI 134.10</i>	<i>Counties Power</i>	<i>Supports 646.30</i>
<i>FSI 345.54</i>	<i>Genesis Energy</i>	<i>Opposes 646.30</i>
648.30	Chorus	Amend Policy 6.1.3 - Technological advances by replacing it with the following wording as proposed in the draft National Planning Standard for Network

		<p>Utilities or any other changes of like effect:</p> <p><u>Provide flexibility for network utilities to adopt new technologies that: 1. Improve access to, and efficient use of, networks and services; 2. Allow for the re-use of redundant services and structures; 3. Increase resilience, safety or reliability of networks and services; 4. Result in environmental benefits and enhancements; or 5. Promote environmentally sustainable outcomes including green infrastructure and the increased the utilisation of renewable resources.</u></p> <p>AND</p> <p>Amend Policy 6.1.3 - Technological advances by using "or" rather than "and" to remove the conjunctive nature of clauses.</p>
<i>FS1266.9</i>	<i>WEL Networks</i>	<i>Supports 648.30</i>
<i>FS1134.11</i>	<i>Counties Power</i>	<i>Supports 648.30</i>
<i>FS1345.52</i>	<i>Genesis Energy</i>	<i>Opposes 648.30</i>
742.48	NZTA	<p>Retain Policy 6.1.3 Technological advances, except for the amendments sought below AND Amend Policy 6.1.3(a)(ii) Technological advances as follows:</p> <p>Allow for the re-use of redundant infrastructure and structures <u>and the upgrading of existing infrastructure where appropriate; and...</u></p>
<i>FS1345.45</i>	<i>Genesis Energy</i>	<i>Supports 742.48</i>
<i>FS1134.12</i>	<i>Counties Power</i>	<i>Supports 742.48</i>

6.1 Analysis

117. **Transpower** [576.75], [FS1211.6] *First Gas support* [576.75], **NZ Steel** [827.13], **FFNZ** [680.78], **Powerco** [836.36]; [FS1211.5] *First Gas supports* [836.36], **WEL Networks** [692.25], **Counties Power** [405.34], **POAL** [578.89], [FS1211.7] *First Gas supports* [578.89] and **KiwiRail** [986.32] - all seek retention of Policy 6.1.3 Technological advances, as notified.
118. The submissions support the policy, as it recognises technological advances; given the 10-year life of the plan and the ever-changing technological advances, the recognition of flexibility is supported.
119. The further submitters support the submissions, insofar as they seek the retention of policy 6.1.3 which provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district while also recognising the importance of allowing for flexibility for operators to use new technological advances.
120. I recommend accepting in part these submissions and further submissions, to the extent that the policy remains largely intact, with amendments in response to submissions. The value of the policy lies in its opportunities for taking advantage of technological advances, in flexibility and cost of providing the infrastructure and in the environmental and community outcomes and benefits it can provide.

121. **Spark** [644.30], supported by [FS1134.9] *Counties Power* and [FS1266.7] *WEL Networks* and opposed by [FS1345.53] *Genesis Energy*, and **Vodafone** [646.30]; supported by [FS1134.10] *Counties Power* and [FS1266.8] *WEL Networks*; and opposed by [FS1345.54] *Genesis Energy*, and **Chorus** [648.30]; supported by [FS1134.11] *Counties Power* and [FS1266.9] *WEL Networks*; and opposed by [FS1345.52] *Genesis Energy*: seek to amend Policy 6.1.3 - Technological advances by replacing it with the following wording as proposed in the draft National Planning Standard for Network Utilities or other changes of like effect.
122. The submitters state that Policy 6.1.3 seeks to provide flexibility to use new technologies, subject to a number of conjunctive limbs (i.e. all have to be met); and it is unclear how clause (iii) would be interpreted where a new technology may have a significant community benefit but does not necessarily reduce environmental effects. The submitters consider that the wording of the equivalent policy in the draft National Planning Standard for Network Utilities is a preferred approach to promoting the use of technological advances, as it provides alternative means to satisfy the policy. The submitters state that Draft National Planning Standard for Network Utilities provisions are being used as best-practice by stakeholders for discussion with councils undertaking plan reviews and the content of submissions.
123. Further submitter *Counties Power* states that the proposed amendment allows for sufficient flexibility in adopting new technology over and above that of the notified policy, while still promoting good environmental outcomes. Further submitter *WEL Networks* states that these submissions seek to amend Policy 6.1.3 to include the wording as proposed in the draft National Planning standard for Network Utilities. *WEL* supports this amendment, as it promotes energy-efficient and sustainable design technologies, which is in line with *WEL's* policies as an electricity provider. In addition, this policy is consistent with section 7(ba), 7(i) and 7(j) of the Resource Management Act (RMA).
124. Further submitter *Genesis Energy* opposes the amendments; as notified, Policy 6.1.3 applies to all infrastructure - the definition of which includes electricity generation, transmission and distribution infrastructure and pipelines for the conveyance of gas etc; The effect of the amendments proposed by *Chorus*, *Spark* and *Vodafone* limits the policy to solely network utilities, which is not the intent of the policy and is not supported by *Genesis* (which supports having a policy providing for the ability to utilise technological advancements).
125. I agree that Policy 6.1.3 as notified seeks to provide flexibility to use new technologies, subject to a number of conjunctive limbs (i.e. all have to be met), and that each benefit should be available without a requirement that all be required to qualify. Each of the clauses would be considered a benefit worth pursuing using technological advances. I accept that the draft National Planning Standard for Network Utilities is the infrastructure providers' preferred approach to promoting the use of technological advances, as it provides alternative means to satisfy the policy, even though it may still be in draft stages of preparation. In relation to the *Genesis Energy* further submissions in opposition to the proposed amendments, they support access to technological advances, but are concerned that the policy amendments change "infrastructure providers" to "network utilities", which would have the effect of not supporting non-network utility infrastructure such as electricity generation. I consider that electricity generation is generally interconnected with transmission and distribution networks, except where serving a self-sustained activity, however would prefer that the "infrastructure provider" reference be retained.

126. The main substantive difference in the policy clauses suggested is in the introduction of “Increase resilience, safety or reliability of networks and services”, which goes beyond the fine-tuning of the draft National Planning Standards and identifies an additional key consideration for enabling infrastructure. I recommend accepting in part Spark [644.30], [FS1134.9] Counties Power, [FS1266.7] WEL Networks, Vodafone [646.30], [FS1134.10] Counties Power, [FS1266.8] WEL Networks, Chorus [648.30], [FS1134.11] Counties Power and [FS1266.9] WEL Networks, to the extent that the amendment as suggested be largely adopted, and accept in part [FS1345.52] Genesis Energy, [FS1345.53 and FS1345.54] Genesis Energy, to the extent that “infrastructure providers” is not replaced by “network utilities”.
127. **NZTA** [742.48]: requests an amendment to Policy 6.1.3 to recognise that technological advances may also result in/require the upgrading of existing infrastructure.
128. [FS1345.45] Genesis Energy supports [742.48]: For the reasons provided in the NZTA submission. [FS1134.12] Counties Power supports [742.48]: Technological advances may call for the upgrade of existing infrastructure in places where it is necessary, and this should be recognised.
129. This amendment is not needed, in my opinion, as Policy 6.1.2 provides for upgrading of infrastructure. Technological advances contribute to the functional and operational need to upgrade infrastructure. I recommend rejecting NZTA [742.48], [FS1345.45] Genesis Energy and [FS1134.12] Counties Power.

6.2 Recommendations

130. For the reasons above I recommend that the Hearings Panel:
- Accept in part Transpower [576.75], [FS1211.6] First Gas on [576.75], NZ Steel [827.13], FENZ [680.78], Powerco [836.36]; [FS1211.5] First Gas on [836.36], WEL Networks [692.25], Counties Power [405.34], POAL [578.89], [FS1211.7] First Gas on [578.89] and KiwiRail [986.32], to the extent that the policy is largely retained intact, amended in response to submissions.
 - Accept in part Spark [644.30], [FS1134.9] Counties Power, [FS1266.7] WEL Networks, Vodafone [646.30], [FS1134.10] Counties Power, [FS1266.8] WEL Networks, Chorus [648.30], [FS1134.11] Counties Power and [FS1266.9] WEL Networks, to the extent that the amendment as suggested is largely adopted, and accept in part [FS1345.52] Genesis Energy, [FS1345.53] Genesis Energy and [FS1345.54] Genesis Energy, to the extent that “infrastructure providers” is not replaced by “network utilities”.
 - Reject NZTA [742.48], [FS1345.45] Genesis Energy and [FS1134.12] Counties Power.

6.3 Recommended amendments

131. Amend Policy 6.1.3 as follows:

6.1.3 Policy - Technological advances

- Provide flexibility for infrastructure operators to to ~~use new technological advances~~ adopt new technologies that:
 - Improve access to, and ~~enable the~~ efficient use of, networks and services or development of infrastructure;
 - Allow for the reuse of redundant services infrastructure and structures ~~where appropriate~~; and
 - ~~Result in positive environmental and community outcomes~~ Increase resilience, safety or reliability of networks and services;

- (iv) Result in environmental benefits and enhancements; or
(v) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.⁵

6.4 Section 32AA evaluation

132. The proposed policy amendments are for clarification, and to ensure that benefits can be achieved, even if all criteria are not met together in relation to technological change. They introduce resilience of infrastructure as a technological opportunity requiring policy support.

Other reasonably-practicable options

133. Retaining the policy as notified is the principal option, however I do not consider that it adequately recognises the opportunities for improving resilience and other benefits of infrastructure. The amendments recognise the need for infrastructure resilience and the need to take full advantage of technological advances. The notified policy could be read as only allowing use of technological advances when the policy arms are conjunctively met.

Effectiveness and efficiency

134. The policy is required to be the most appropriate, in efficiently and effectively achieving the principal enabling Objective 6.1.1 “Development, operation and maintenance of infrastructure”.

Costs and benefits

135. I do not consider that there are significant costs if the policy is amended. There is a resilience cost of failure of infrastructure if technology is made unavailable. If the policy is not amended there may be costs in infrastructure not being able to be upgraded, with potential benefits lost.

Risk of acting or not acting

136. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

137. The amended policy gives effect to the RPS objectives and policies enabling infrastructure and more appropriately achieves PWDP Objective 6.1.1.

7 6.1.4 Policy - Infrastructure benefits

Submission point and Submitter	Decision requested
986.33 KiwiRail 836.37 Powerco 923.86 Waikato DHB	Retain Policy 6.1.4 Infrastructure benefits as notified.

⁵ 644.30 Spark; 646.30 Vodafone; 648.30 Chorus

644.20 Spark 646.20 Vodafone 648.20 Chorus NZ Ltd 827.14 NZ Steel 692.26 WEL Networks 576.76 Transpower 945.36 First Gas 405.35 Counties Power 578.90 POAL 742.47 NZTA		
777.7 Radio New Zealand Limited		Retain Policy 6.1.4 Infrastructure benefits as notified, particularly clause (a)(vii) which identifies the benefits provided for lifeline utility services.
924.19 Genesis Energy		Retain Policy 6.1.4- Infrastructure benefits in the same or similar form.
Submission point	Submitter	Decision requested
419.69	Hort NZ	Delete Policy 6.1.4(a)(iv) Infrastructure benefits. AND Any consequential or additional amendments as a result of changes sought in the submission.
<i>FS1345.101</i>	<i>Genesis Energy</i>	<i>Opposes 419.69:</i>
<i>FS1266.10</i>	<i>WEL Networks</i>	<i>Opposes 419.69</i>
<i>FS1134.13</i>	<i>Counties Power</i>	<i>Opposes 419.69.</i>
<i>FS1342.82</i>	<i>FFNZ</i>	<i>Supports 419.69</i>
580.25	Meridian Energy	Retain Policy 6.1.4 Infrastructure Benefits, except for the amendments sought below AND Add a new clause (b) to Policy 6.1.4 Infrastructure Benefits as follows: (a) <u>Have particular regard to the benefits that the use and development of renewable energy provides.</u>
<i>FS1266.11</i>	<i>WEL Networks</i>	<i>Supports 580.25</i>
<i>FS1134.14</i>	<i>Counties Power</i>	<i>Supports 580.25.</i>
680.79	FFNZ	Amend Policy 6.1.4. (a) (i) Infrastructure benefits, as follows: (i) Enabling enhancement of the quality of life and residential standard for people and communities, <u>including rural areas;</u>

7.1 Analysis

138. **KiwiRail** [986.33], **Powerco** [836.37], **Waikato DHB** [923.86], **Radio New Zealand Limited** [777.7], **Spark** [644.20], **Vodafone** [646.20], **Chorus** [648.20], **NZ Steel** [827.14], **Genesis Energy** [924.19], **WEL Networks** [692.26], **Transpower** [576.76],

First Gas [945.36], **Counties Power** [405.35], **POAL** [578.90] and **NZTA** [742.47]: all seek that Policy 6.1.4 be retained as notified.

139. I recommend accepting in part these submissions and further submissions, to the extent that the policy remains largely intact, with amendments in response to submissions. The value of the policy is in its requirement to consider the positive effects or benefits of infrastructure, to assist in enabling infrastructure that may otherwise be seen as having only adverse effects.
140. **Hort NZ** [419.69]: seeks deletion of Policy 6.1.4(a)(iv) Infrastructure benefits.
141. The submitter states that Policy 6.1.4 includes managing adverse effects on the environment as an infrastructure benefit; it is unclear how adverse effects on the environment are considered a benefit.
142. *[FSI 345.101] Genesis Energy opposes [419.69]: Genesis opposes the deletion of this policy. [FSI 266.10] WEL Networks opposes [419.69]: This submission seeks to delete Policy 6.1.4(a)(iv) which manages adverse effects on the environment; It is important that potential adverse effects are managed with infrastructure development; In addition, this policy is consistent with section 5 of the RMA. [FSI 134.13] Counties Power opposes [419.69]: The policy does not suggest that adverse effects on the environment are beneficial in association with infrastructure, rather that the managing of adverse effects is a beneficial outcome related to infrastructure and this should be encouraged in all forms. [FSI 342.82] FFNZ supports [419.69]: for reasons outlined by the submitter.*
143. The submitters' reasons are noted, however management (avoid, remedy or mitigate) of actual and potential adverse effects is a benefit. I recommend rejecting Hort NZ [419.69] and [FSI 342.82] FFNZ and accepting [FSI 345.101] Genesis Energy, [FSI 266.10] WEL Networks and [FSI 134.13] Counties Power.
144. **Meridian Energy** [580.25]: seeks the addition of a new clause which has particular regard to the benefits that the use and development of renewable energy provide.
145. The submitter states that amendment is required to give effect to section 7(j) of the RMA and the National Policy Statement - Renewable Electricity Generation.
146. *[FSI 266.11] WEL Networks supports [580.25]: This submission seeks to retain Policy 6.1.4, subject to an acceptable new clause to provide for the benefits of renewable energy, which is in line with WEL's submission. [FSI 134.14] Counties Power supports [580.25]: The benefit of renewable energy should be recognised as a benefit throughout the Waikato District.*
147. Policy 6.1.4 includes infrastructure benefits, including (iii) enabling the functioning of business and growth and development and (iv) managing adverse effects on the environment, both enabling renewable energy. Section 6.3 has objectives and policies more specific to renewable energy and I do not see the need to single out renewable electricity generation in this more general policy. I recommend rejecting Meridian Energy [580.25], [FSI 266.11] WEL Networks and [FSI 134.14] Counties Power, as the new clause is not needed.
148. FFNZ [680.79]: seeks to amend Policy 6.1.4. (a) (i) Infrastructure benefits to specifically include rural areas.
149. The submitter supports infrastructure for its benefits, but seeks that the policy also include benefits for rural-based communities, industry and agriculture.

150. Quality of life and residential standard of amenity applies equally in rural areas and rural communities as urban environments, and Policy 6.1.4 (iv) Managing adverse effects on the environment applies equally across the district. I recommend rejecting FFNZ [680.79], as there is no need to single out rural areas.

7.2 Recommendations

151. For the reasons above I recommend that the Hearings Panel:

- a. Accept in part KiwiRail [986.33], Powerco [836.37], Waikato DHB [923.86], Radio New Zealand Limited [777.7], Spark [644.20], Vodafone [646.20], Chorus [648.20], NZ Steel [827.14], Genesis Energy [924.19], WEL Networks [692.26], Transpower [576.76], First Gas [945.36], Counties Power [405.35], POAL [578.90] and NZTA [742.47], to the extent that the policy be largely retained intact, and amended by other submissions.
- b. Reject Hort NZ [419.69], [FS1342.82] FFNZ and accept [FS1345.101] Genesis Energy, [FS1266.10] WEL Networks and [FS1134.13] Counties Power
- c. Reject Meridian Energy [580.25], [FS1266.11] WEL Networks and [FS1134.14] Counties Power
- d. Reject FFNZ [680.79].

151. There are no amendments recommended to this Policy 6.1.4.

8 6.1.5 Policy – Natural hazards and climate change

Submission point and Submitter		Decision requested
405.36 Counties Power 578.91 POAL 644.21 Spark 646.21 Vodafone 648.21 Chorus 692.27 WEL Networks 836.38 Powerco 827.15 NZ Steel		Retain Policy 6.1.5 (a) Natural hazards and climate change as notified.
FS1388.150 Mercury NZ Limited for Mercury E		Opposes 405.36
FS1211.8 First Gas		Supports 836.38
Submission point	Submitter	Decision requested
680.80	FFNZ	Amend Policy 6.1.5 Natural hazards and climate change, as follows: (a) <u>Improve the resilience of infrastructure to natural hazard risk and climate change disruptions by:</u> (i) <u>Encouraging</u> the design and location of infrastructure to take account of natural hazards and the effects of

		climate change. <u>(ii) Ensure management and operational decisions include appropriate natural hazard and climate change risk analysis.</u>
924.20	Genesis Energy	Amend Policy 6.1.5 (a)- Natural Hazards and Climate Change as follows: (a) Encourage the design and location of <u>new</u> infrastructure to take account of natural hazards and the effects of climate change.

8.1 Analysis

152. **Counties Power** [405.36], **POAL** [578.91], **Spark** [644.21], **Vodafone** [646.21], **Chorus** [648.21], **WEL Networks** [692.27], **Powerco** [836.38] and **NZ Steel** [827.15] seek retention of Policy 6.1.5 (a) Natural hazards and climate change as notified.
153. *[FS1388.150] Mercury NZ Limited opposes: [405.36] is relevant to this submission point, which deals with Natural Hazards and Climate Change, although only a placeholder policy within Stage 1 of the PWDP. [FS1388.150] Mercury NZ Limited opposes [405.36]: At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure that the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.*
154. *[FS1211.8] First Gas supports [836.38]: First Gas supports the intent of this submission, which seeks to retain Policy 6.1.5 Natural hazards and climate change as notified.*
155. I recommend accepting in part Counties Power [405.36], POAL [578.91], Spark [644.21], Vodafone [646.21], Chorus [648.21], WEL Networks [692.27], Powerco [836.38], *[FS1211.8] First Gas on [836.38] and [827.15] NZ Steel [827.15]; to the extent that the policy be largely retained intact, albeit as amended in response to submissions. I recommend rejecting [FS1388.150] Mercury on [405.36].*
156. **FFNZ** [680.80]: seeks to amend Policy 6.1.5 Natural hazards and climate change, as follows:
(a) Improve the resilience of infrastructure to natural hazard risk and climate change disruptions by: (i) Encourage Encouraging the design and location of infrastructure to take account of natural hazards and the effects of climate change. (ii) Ensure management and operational decisions include appropriate natural hazard and climate change risk analysis.
157. **FFNZ** [680.80] seeks to amend Policy 6.1.5, to improve resilience of infrastructure to natural hazard risk and climate change, and the management and operational decisions concerning that infrastructure. The submitter supports the aim of improving resilience to natural hazard risks and climate change disruptions, including provision and management of infrastructure to anticipate these risks, and considers the policy could be better worded along these lines.

158. I recommend that no change be made at this stage to the placeholder Policy on Natural Hazards and Climate change, as the topic of Stage 2 of the PWDP is Natural Hazards and Climate Change, and it will be dealt with more comprehensively within that stage. The notified Stage 2 includes Chapter 15 policies for resilience and risk management for infrastructure. I recommend rejecting FFNZ [680.80].
159. **Genesis Energy** [924.20]: seeks to amend Policy 6.1.5 (a) - Natural Hazards and Climate Change to focus on new infrastructure.
160. The submitter supports the intent of this policy, but recommends it be made explicit that this policy relates to new infrastructure.
161. The policy can only apply to new infrastructure and changes to infrastructure, as existing infrastructure has existing use rights if lawfully established. Regional plan provisions can be retrospective but district plan provisions cannot. It is possible that replacement or significant upgrading of infrastructure in areas of natural hazards, including coastal natural hazards, could be encouraged to find a new location where practicable, unless it is able to be designed to be resilient to the natural hazard. I recommend rejecting Genesis Energy [924.20].

8.2 Recommendations

162. For the reasons above I recommend that the Hearings Panel:
- Accept in part Counties Power [405.36], POAL [578.91], Spark [644.21], Vodafone [646.21], Chorus [648.21], WEL Networks [692.27], Powerco [836.38], [FS1211.8] *First Gas* on [836.38] and [827.15] NZ Steel [827.15]; reject [FS1388.150] *Mercury* on [405.36]
 - Reject FFNZ [680.80]
 - Reject Genesis Energy [924.20].
163. Having considered all the submissions on this policy, I am not recommending any changes.

9 6.1.6 Objective – Reverse sensitivity

Submission point and Submitter	Decision requested
405.37 Counties Power 578.92 POAL 644.XX Spark [not in database, or any further submissions on it, but Spark submission is identical to Chorus and Vodafone submissions] 646.43 Vodafone 648.44 Chorus 692.28 WEL Networks 827.16 NZ Steel	Retain Objective 6.1.6 (a) Reverse sensitivity as notified.

945.37 First Gas 986.34 KiwiRail 777.8 Radio New Zealand Limited 580.14 Meridian Energy		
924.21 Genesis Energy		Retain Objective 6.1.6 - Reverse Sensitivity in the same or similar form.
Submission point	Submitter	Decision requested
742.49	NZTA	Retain Objective 6.1.6 Reverse Sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse Sensitivity as follows: <u>Existing and planned infrastructure (including the National Grid) is protected from reverse sensitivity effects, and infrastructure (including the National Grid) its construction, operation, maintenance repair, replacement and upgrading is not compromised.</u>
<i>FSI345.46</i>	<i>Genesis Energy</i>	<i>Supports 742.49</i>
<i>FSI269.60</i>	<i>HNZC</i>	<i>Opposes 742.49</i>
<i>FSI134.17</i>	<i>Counties Power</i>	<i>Supports 742.49</i>
<i>FSI258.62</i>	<i>Meridian Energy</i>	<i>(not stated)</i>
576.77	Transpower	Retain Objective 6.1.6 Reverse sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse sensitivity, as follows: <u>6.1.6 Objective - Reverse sensitivity Adverse Effects on Infrastructure (a)...</u>
<i>FSI269.47</i>	<i>HNZC</i>	<i>Opposes 576.77</i>
<i>FSI211.11</i>	<i>First Gas</i>	<i>Supports 576.77</i>
<i>FSI168.138</i>	<i>Hort NZ</i>	<i>Opposes 576.77</i>
419.70	Hort NZ	Amend Objective 6.1.6 (a) Reverse sensitivity, as follows: <u>(a) Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised Manage activities to the extent reasonably possible to reduce the potential for reverse sensitivity effects on infrastructure.</u>
<i>FSI375.19</i>	<i>Radio New Zealand</i>	<i>Opposes 419.70</i>
<i>FSI258.64</i>	<i>Meridian Energy</i>	<i>Opposes 419.70</i>
<i>FSI266.14</i>	<i>WEL Networks</i>	<i>Opposes 419.70</i>
<i>FSI342.83</i>	<i>FFNZ</i>	<i>Supports 419.70</i>
<i>FSI350.12</i>	<i>Transpower</i>	<i>(not stated) 419.70</i>
680.81	FFNZ	Amend Objective 6.1.6 (a) Reverse sensitivity, as follows:

		(a) <u>Existing and/or designated infrastructure</u> Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.
FS1211.10	First Gas	Opposes 680.81
FS1168.139	Hort NZ	Opposes 680.81
FS1176.225	Watercare	Supports 680.81
836.42	Powerco	Retain Objective 6.1.6 Reverse Sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse Sensitivity as follows: (a) Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid <u>and regionally significant infrastructure</u>) is not compromised.
FS1211.9	First Gas	Supports 836.42
FS1168.140	Hort NZ	Opposes 836.42
FS1258.61	Meridian Energy	(not stated) 836.42
FS1375.20	Radio New Zealand	Supports 836.42
FS1266.15	WEL Networks	Supports 836.42

9.1 Analysis

164. **Counties Power** [405.37], **NZ Steel** [827.16], **Spark** [644.XX], **Vodafone** [646.43] **Chorus** [648.44], **First Gas** [945.37], **Meridian Energy** [580.14], **Genesis Energy** [923.21], **WEL Networks** [692.28], **KiwiRail** [986.34], **Radio New Zealand Limited** [777.8] and **POAL** [578.92]: all seek to retain Objective 6.1.6 (a) Reverse sensitivity as notified.
165. The “Retain” submissions want to ensure that infrastructure is protected from any new activities. The submitters consider that this proposed objective is generally consistent with the policy framework in the draft National Planning Standards for infrastructure. The submitters consider the provisions are to provide a workable policy framework for telecommunications infrastructure framework.
166. The value of this objective is in its focus on reverse sensitivity, one of the principal disabling effects on infrastructure. I recommend accepting in part Counties Power [405.37], NZ Steel [827.16], Spark [644.XX], Vodafone [646.43] Chorus [648.44], First Gas [945.37], Meridian Energy [580.14], Genesis Energy [923.21], WEL Networks [692.28], KiwiRail [986.34], Radio New Zealand Limited [777.8] and POAL [578.92];, to the extent that the Objective is largely retained intact, amended in response to submissions.
167. **NZTA** [742.49]: Retain Objective 6.1.6 Reverse Sensitivity, except for the amendments sought AND Amend Objective 6.1.6 Reverse Sensitivity, to clarify the use of the term ‘infrastructure’ includes existing and planned infrastructure, and that it is construction, operation, maintenance and repair, replacement and upgrading that need enabling.

168. The submitter supports Objective 6.1.6, as it recognises that sensitive or incompatible activities being established near infrastructure can affect the safe, effective and efficient operation of infrastructure. The amendment is sought to ensure that both existing and planned infrastructure is covered and recognises the importance of the construction, operation, maintenance, and upgrading of infrastructure.
169. I do not agree that “Infrastructure (including the National Grid)” should be changed to “Existing and planned infrastructure”. The submitter may have got the intent from the RPS general Development principles 6A: d) “not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;” and o) “not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.” Although the focus is on protection of existing infrastructure, the policy will also apply to infrastructure in the future, whether planned or not. Future infrastructure can be designed to contribute to the management of reverse sensitivity effects. Existing infrastructure is subject to changes and intensification of adjacent land uses, including sensitive activities requiring protection against adverse effects. I consider that the ‘national grid’ reference should be retained, as the NPSET requires recognition of its importance, and the RPS includes specific objectives and policies for the corridor management approach for management of adverse effects including reverse sensitivity.
170. The second part of the amendment requested is similar to NPSET Policy 10 on reverse sensitivity:
- “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.”
171. I support the additional detail of construction, operation, maintenance, repair, replacement and upgrading of infrastructure. Full-scale upgrading of infrastructure may include significant additional adverse effects, which cannot be managed solely by restricting nearby sensitive activities.
172. *[FS1269.60] HNZN opposes the proposed amendment, to the extent that it is inconsistent with its primary submission.* The HNZN primary submission does not have a section specifically on Objective 6.1.6 – Reverse sensitivity, but the submission relates to the PWDP as a whole. It includes a concern that the provisions of the National Grid do not efficiently manage sensitive activities within close proximity to and under the National Grid. The National Grid provisions are opposed by HNZN, but no alternative is offered.
173. The National Grid provisions in the NPSET and the RPS require the PWDP to give effect, and use a corridor management approach for management of adverse effects including reverse sensitivity. I recommend accepting in part NZTA [742.49], *[FS1345.46] Genesis Energy*, *[FS1134.17] Counties Power*, *[FS1258.62] Meridian Energy*, to the extent that construction, operation, maintenance, repair, replacement and upgrading are not compromised. I recommend rejecting *[FS1269.60] HNZN*.

Transpower [576.77]: seeks to amend the title to be focused on “the adverse effects on infrastructure” rather than “reverse sensitivity”:

174. The submitter states that provision of an objective specific to reverse sensitivity is supported, as is the specific reference to the National Grid within the objective. However, the submitter seeks amendment of the objective title to recognise that it is not only sensitive activities which can compromise infrastructure, but also the adverse effects of subdivision, land use and development. The submitter can be affected by other activities that establish beneath or in close proximity to its lines and/or structure; and states that such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing 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 submitter further states that subdivision, land use and development can also compromise the National Grid through activities such as access to the National Grid assets being blocked, buildings and structures being located close to assets and causing risk and safety issues (such as flashovers) or 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 limit the submitter's ability to maintain, upgrade and develop the National Grid. The submitter considers that the recognition of subdivision, land use and development activities not compromising infrastructure (and in particular the National Grid) would give effect to Policy 10 of the NPSET.
175. *[FS1211.11] First Gas supports [576.77]: First Gas supports the intent of this submission point, which seeks to amend Objective 6.1.6(a) to ensure that it is not only reverse sensitivity effects on infrastructure that are considered, but also the adverse effects of subdivision, land use and development.*
176. *[FS1168.138] Hort NZ opposes [576.77]: A clear policy for how reverse sensitivity effects will be managed is appropriate.*
177. *[FS1269.47] HNZN opposes the proposed amendment, to the extent that it is inconsistent with its primary submission. The HNZN primary submission does not have a section specifically on Objective 6.1.6 – Reverse sensitivity, but the submission relates to the PWDP as a whole. It includes a concern that the provisions of the National Grid do not efficiently manage sensitive activities within close proximity to and under the National Grid. The National Grid provisions are opposed by HNZN, but no alternative is offered. The submitter Transpower is the operator of the National Grid.*
178. I agree that the Objective should refer to “Adverse Effects on Infrastructure”, as the issue is broader than reverse sensitivity alone, and includes protection against adverse effects of subdivision, land use and development, some of which are reverse sensitivity effects from sensitive activities. I recommend accepting Transpower [576.77] and [FS1211.11] First Gas; and rejecting [FS1269.47] HNZN and [FS1168.138] Hort NZ.
179. **Hort NZ** [419.70] seeks to amend Objective 6.1.6 (a) as set out in the above table, to manage activities to the extent reasonably possible rather than to protect infrastructure.
180. The submitter states that the objective seeks as an outcome “to protect”; and even the National Policy Statement for Electricity Transmission does not have an objective to 'protect', however it seeks to manage activities to the extent reasonably possible. Hort NZ considers that the important matter is that activities are managed to reduce the potential for reverse sensitivity effects on infrastructure; in essence the objective is seeking to apply an objective for the National Grid, which is recognised as nationally significant, on all

infrastructure, therefore the submitter considers the general objective for infrastructure should be differentiated from specific Objective 6.2.1 National Grid.

181. *[FS1375.19] Radio New Zealand opposes [419.70]: RNZ's transmitter is in the proposed Rural Zone; subdivision and development in proximity to its transmitter site could lead to reverse sensitivity effects on its transmission and impede the operation of RNZ's network; the submission point [419.70] does not go far enough to protect infrastructure from reverse sensitivity effects.*
182. *[FS1258.64] Meridian Energy opposes [419.70]: As a renewable electricity generator, Meridian's generation assets are potentially affected by any amendments to Policy 6.1.6; the benefits of renewable electricity generation are recognised in section 7 of the RMA and in a National Policy Statement; any amendments to Policy 6.1.6 must ensure that lawfully-established and consented renewable electricity generation facilities are protected from adverse reverse sensitivity effects and enabled to continue to operate.*
183. *[FS1266.14] WEL Networks opposes [419.70]: This submission seeks to amend Policy 6.1.6 to provide for activities to be managed to the extent reasonably possible to reduce reverse sensitivity effects. The wording as proposed in the Proposed District Plan and supported by WEL would ensure greater certainty around the protection of infrastructure and potential reverse sensitivity effects, and therefore avoid any potential disruption to the efficient and effective supply of infrastructure.*
184. *[FS1342.83] FFNZ supports [419.70]: the amendments, which seek to better align the planning approach with the direction provided in the National Policy Statement for Electricity Transmission, Policy 10; the requirement to 'protect' and 'avoid' is an unreasonable expectation in the context of this plan.*
185. *[FS1350.12] Transpower (not stated) [419.70]: On the basis of Policy 6.2.6 of the proposed plan (which is specific the National Grid), Transpower is neutral on Policy 6.1.6; however, should Policy 6.2.6 be removed or amended contrary to the relief sought in Transpower's original submission, Transpower opposes the relief sought in submission point [419.70].*
186. The NPSET uses this language for the National Grid, but does not provide that much flexibility for other infrastructure. I note that the term “protect” is not used in the NPSET, which refers to “avoiding/reducing/minimising” adverse effects on the National Grid. “Avoid” is not used in the proposed Objective in the PWDP, but is used in the following Policy 6.1.7 to define the extent of protection, qualified by “as far as reasonably practicable”, which is similar to the NPSET’s “to the extent reasonably possible”. Further submitters consider that the submitter’s proposed wording does not provide sufficient protection against reverse sensitivity effects. The changes sought are a policy (means to achieve) rather than an objective (outcome). I recommend that the notified version as amended by NZTA and Transpower submissions be preferred, and rejecting [419.70] Hort NZ [419.70] and [FS1342.83] FFNZ, and accepting [FS1375.19] Radio New Zealand, [FS1258.64] Meridian Energy, [FS1266.14] WEL Networks and [FS1350.12] Transpower.
187. **FFNZ** [680.81]: seeks to amend Objective 6.1.6 (a) Reverse sensitivity, to limit the applicability of the objective to existing and/or designated infrastructure.
188. The submitter supports protection of existing infrastructure from reverse sensitivity effects, but this should not apply to infrastructure that does not yet exist. The submitter seeks that this policy be amended by referring to protection of existing and/or designated infrastructure.

189. *[FS1211.10] First Gas opposes [680.81]: Reverse sensitivity effects are a relevant consideration when considering the effects of a sensitive activity on lawfully-established activities within the vicinity. Objective 6.1.6(a) is included to address reverse sensitivity effects on infrastructure. The amendment as proposed is unnecessary and could cause confusion where replacement/upgrading of existing infrastructure is necessary, or where new buildings/structures associated with existing infrastructure are required and reverse sensitivity effects are a relevant matter for consideration. [FS1176.225] Watercare supports [680.81]: Watercare supports these amendments, particularly the inclusion of "designated". Watercare is seeking further changes to Chapter 6. [FS1168.139] Hort NZ opposes [680.81]: A clear policy for how reverse sensitivity effects will be managed is appropriate but Hort NZ seeks rewording and the removal of the word 'protect'.*
190. I do not agree that “Infrastructure (including the National Grid)” should be changed to “Existing and/or designated infrastructure”. Development principle 6A(o) of the RPS “o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure” does not limit to existing infrastructure. Although the focus is on protection of existing infrastructure, the policy will also apply to infrastructure in the future, whether planned or not. Designation is a planning technique designed to provide protection to land and proposed infrastructure or public works, and has no useful purpose within this objective, and not all network utility infrastructure is designated. Future infrastructure can be designed to contribute to the management of reverse sensitivity effects. Existing infrastructure is subject to changes and intensification of adjacent land uses, including sensitive activities requiring protection against adverse effects. The extent of protection is described in Policy 6.1.7. I recommend rejecting FFNZ [680.81] and *[FS1176.225] Watercare*, and accepting *[FS1211.10] First Gas* and *[FS1168.139] Hort NZ*.
191. **Powerco** [836.42]: seeks to include references in the objective to regionally-significant infrastructure.
192. The submitter states that avoiding reverse sensitivity effects on infrastructure is supported, however seeks that regionally-significant infrastructure is explicitly provided for.
193. *[FS1211.9] First Gas supports [836.42]: the intent of this submission, which seeks to ensure that regionally-significant infrastructure is explicitly provided for within the PWDP in line with the Waikato Regional Policy Statement. [FS1168.140] Hort NZ opposes [836.42], seeking rewording and the removal of the word 'protect', and it is not appropriate that an objective of 'not compromised' is applied to all regionally-significant infrastructure. It should at least include 'to the extent reasonably possible'. A further submission can only support or oppose an original submission and cannot extend the scope of relief sought in the original submission. [FS1258.61] Meridian Energy: not stated on [836.42]: As a renewable electricity generator, Meridian's generation assets are potentially affected by any amendments to Policy 6.1.6 and by any new definition of 'regionally significant infrastructure'. [FS1375.20] Radio New Zealand supports [836.42], agrees that regionally-significant infrastructure should be explicitly provided for. [FS1266.15] WEL Networks supports [836.42]: This submission seeks to retain Policy 6.1.6, subject to an acceptable amendment to provide for regionally-significant infrastructure, which is in line with WEL's submission.*
194. I do not agree that the objective should refer to “regionally-significant infrastructure”, as it is an objective for all infrastructure. “National Grid” is only included to make it explicit that this objective also applies to the National Grid, as it has its own specific reverse sensitivity policy (6.2.6). Whether ‘regionally-significant infrastructure’ provisions are included in the PWDP or not, all network utility infrastructure is already included. The extents of

protection and not compromising are included in Policy 6.1.7 and the amendments to Objective 6.1.6 in response to the NZTA submission. The term 'Regionally-significant infrastructure' may provide some additional hierarchy of importance for resource consents or the notices of requirement. I recommend rejecting Powerco [836.42], [FS1211.9] First Gas, [FS1375.20] Radio New Zealand and [FS1266.15] WEL Networks, and accepting [FS1168.140] Hort NZ, in that it opposes an original submission which is rejected; accept [FS1258.61] Meridian Energy, as support or opposition is (not stated).

9.2 Recommendations

195. For the reasons above I recommend that the Hearings Panel:

- a. Accept in part Counties Power [405.37], NZ Steel [827.16], Spark [644.XX], Vodafone [646.43] Chorus [648.44], First Gas [945.37], Meridian Energy [580.14], Genesis Energy [923.21], WEL Networks [692.28], KiwiRail [986.34], Radio New Zealand Limited [777.8] and POAL [578.92], to the extent that the Objective is largely retained intact, amended in response to submissions.
- b. Accept in part NZTA [742.49], [FS1345.46] Genesis Energy, [FS1134.17] Counties Power and [FS1258.62] Meridian Energy, to the extent that construction, operation, maintenance repair, replacement and upgrading are not compromised. Reject [FS1269.60] HNZN
- c. Accept Transpower [576.77] and [FS1211.11] First Gas. Reject [FS1269.47] HNZN and [FS1168.138] Hort NZ
- d. Reject Hort NZ [419.70] and [FS1342.83] FFNZ. Accept [FS1375.19] Radio New Zealand, [FS1258.64] Meridian Energy, [FS1266.14] WEL Networks and [FS1350.12] Transpower
- e. Reject FFNZ [680.81] and [FS1176.225] Watercare; accept [FS1211.10] First Gas and [FS1168.139] Hort NZ
- f. Reject Powerco [836.42], [FS1211.9] First Gas, [FS1375.20] Radio New Zealand and [FS1266.15] WEL Networks. Accept [FS1168.140] Hort NZ in that it opposes an original submission which is rejected; accept [FS1258.61] Meridian Energy.

9.3 Recommended amendments

196. Amend Objective 6.1.6 as follows:

6.1.6 Objective - ~~Reverse sensitivity~~ Adverse Effects on Infrastructure [576.77 Transpower]

Infrastructure (including the National Grid) is protected from reverse sensitivity effects, and ~~infrastructure (including the National Grid) its construction, operation, maintenance repair, replacement and upgrading~~ is not compromised. [742.49 NZTA]

9.4 Section 32AA evaluation

197. Amendments add detailed guidance for clarification, and acknowledge that effects on infrastructure go beyond reverse sensitivity.

Other reasonably-practicable options

198. Retaining the objective as notified is the main option, along with variations of the National Grid, however the principal amendment is to broaden the reverse sensitivity objective, and

to also acknowledge there are other adverse effects on the construction, operation, maintenance repair, replacement and upgrading of infrastructure that can compromise it. This is one of the operational and functional needs of infrastructure.

Effectiveness and efficiency

199. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The amended objective is more clear, hence efficient and effective, about the aspects of infrastructure which can be compromised by adverse effects of other activities, including reverse sensitivity.

Costs and benefits

200. I do not consider that there are significant costs if the objective is amended. There is a benefit from clarity of purpose in the amended objective.

Risk of acting or not acting

201. There is sufficient information to avoid risks of acting or not acting to amend the objective.

Decision about most appropriate option

202. The amended objective better achieves the purpose of the Act.

10 6.1.7 Policy – Reverse sensitivity and infrastructure

Submission point and Submitter		Decision requested
827.17 NZ Steel 405.38 Counties Power 836.40 Powerco 644.22 Spark 646.22 Vodafone 648.22 Chorus 777.9 Radio New Zealand Limited 578.93 POAL 692.29 WEL Networks 580.15 Meridian Energy		Retain Policy 6.1.7 Reverse sensitivity and infrastructure as notified.
924.22 Genesis Energy		Retain Policy 6.1.7- Reverse sensitivity and Infrastructure in the same or similar form.
Submission point	Submitter	Decision requested
419.71	Hort NZ	Delete Policy 6.1.7 Reverse sensitivity and infrastructure AND Add a new replacement Policy 6.1.7 Reverse sensitivity and infrastructure, as follows: <u>Manage the potential adverse effects of activities adjacent to infrastructure, including to reduce the potential for reverse sensitivity effects, by ensuring sensitive activities, and inappropriate subdivision, use</u>

		<u>and development do not occur in a location or form that significantly constrains the safe, effective and efficient operation, maintenance, upgrade and development of the infrastructure.</u>
FSI342.84	FFNZ	Supports 419.71
FSI258.65	Meridian Energy	Opposes 419.71
FSI134.18	Counties Power	Opposes 419.71
FSI375.21	Radio New Zealand	Opposes 419.71
FSI350.13	Transpower	(not stated) 419.71
FSI345.102	Genesis Energy	Opposes 419.71
FSI266.16	WEL Networks	Opposes 419.71
986.35	KiwiRail	Amend Policy 6.1.7 Reverse sensitivity and infrastructure as follows (or similar amendments to achieve the requested relief): (a) Avoid reverse sensitivity effects on <u>existing and planned</u> infrastructure from subdivision, use and development as far as reasonably practicable, so that the ongoing and efficient operation of infrastructure is not compromised.
FSI269.85	HNZC	Opposes 986.35.
742.50	NZTA	Amend Policy 6.1.7 Reverse sensitivity and infrastructure as follows: Avoid reverse sensitivity effects on <u>existing and planned</u> infrastructure from subdivision, use and development as far as reasonably practicable, so that the-its construction operation maintenance repair replacement and upgrading the ongoing and efficient operation of infrastructure is not compromised.
FSI375.24	Radio New Zealand	Supports 742.50
FSI345.47	Genesis Energy	Supports 742.50
FSI269.61	HNZC	Opposes 742.50
FSI258.66	Meridian Energy	Supports 742.50
945.38	First Gas	Amend Policy 6.1.7 Reverse Sensitivity effects and infrastructure to include reference to the ability to access infrastructure which may be compromised through subdivisions in particular.
FSI168.143	Hort NZ	Opposes 945.38
FSI375.25	Radio New Zealand	Supports 945.38
680.82	FFNZ	Amend Policy 6.1.7 Reverse sensitivity and infrastructure, as follows: (a) <u>Avoid, remedy or mitigate</u> reverse sensitivity

		effects on <u>existing and/or designated</u> infrastructure from subdivision, use and development as far as reasonably practicable , so that the ongoing and efficient operation of infrastructure is not compromised.
FSI168.142	Hort NZ	Opposes 680.82.
FSI211.12	First Gas	Opposes 680.82.
FSI258.75	Meridian Energy	Supports 680.82.
FSI375.23	Radio New Zealand	(not stated) 680.82
FSI266.17	WEL Networks	Opposes 680.82
576.78	Transpower	Retain Policy 6.1.7 Reverse sensitivity and infrastructure, except for the amendments sought below AND Amend Policy 6.1.7 Reverse sensitivity and infrastructure, as follows: 6.1.7 Policy - Reverse sensitivity <u>Adverse Effects on and infrastructure</u> (a) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, <u>and ensure</u> so that the ongoing and efficient operation of infrastructure is not compromised.
FSI375.22	Radio New Zealand	Supports 576.78.
FSI258.63	Meridian Energy	(not stated) 576.78
FSI211.13	First Gas	Supports 576.78
FSI168.141	Hort NZ	Opposes 576.78
FSI269.48	HNZC	Opposes 576.78.

10.1 Analysis

203. **NZ Steel** [827.17], **Counties Power** [405.38], **Powerco** [836.40], **Spark** [644.22], **Vodafone** [646.22], **Chorus** [648.22], **Radio New Zealand Limited** [777.9], **POAL** [579.93], **WEL Networks** [692.29], **Meridian Energy** [580.15] and **Genesis Energy** [924.22]: seek to retain Policy 6.1.7 Reverse sensitivity and infrastructure as notified.
204. Submitters state that infrastructure providers want to ensure that infrastructure is protected from subdivision, use and development; it is important that infrastructure and suitable access is maintained to it so that the efficient operation and resilience of the networks are not compromised; endorse the explicit protection of infrastructure from reverse sensitivity effects, noting that renewable energy facilities are included in "infrastructure"; seek to ensure that the Plan rules follow through by genuinely protecting authorised and existing lawfully-established large-scale wind farms from adverse reverse sensitivity effects; this is generally consistent with the policy framework in the draft National Planning Standard for Infrastructure; these provisions are considered to provide a workable policy framework for telecommunications infrastructure; Policy 6.1.7 ensures that development is managed around infrastructure to avoid potential reverse sensitivity effects; support the inclusion of specific

provisions that provide for, recognise and enable infrastructure, which is considered to cover the water supply system for the mining site and the pump station at Allcock Road and which should include the slurry pipeline infrastructure [NZ Steel]; provide for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district.

205. I recommend accepting in part the submissions NZ Steel [827.17], Counties Power [405.38], Powerco [836.40], Spark [644.22], Vodafone [646.22], Chorus [648.22], Radio New Zealand Limited [777.9], POAL [579.93], WEL Networks [692.29], Meridian Energy [580.15] and Genesis Energy [924.22], to the extent that the Policy 6.1.7 be retained largely intact, but amended in response to other submissions.
206. **Hort NZ** [419.71]: seeks to delete Policy 6.1.7 Reverse sensitivity and infrastructure and replace it with a policy that seeks to “manage” the potential adverse effects of activities adjacent to infrastructure, including to reduce the potential for reverse sensitivity effects, principally by ensuring that sensitive activities, and inappropriate subdivision, use and development do not occur in a location or form that significantly constrains the infrastructure.
207. The submitter considers that a policy of 'avoid' is absolute, which will severely limit activities adjacent to infrastructure; the policy should be to manage the potential adverse effects of activities to reduce the potential for reverse sensitivity.
208. *[FS1342.84] FFNZ supports [419.71]: the amendments, which seek to better align the planning approach with the direction provided in the National Policy Statement for Electricity Transmission, Policy 10; the requirement to 'protect' and 'avoid' is an unreasonable expectation in the context of this plan.*
209. *[FS1258.65] Meridian Energy opposes [419.71]: Meridian's own submission 580 supports Policy 6.1.7; the avoidance approach of Policy 6.1.7 is appropriate for renewable electricity generation infrastructure that is recognised in section 7 of the RMA and by a National Policy Statement; 'Reducing the potential for reverse sensitivity effects' does not go far enough.*
210. *[FS1134.18] Counties Power opposes [419.71]: Reverse sensitivity effects should be avoided on infrastructure to ensure the efficient operation and resilience of the network throughout the district. The notified policy seeks to achieve that.*
211. *[FS1375.21] Radio New Zealand opposes [419.71]: RNZ's transmitter is in the proposed Rural Zone; subdivision and development in proximity to its transmitter site could lead to reverse sensitivity effects on its transmission and impede the operation of RNZ's network; submission point [419.71] does not go far enough to protect infrastructure from reverse sensitivity effects.*
212. *[FS1350.13] Transpower: not stated on [419.71]: on the basis of Policy 6.2.6 of the proposed plan (which is specific the National Grid), Transpower is neutral on Policy 6.1.7; however, should Policy 6.2.6 be removed or amended contrary to the relief sought in Transpower's original submission, Transpower opposes the relief sought in submission point [419.71].*
213. *[FS1345.102] Genesis Energy opposes [419.71]: Genesis supports the notified version of the policy.*
214. *[FS1266.16] WEL Networks opposes [419.71]: This submission seeks to replace Policy 6.1.7 so that activities are managed to the extent reasonably possible to reduce reverse sensitivity effects, rather than avoided. The wording as proposed in the Proposed District Plan and supported by WEL*

would ensure greater certainty around the protection of infrastructure and potential reverse sensitivity effects, and therefore avoid any potential disruption to the efficient and effective supply of infrastructure.

215. I agree that the Policy should not be restricted to the operation of infrastructure, but should also include construction or development, maintenance repair, replacement and upgrading. The wording of the policy, to “Avoid...as far as reasonably practicable”, is a statement of a hierarchical approach to effects management, with avoid as a first priority, followed by remedy and mitigation where avoidance is not reasonably practicable. I support that approach, and consider it is appropriate for a protective type of policy. The NPSET uses this language for the National Grid, but does not provide that much flexibility to other infrastructure. I note that the term “protect” is not used in the NPSET, which refers to “avoiding/reducing/minimising” adverse effects on the National Grid. “Avoid” is not used in the proposed Objective 6.1.6 in the PWDP, but is used in this implementing Policy 6.1.7 to define the extent of protection or effect avoidance, qualified by “as far as reasonably practicable”, which is similar to the NPSET’s “to the extent reasonably possible”. Further submitters consider that the submitter’s proposed wording does not provide sufficient protection against reverse sensitivity effects. I recommend rejecting Hort NZ [419.71], [FS1342.84] FFNZ, accepting opposing further submissions by [FS1258.65] Meridian Energy, [FS1134.18] Counties Power, [FS1375.21] Radio New Zealand, [FS1345.102] Genesis Energy and [FS1266.16] WEL Networks. I recommend accepting [FS1350.13] Transpower on the basis that the original submission be rejected.
216. **KiwiRail** [986.35]: seeks to amend Policy 6.1.7 Reverse sensitivity and infrastructure so that the policy applies to existing and planned infrastructure.
217. KiwiRail supports the broad intent to ensure that subdivision, use and development avoid reverse sensitivity effects; the operation, maintenance and development of the land transport network has the potential to adversely impact on the social and economic well-being, as well as the health and safety of the community if not able to operate efficiently, effectively and safely. KiwiRail seeks to slightly amend the policy wording to reflect planned as well as existing infrastructure.
218. [FS1269.85] HNZN opposes [986.35] the proposed amendment, to the extent that it is inconsistent with its primary submission.
219. I do not agree that “Infrastructure” should be changed to “Existing and planned infrastructure”. Although the focus is on protection of existing infrastructure, the policy will also apply to infrastructure in the future, whether planned or not. Future infrastructure can be designed to contribute to the management of reverse sensitivity effects. Existing infrastructure is subject to changes and intensification of adjacent land uses, including sensitive activities requiring protection against adverse effects. I recommend rejecting KiwiRail [986.35] and accepting [FS1269.85] HNZN.
220. NZTA [742.50]: The submitter supports the intent of Policy 6.1.7 to avoid reverse sensitivity effects on infrastructure, but requests a minor change to recognise the important functions of construction, operation and maintenance of infrastructure, and also existing and planned infrastructure.
221. [FS1375.24] Radio New Zealand supports [742.50]: agrees that the important functions of construction, operation and maintenance of infrastructure should be recognised. [FS1345.47]

Genesis Energy supports [742.50]: For the reasons provided in the NZTA submission. [FS1269.61] HNZA opposes [742.50]: the proposed amendment, to the extent that it is inconsistent with its primary submission. [FS1258.66] Meridian Energy supports [742.50]: Meridian agrees that Policy 6.1.7 should protect lawfully-established and consented infrastructure from adverse reverse sensitivity effects.

222. I do not agree that “Infrastructure” should be changed to “Existing and planned infrastructure”. Although the focus is on protection of existing infrastructure, the policy will also apply to infrastructure in the future, whether planned or not. Future infrastructure can be designed to contribute to the management of reverse sensitivity effects. Existing infrastructure is subject to changes and intensification of adjacent land uses, including sensitive activities requiring protection against adverse effects. The second part of the amendment requested is similar to NPSET Policy 10 on reverse sensitivity, which states:
- “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.”
223. I support the additional detail of construction, operation, maintenance repair, replacement and upgrading of infrastructure. Full-scale upgrading of infrastructure may include significant additional adverse effects, which cannot be managed solely by nearby sensitive activities. I recommend accepting in part NZTA [742.50], [FS1375.24] *Radio New Zealand*, [FS1345.47] *Genesis Energy* and [FS1258.66] *Meridian Energy*. I recommend rejecting [FS1269.61] *HNZA*.
224. **First Gas** [945.38]: Amend Policy 6.1.7 Reverse Sensitivity effects and infrastructure to include reference to the ability to access infrastructure which may be compromised through subdivisions in particular.
225. [FS1168.143] *Hort NZ* opposes [945.38]: *Access to infrastructure across private land is a matter between the infrastructure provider and the landowner and the council cannot remove the landowners’ rights.* [FS1375.25] *Radio New Zealand* supports [945.38]: *agrees that the important functions of construction, operation and maintenance of infrastructure should be recognised.*
226. The need for access to infrastructure, which is implicit in Policy 6.1.2 (i), (ii), (iii), and (v) and is a functional and operational need of infrastructure, is one of the key reasons for adverse effects on infrastructure to include reverse sensitivity, and for the scope of reverse sensitivity to potentially hinder access for construction, maintenance repair and emergency response. A policy point for access would not change landowner rights to control access across their land, but it would require the infrastructure operator to make arrangements for all access needs. I consider that it is not needed explicitly within the policy, as withholding access is already a reverse sensitivity effect. I recommend rejecting **First Gas** [945.38] and [FS1375.25] *Radio New Zealand*, and accepting [FS1168.143] *Hort NZ*.
227. **FFNZ** [680.82] seeks to amend Policy 6.1.7 as set out in the above table, adding remedy and mitigate instead of ‘as far as reasonably practicable’ and focusing on effects on existing and/or designated infrastructure.
228. The submitter considers that this policy should be refocused on existing or designated infrastructure and on proposed subdivision, development and use; and is concerned that this policy will be used to unfairly prejudice existing farming activity in favour of infrastructure that doesn’t exist yet. The submitter states that infrastructure that doesn’t exist should

properly be subject to its own consent application or notice of requirement process, where merits can be considered on a case-by-case basis in the context of the surrounding environment and land use; and further states that some subdivision in rural areas, such as boundary relocation or boundary adjustment where the pattern of land use activity is not being intensified, can support the efficient management of farming and primary production, and is only likely to have minor reverse sensitivity effects on existing infrastructure. The submitter considers that the policy should be more appropriately focused on mitigation or remediation of reverse sensitivity effects (rather than avoidance); while noting that some subdivision, such as small lifestyle lots to facilitate protection of significant natural areas, can have important positive environmental effects; therefore considers such subdivision should not be automatically biased against by a policy strictly focused on avoidance of reverse sensitivity effects on infrastructure.

229. *[FS1168.142] Hort NZ opposes [680.82]: Deletion of “as far as reasonably practicable” is opposed, as it is consistent with the NPSET.*
230. *[FS1211.12] First Gas opposes [680.82]: Reverse sensitivity effects are a relevant consideration when considering the effects of a sensitive activity on lawfully-established activities within the vicinity; Objective 6.1.6(a) is included to address reverse sensitivity effects on infrastructure. The amendment as proposed is unnecessary and could cause confusion where replacement/upgrading of existing infrastructure is necessary or where new buildings/structures associated with existing infrastructure are required and reverse sensitivity effects are a relevant matter for consideration.*
231. *[FS1258.75] Meridian Energy supports [680.82]: Meridian agrees that Policy 6.1.7 should refer to existing, lawfully-established infrastructure and consented (or designated) infrastructure. Meridian considers that the emphasis in Policy 6.1.7 on 'avoidance' of adverse reverse sensitivity should be retained however.*
232. *[FS1375.23] Radio New Zealand not stated [680.82]: Both supports and opposes; RNZ opposes the addition of the words "remedy or mitigate" as it waters the policy down and does not go far enough to protect infrastructure from reverse sensitivity effects; subdivision and development in proximity to its transmitter site could lead to reverse sensitivity effects on its transmission and impede the operation of RNZ's network; RNZ supports the other amendments sought to the policy.*
233. *[FS1266.17] WEL Networks opposes [680.82]: This submission seeks to replace Policy 6.1.7 to avoid, remedy or mitigate activities to the extent reasonably possible to reduce reverse sensitivity effects, instead of avoiding. The wording as proposed in the Proposed District Plan and supported by WEL would ensure greater certainty around the protection of infrastructure and potential reverse sensitivity effects, and therefore avoid any potential disruption to the efficient and effective supply of infrastructure.*
234. The submitter proposes to replace “Avoid...as far as reasonably practicable” with “Avoid, remedy or mitigate”. The wording of the policy, to “Avoid...as far as reasonably practicable”, is a statement of a hierarchical approach to effects management, with avoid as a first priority, followed by remedy and mitigation where avoidance is not reasonably practicable. I support that approach, and consider it appropriate for a protective type of policy. The NPSET uses this language for the National Grid, but does not provide that much flexibility for other infrastructure. I note that the term “protect” is not used in the NPSET, which refers to “avoiding/reducing/minimising” adverse effects on the National Grid. The RPS uses the terms “manage” and “avoids, as far as practicable”. “Avoid” is not used in the proposed Objective 6.1.6 in the PWDP, but is used in this implementing Policy 6.1.7 to

define the extent of protection or effect avoidance, qualified by “as far as reasonably practicable”, which is similar to the NPSET’s “to the extent reasonably possible” and the RPS. Further submitters consider that the submitter’s proposed wording does not provide sufficient certainty or protection against reverse sensitivity effects.

235. New infrastructure will in many cases still require resource consent and/or notice of requirement. Some subdivision in rural areas, such as boundary relocation or boundary adjustment where the pattern of land use activity is not being intensified, can support the efficient management of farming and primary production, and is only likely to have minor reverse sensitivity effects on existing infrastructure. The policy would not be automatically biased against mitigation or remediation of reverse sensitivity effects (rather than avoidance) and some subdivision, such as small lifestyle lots to facilitate protection of significant natural areas, can have important positive environmental effects and that would be able to be assessed through the consenting process.
236. I do not agree that “Infrastructure (including the National Grid)” should be changed to “Existing and/or designated infrastructure”. Although the focus is on protection of existing infrastructure, the policy will also apply to infrastructure in the future, whether planned or not. Designation is a planning technique designed to provide protection to land and proposed infrastructure or public works, and has no useful purpose within this objective. Future infrastructure can be designed to contribute to the management of reverse sensitivity effects. Existing infrastructure is subject to changes and intensification of adjacent land uses, including sensitive activities requiring protection against adverse effects. The extent of protection is described in Policy 6.1.7. I recommend rejecting [680.82] FFNZ [680.82], [FS1258.75] Meridian Energy and [FS1375.23] Radio New Zealand, and accepting [FS1168.142] Hort NZ, [FS1211.12] First Gas and [FS1266.17] WEL Networks.
237. **Transpower** [576.78] seeks to amend Policy 6.1.7, including rewording from ‘reverse sensitivity’ to ‘adverse effects on infrastructure’.
238. The submitter supports the provision of a policy specific to reverse sensitivity; however seeks amendment to the policy to recognise that it is not only sensitive activities which can compromise infrastructure, but also the adverse effects of subdivision, land use, and development.
239. [FS1375.22] Radio New Zealand supports [576.78]: RNZ's transmitter is in the proposed Rural Zone. Subdivision and development in proximity to its transmitter site could lead to reverse sensitivity effects on its transmission and impede the operation of RNZ's network; RNZ therefore supports the amendment to Policy 6.1.7(a); however, RNZ considers that the policy heading as notified should be retained, as it unambiguously describes what the policy is about.
240. [FS1258.63] Meridian Energy (not stated) [576.78]: As a renewable electricity generator, Meridian's generation assets are potentially affected by any amendments to Policy 6.1.7. Meridian requests that it be included in any meetings or discussions about amendments to alter or expand the scope of Policy 6.1.7.
241. [FS1211.13] First Gas supports [576.78]: the intent of this submission but seeks to amend Policy 6.1.7 as outlined in First Gas original submission and include a separate policy which addresses other actual and potential effects from subdivision, use and development on infrastructure, i.e impacts on access.

242. [FS1168.141] Hort NZ opposes [576.78]: seeks that the policy be better reworded to provide a balanced approach to managing reverse sensitivity.
243. [FS1269.48] HNZN opposes [576.78]: the proposed amendment, to the extent that it is inconsistent with its primary submission.
244. I agree with the proposed broadening of the policy to include adverse effects on infrastructure. Restrictions on access to infrastructure, for example, may be a reverse sensitivity effect from subdivision, use and development. Building obstructions around line support structures and beneath transmission and distribution lines can have direct adverse effects on infrastructure. I recommend accepting Transpower [576.78], [FS1375.22] Radio New Zealand, [FS1258.63] Meridian Energy (not stated) and [FS1211.13] First Gas, and rejecting [FS1168.141] Hort NZ and [FS1269.48] HNZN.

10.2 Recommendations

245. For the reasons above I recommend that the Hearings Panel:

- a. Accept in part NZ Steel [827.17], Counties Power [405.38], Powerco [836.40], Spark [644.22], Vodafone [646.22], Chorus [648.22], Radio New Zealand Limited [777.9], POAL [579.93], WEL Networks [692.29], Meridian Energy [580.15] and Genesis Energy [924.22]
- b. Reject Hort NZ [419.71], [FS1342.84] FFNZ. Accept [FS1258.65] Meridian Energy, [FS1134.18] Counties Power, [FS1375.21] Radio New Zealand, [FS1345.102] Genesis Energy, [FS1266.16] WEL Networks and [FS1350.13] Transpower
- c. Reject [986.35] KiwiRail [986.35] and Accept [FS1269.85] HNZN.
- d. Accept in part [742.50] NZTA [742.50], [FS1375.24] Radio New Zealand, [FS1345.47] Genesis Energy and [FS1258.66] Meridian Energy; and reject [FS1269.61] HNZN.
- e. Reject First Gas [945.38] and [FS1375.25] Radio New Zealand; and accept [FS1168.143] Hort NZ.
- f. Reject FFNZ [680.82], [FS1258.75] Meridian Energy and [FS1375.23] Radio New Zealand; and accept [FS1168.142] Hort NZ, [FS1211.12] First Gas and [FS1266.17] WEL Networks.
- g. Accept Transpower [576.78], [FS1375.22] Radio New Zealand, [FS1258.63] Meridian Energy (not stated) and [FS1211.13] First Gas; and reject [FS1168.141] Hort NZ; [FS1269.48] HNZN.

10.3 Recommended amendments

246. Amend Policy 6.1.7 as follows:

6.1.7 Policy - ~~Reverse sensitivity~~ Adverse Effects on and infrastructure [576.78 Transpower]

- (a) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, and ensure so [576.78 Transpower] that ~~the its construction, operation, maintenance, repair, replacement and upgrading the ongoing and efficient operation~~ of infrastructure is not compromised. [742.50 NZTA]

10.4 Section 32AA evaluation

247. Amendments add detailed guidance for clarification, and acknowledge that effects on infrastructure go beyond reverse sensitivity. The policy is amended consequential to the objective being amended.

Other reasonably-practicable options

248. Retaining the policy as notified is the main option, along with variations of mention of the National Grid NPSET policies, however the principal amendment is to broaden the reverse sensitivity policy to achieve the amended reverse sensitivity objective. It will acknowledge that there are other adverse effects on the construction, operation, maintenance repair, replacement and upgrading of infrastructure that can compromise it. This is one of the operational and functional needs of infrastructure.

Effectiveness and efficiency

249. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective. The amended policy is more clear, hence efficient and effective, about the aspects of infrastructure which can be compromised by adverse effects of other activities, including reverse sensitivity.

Costs and benefits

250. I do not consider that there are significant costs if the policy is amended. There is a benefit from clarity of purpose in the amended policy aligning with the amended objective.

Risk of acting or not acting

251. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

252. The amended policy better achieves the objective on reverse sensitivity.

11 6.1.8 Objective – Infrastructure in the community and identified areas

Submission point and Submitter		Decision requested
578.94 POAL 644.23 Spark 646.23 Vodafone 648.23 Chorus 827.18 NZ Steel; 405.39 Counties Power 836.41 Powerco 692.30 WEL Networks 986.36 KiwiRail 559.57 Heritage NZPT		Retain Objective 6.1.8 Infrastructure in the community and identified areas, as notified.
FS1211 First Gas		FS1211.16 supports 578.94 FS1211.15 supports 836.41
Submission	Submitter	Decision requested

point		
419.72	Hort NZ	Amend Objective 6.1.8 (a) Infrastructure in the community and identified areas, as follows: (a) Infrastructure takes into account the qualities, <u>land use</u> and characteristics of surrounding environments and community well-being.
<i>FS1258.67</i>	<i>Meridian Energy</i>	<i>Opposes 419.72.</i>
<i>FS1342.85</i>	<i>FFNZ</i>	<i>Supports 419.72</i>
680.83	FFNZ	Amend Objective 6.1.8 Infrastructure in the community and identified areas as follows: 6.1.8 Objective - <u>Proposed and/or designated infrastructure</u> Infrastructure in the community and identified areas (a) <u>Proposed and/or designated infrastructure</u> Infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being.
<i>FS1211.14</i>	<i>First Gas</i>	<i>Opposes 680.83</i>
<i>FS1134.19</i>	<i>Counties Power</i>	<i>Supports 680.83</i>
<i>FS1345.37</i>	<i>Genesis Energy</i>	<i>Supports 680.83</i>
<i>FS1266.18</i>	<i>WEL Networks</i>	<i>Opposes 680.83</i>

11.1 Analysis

253. **POAL** [578.94], supported by [*FS1211.16*] *First Gas*, **Heritage NZPT** [559.57], **Spark** [644.23], **Vodafone** [646.23], **Chorus** [648.23], **NZ Steel** [827.18], **Waikato DHB** [923.87], **Counties Power** [405.39] and **Powerco** [836.41] supported by [*FS1211.15*] *First Gas*, **WEL Networks** [692.30] and **KiwiRail** [986.36]: seek to retain Objective 6.1.8 as notified.
254. The submitters (all infrastructure providers) support Objective 6.1.8, as this policy gives consideration to the environment, which includes historic heritage and identified areas which can contain historic heritage or Maaori Sites or Areas of Significance, therefore giving effect to s6 of the Resource Management Act; and support community well-being across the district; the submitters also consider that these provisions are generally consistent with policy framework in the draft National Planning Standard for Infrastructure; and provide a workable policy framework for telecommunications infrastructure. The submitters consider that Objective 6.1.8 enables development and maintenance of infrastructure, provided development considers any potential effects on the surrounding environment; and that infrastructure should take into account the qualities and characteristics of community well-being and have positive public health benefits. KiwiRail acknowledges that the provision of new infrastructure is influenced by the natural and physical environment within which it is located.
255. [*FS1211.16*] *First Gas* supports [578.94] and [*FS1211.15*] *First Gas* supports [836.41]: this submission which seeks to retain Policy 6.1.8-Infrastructure in the community and identified areas

which provides for the development, operation and maintenance of infrastructure and recognise the role they plan in social, economic, cultural and environmental well-being of the district.

256. Objective 6.1.8 is generally supported. It protects the values and characteristics of Identified Areas and enables the effects of infrastructure in these areas to be assessed in terms of the effects on the feature. I recommend accepting the 'Retain' submissions and supporting further submissions.
257. **Hort NZ** [419.72]: seeks amendments to Objective 6.1.8 (a) Infrastructure to take into account the land use of the surrounding environment.
258. [FS1258.67] Meridian Energy opposes [419.72]: *The proposed amended wording is not necessary.* [FS1342.85] FFNZ supports [419.72]: *FFNZ supports the reasoning outlined by the submitter.*
259. I do not consider that the amendment is needed. Land uses are part of the qualities and characteristics of the surrounding environment. Policy 6.1.9 gives effect to Objective 6.1.8 and acknowledges the need to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity. I recommend rejecting [419.72] **Hort NZ** [419.72] and [FS1342.85] FFNZ, and accepting [FS1258.67] Meridian Energy.
260. FFNZ [680.83] seeks to amend Objective 6.1.8 and Policy 6.1.9 to limit their application to proposed and/or designated infrastructure. The submitter conditionally supports this objective, provided it is refocused to apply to proposed and/or designated infrastructure; and considers generally, in rural areas, wider open spaces and lower development intensity mean that adverse effects on amenity and environmental quality can be more readily absorbed without consequence. FFNZ states that this is different from lawfully-established existing infrastructure that may have been designed when surrounding environmental qualities were different, and in respect of which it is appropriate to consider reverse sensitivity effects, and where it may be an efficient use of resources to maintain such infrastructure for the time being.
261. [FS1211.14] First Gas opposes [680.83]: *The change sought does not provide for existing infrastructure that is not designated.*
262. [FS1134.19] Counties Power supports [680.83]: *The proposed changes made by FFNZ make it clear that this policy only applies to infrastructure which has not been established.*
263. [FS1345.37] Genesis Energy Supports [680.83]: *considers that if amendments are made to this provision, it should reflect consented (but not yet implemented) infrastructure as well as existing / designated infrastructure.*
264. [FS1266.18] WEL Networks opposes [680.83]: *This submission seeks to amend Policy 6.1.8 to provide for proposed and designated infrastructure only. It is noted that the majority of WEL's infrastructure is not designated.*
265. The Policy is concerned with existing infrastructure when it changes, as well as with proposed new and designated infrastructure. Not all network utility infrastructure is designated. The district plan rules are not retrospective and can only act on changes. I recommend rejecting FFNZ [680.83], [FS1134.19] Counties Power and [FS1345.37] Genesis Energy, and accepting [FS211.14] First Gas and [FS1266.18] WEL Networks.

11.2 Recommendations

266. For the reasons above I recommend that the Hearings Panel:
- Accept POAL [578.94], [FS1211.16] First Gas, Heritage NZPT [559.57], Spark [644.23], Vodafone [646.23], Chorus [648.23], NZ Steel [827.18], Waikato DHB [923.87], Counties Power [405.39] and Powerco [836.41], [FS1211.15] First Gas, WEL Networks [692.30] and KiwiRail [986.36]:
 - Reject Hort NZ [419.72] and [FS1342.85] FFNZ, and accept [FS1258.67] Meridian Energy.
 - Reject FFNZ [680.83], [FS1134.19] Counties Power and [FS1345.37] Genesis Energy; and accept [FS211.14] First Gas and [FS1266.18] WEL Networks.
268. After considering all of the submissions on this objective I am not recommending any amendments.

12 6.1.9 Policy - Environmental effects, community health, safety and amenity

Submission point and Submitter		Decision requested
578.95 POAL 644.24 Spark 646.24 Vodafone 648.24 Chorus 405.40 Counties Power 559.58 Heritage NZPT 986.37 KiwiRail 923.88 Waikato DHB 692.31 WEL Networks 680.84 FFNZ		Retain Policy 6.1.9- Environmental effects, community health, safety and amenity as notified.
FS1114.34 FENZ		Supports 986.37
576.79 Transpower		Retain Policy 6.1.9 - Environmental effects, community health, safety and amenity on the basis that Policy 6.2.5 is retained (with amendments).
Submission point	Submitter	Decision requested
836.43	Powerco	Retain Policy 6.1.9- Environmental effects, community health, safety and amenity, except for the amendments sought below AND Amend Policy 6.1.9 Environmental effects, community health, safety and amenity as follows: (a) Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate <u>significant</u> adverse effects as far as reasonably practicable, on the environment, community health, safety and amenity.

FS1323.41	Heritage NZPT	Opposes 836.43
FS1211.17	First Gas	Supports 836.43
FS1168.144	Hort NZ	Opposes 836.43
297.39	Counties Manukau Police	Amend Policy 6.1.9(a) Environmental effects, community health, safety and amenity, as follows: Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety <u>by conforming to the national guidelines for CPTED</u> and amenity.
827.19	NZ Steel	Amend Policy 6.1.9 Environmental effects, community health, safety and amenity as follows (or words to similar effect): Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity <u>in a manner that corresponds to the scale and significance of effects.</u>
FS1345.66	Genesis Energy	Supports 827.19

12.1 Analysis

267. **Spark** [644.24], **Vodafone** [646.24], **Chorus** [648.24], **POAL** [578.95], **Transpower** [576.79] (conditional on other amendments), **Counties Power** [405.40], **Heritage NZPT** [559.58], **Waikato DHB** [923.88] and **KiwiRail** [986.37], supported by *[FS1114.34] FENZ*, *WEL Networks* [692.31], and **FFNZ** [680.84] seek to retain Policy 6.1.9 Environmental effects, community health, safety and amenity as notified.
268. Counties Power supports the development and maintenance of infrastructure while taking in account environment effects where practicable. Heritage NZPT supports Objective [Policy] 6.1.9, as this policy seeks to avoid, remedy or mitigate adverse effects on the environment, which includes historic heritage, therefore giving effect to s6 of the RMA. Submitters consider that these provisions are generally consistent with the policy framework in the draft National Planning Standard for Infrastructure and provide a workable policy framework for telecommunications infrastructure; Policy 6.1.9 enables development and maintenance of infrastructure provided development considers any potential effects on the surrounding environment. KiwiRail acknowledges that the provision and operation of infrastructure is to be within appropriate health and safety parameters. This has been addressed in KiwiRail's requests for Plan standards which address the health and safety of both road users and residents.
269. *[FS1345.66] Genesis Energy supports [827.19]: For the reasons set out in the NZ Steel submission. [FS1114.34] FENZ supports [986.37]: retention of this provision recognises the importance of protecting the health, safety and well-being of communities from the adverse effects of land use and development and better reflects section 5 of the RMA, which also refers to the safety of the community.*

270. There is general support for proposed Policy 6.1.9. The value of the policy is in relation to managing adverse effects of infrastructure on the environment, community health, safety and amenity. It works in conjunction with policies on adverse effects on infrastructure and policies to enable infrastructure. I recommend accepting the 'Retain' submissions and their supporting further submissions.
271. **Powerco** [836.43] seeks to amend Policy 6.1.9 to focus on only significant adverse effects, and avoid, remedy or mitigate as far as reasonably practicable. The submitter considers that the policies need to take into account that electricity infrastructure may often traverse sensitive landscapes and multiple zones and overlays; notes that the form and function of utilities is generally consistent, irrespective of the zone in which they are located; and considers that it is difficult to meet the provision requiring the consideration of the qualities and characteristics of surrounding environments. The submitter further supports a focus on avoiding significant adverse effects as to what is reasonably practicable; and would like to see recognition that network utilities cannot always be located to avoid all adverse effects on communities.
272. *[FS1323.41] Heritage NZPT opposes [836.43]: considers that the amendments sought by the submitter dilute the purpose of the policy and this would result in adverse effects on Matters of National Importance. [FS1211.17] First Gas supports [836.43]: considers that this amendment is appropriate as it acknowledges that there are instances where infrastructure will generate some adverse effects which will need to be managed. [FS1168.144] Hort NZ opposes [836.43]: All adverse effects should be addressed, not just 'significant adverse effects'.*
273. Adverse effects should be avoided, remedied or mitigated to acceptable levels, not only significant adverse effects. I agree with the Heritage NZPT further submission which considers that the amendments sought dilute the purpose of the policy, and this could result in adverse effects on Matters of National Importance, such as high value landscapes, historic heritage and sites of cultural value, and in particular the coastal environment. The approach of the RPS is also to manage adverse effects on Identified Areas (PWDP term). The policy as notified is not an 'avoid' type of policy which would allow no management of adverse effects. In flowing through to the rules in the Zones and Chapter 14, the policy will prompt activity status requiring resource consent (or Notice of Requirement) where adverse effects need to be managed, and allow permitted activity status where activity-specific conditions can manage adverse effects to acceptable levels. I recommend rejecting Powerco [836.43], *[FS1211.17] First Gas* and accepting *[FS1323.41] Heritage NZPT* and *[FS1168.144] Hort NZ*. Counties Manukau Police [297.39] seeks to amend Policy 6.1.9(a) Environmental effects, community health, safety and amenity, to require conformation with the national guidelines for CPTED. The submitter considers that the amendment is necessary to ensure that there is an obligation to consider CPTED, reducing victimisation, making people safe and feel safe.
274. Infrastructure providers are aware of the need for CPTED and security of their assets against crime, as set out earlier in this section. These principles are incorporated into design and installation of infrastructure, and in particular the security against unauthorised access and damage. I consider that the avoidance of interference with network utility structures and operation will be paramount to infrastructure providers and there is no need to include this as a requirement. I recommend rejecting [297.39] Counties Manukau Police [297.39], as the additional policy point is not needed. If it were added to the policy, it would need a resource consent assessment in every case for whether conforming with the guidelines had been achieved, and be added into the rules for those activities.

275. **NZ Steel** [827.19]: seeks to amend Policy 6.1.9 Environmental effects, community health, safety and amenity to be appropriate to the scale and significance of effects.
276. The submitter supports the inclusion of specific provisions that provide for, recognise and enable infrastructure, which is considered to cover the water supply system for the mining site and the pump station at Allcock Road, and which should include the slurry pipeline infrastructure.
277. The definition of infrastructure would include a water supply system provided to a site, but not within the site, and it is likely a slurry pipeline would also fall outside the definition of infrastructure. It may qualify as regionally-significant industry. In any case, they would probably both require resource consent, and possibly also regional plan consents for water take and diversion and discharges to land or water. The policy as notified requires infrastructure activities and structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity. The scale and significance of effects and how they are managed to acceptable levels comes under the rule framework from the policy, setting out activity-specific standards and activity status. The scale and significance test is applied through the resource consent process. I recommend rejecting [827.19] NZ Steel.

12.2 Recommendations

278. For the reasons above I recommend that the Hearings Panel:
- Accept Spark [644.24], Vodafone [646.24], Chorus [648.24], POAL [578.95], Transpower [576.79], Counties Power [405.40], Heritage NZPT [559.58], Waikato DHB [923.88] and KiwiRail [986.37], [FS1114.34] FENZ, WEL Networks [692.31], and FFNZ [680.84]
 - Reject Powerco [836.43] and [FS1211.17] First Gas, accept [FS1323.41] Heritage NZPT and [FS1168.144] Hort NZ
 - Reject Counties Manukau Police [297.39]
 - Reject NZ Steel [827.19] and [FS1345.66] Genesis Energy.
279. After considering the submissions I am not recommending any amendment to the policy.

13 6.1.10 Policy – Infrastructure in identified areas

Submission point and Submitter		Decision requested
644.25 Spark 646.25 Vodafone 648.25 Chorus 405.41 Counties Power 692.50 WEL Networks 680.85 FFNZ 827.20 NZ Steel		Retain Policy 6.1.10- Infrastructure in identified areas as notified
Submission point	Submitter	Decision requested

942.27	Tainui o Tainui	Amend Policy 6.1.10(a) Infrastructure in identified areas to clarify what an identified area is.
836.44	Powerco	Retain Policy 6.1.10 Infrastructure in identified areas, except for the amendments sought below AND Amend Policy 6.1.10 Infrastructure in identified areas as follows: (a) <u>Where possible and taking into account the lineal needs of infrastructure, and that the form and function of utilities is generally consistent irrespective of the zone, infrastructure must ensure</u> Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.
FSI211.20	First Gas	Supports 836.44.
FSI293.64	Department of Conservation	Opposes 836.44
FSI323.42	Heritage NZPT	Opposes 836.44
FSI266.19	WEL Networks	Supports 836.44
FSI134.21	Counties Power	Supports 836.44
FSI272.15	KiwiRail	Supports 836.44
559.59	Heritage NZPT	Retain Policy 6.1.10 (a) Infrastructure in identified areas, except for the amendments sought below AND Amend Policy 6.1.10 (a) Infrastructure in identified areas as follows: (a) Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items, <u>heritage precincts, and Maaori Sites and Areas of significance, including Waahi Tapu and Waahi Tapu Areas</u> when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.
FSI108.116	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Supports 559.59
FSI139.104	Turangawaewae Trust Board	Supports 559.59

13.1 Analysis

280. **Spark** [644.25], **Vodafone** [646.25], **Chorus** [648.25], **WEL Networks** [692.50], **NZ Steel** [827.20], **FFNZ** [680.85] and **Counties Power** [405.41] seek to retain Policy 6.1.10 Infrastructure in identified areas as notified.

281. The submitters support the consideration of Significant Natural Areas, Landscape and Natural Character Areas when it comes to proposing new infrastructure and undergoing maintenance or upgrades of existing infrastructure where practicable. The submitters state that these provisions are generally consistent with policy framework in the draft National Planning Standard for Infrastructure, they are considered to provide a workable policy framework for telecommunications infrastructure, and Policy 6.1.10 enables development and maintenance of infrastructure, provided development considers any potential effects on the surrounding environment.
282. There is a high level of support for the provisions protecting the values of Identified Areas. I recommend accepting in part the submissions seeking that Policy 6.1.10 be retained, to the extent that the Policy be amended in response to a Heritage NZPT submission.
283. **Tainui o Tainui** [942.27] seeks to Amend Policy 6.1.10(a) Infrastructure in identified areas to clarify what an identified area is.
284. From the Introduction to Chapter 14 Infrastructure and Energy:
- (3) The Identified areas within the activity tables below covers the following areas and items identified within this plan:
 - a. Urban Expansion Area
 - b. Significant Natural Area
 - c. Outstanding Natural Feature
 - d. Outstanding Natural Landscape
 - e. Significant Amenity Landscape
 - f. Outstanding Natural Character
 - g. High Natural Character
 - h. Heritage Precinct
 - i. Heritage Items
 - j. Maaori Sites of Significance
 - k. Maaori Areas of Significance
 - l. Notable Trees
285. I recommend that the Hearings Panel accept Tainui o Tainui [942.27], to the extent that Identified Areas are described within the PWDP, and the term is used throughout the PWDP to refer to sites and areas of value, and it can be defined within Chapter 13 Definitions. That has already been proposed through the s.42A report to Hearing 5 on Definitions.
286. Powerco [836.44] seeks to amend Policy 6.1.10 Infrastructure in identified areas, to provide practicality and for the lineal needs of infrastructure.
287. The submitter considers that the policies need to take into account that the electricity infrastructure may often traverse sensitive landscapes and multiple zones and overlays, and notes that the form and function of utilities is generally consistent irrespective of the zone in which they are located. The submitter considers that it is difficult to meet the provision requiring the consideration of the qualities and characteristics of surrounding environments. The submitter supports a focus on avoiding significant adverse effects as to what is reasonably practicable, and would like to see recognition that network utilities cannot always be located to avoid all adverse effects on communities.

288. [FS1211.20] *First Gas supports [836.44]: First Gas supports the intent of the submission, which aims to ensure that limitations on infrastructure due to form and function are taken into account in the case of development within the Significant Natural Areas, Landscape and Natural Characters and Heritage Items.*
289. [FS1293.64] *Department of Conservation opposes [836.44]: The Director-General considers that this amendment would be too permissive inside identified areas.*
290. [FS1323.42] *Heritage NZPT opposes [836.44]: is concerned that the amendments dilute the Policy focus related to the consideration of the retention of, among other things, heritage values at the time of the installing or upgrading of infrastructure in identified areas.*
291. [FS1266.19] *WEL Networks supports [836.44]: This submission seeks to retain Policy 6.1.10, subject to an acceptable amendment to identify the lineal needs of infrastructure and the function and form irrespective of zoning, which is in line with WEL's submission.*
292. [FS1134.21] *Counties Power supports [836.44]: Linear infrastructure, e.g. power lines, have some flexibility regarding the route between the points, however this does not mean that it is practical or possible to avoid all significant areas as suggested in the submission.*
293. [FS1272.15] *KiwiRail supports [836.44]: KiwiRail supports the relief sought. As linear infrastructure, the rail network has locational and functional constraints that should be taken into account when considering the impact of rail infrastructure on SNAs, Landscape and Natural Character Areas and Heritage Items.*
294. Objective 6.1.8 and Policies 6.1.9 and 6.1.10 set out the management of adverse effects of infrastructure on the environment, communities and Identified Areas. They are to be read together with the infrastructure-enabling objectives and policies 6.1.1 to 6.1.7. in a similar manner as RMA s.5(2): “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—...avoiding, remedying, or mitigating any adverse effects of activities on the environment.” I accept that linear infrastructure, for example power lines, has some flexibility regarding the route between the points, however this does not mean that it is practical or possible to avoid all significant areas. The policy requires consideration of the values, qualities and characteristics of the specified Identified Areas, when proposing new infrastructure or significant upgrades. It is not an ‘avoid’ policy, and that is reflected in the activity status of such infrastructure proposed for those areas which is largely discretionary. I agree with the DoC and Heritage NZPT further submissions, that this amendment would be too permissive inside identified areas, and the amendments dilute the Policy focus related to the consideration of the retention of, among other things, heritage values at the time of the installing or upgrading infrastructure in identified areas. RPS Objective 3.18 “Historic and cultural heritage Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region’s and New Zealand’s history and culture” requires provision of protection of historic and cultural heritage. The RPS has similar objectives and policies in relation to Significant Natural Areas and Outstanding Natural Landscapes and Features. I recommend rejecting Powerco [836.44], [FS1211.20] *First Gas*, [FS1266.19] *WEL Networks*, [FS1134.21] *Counties Power* and [FS1272.15] *KiwiRail*, and accepting [FS1293.64] *Department of Conservation* and [FS1323.42] *Heritage NZPT*.

295. **Heritage NZPT [559.59]:** seeks inclusion of Heritage Precincts, and Maaori Sites and Areas of significance, including Waahi Tapu and Waahi Tapu Areas in the policy.
296. The submitter supports Policy 6.1.10, as this policy aligns in part only with the identified areas included within the rules of Chapter 14: Energy and Infrastructure. The submitter seeks that this policy be amended to make reference to heritage precincts, and Maaori Sites and Areas of Significance, including Waahi Tapu and Waahi Tapu Areas.
297. *[FS1108.116] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) and [FS1139.104] Turangawaewae Trust Board support [559.59]: Ensure consideration on Maaori sites and areas of significance when proposing new infrastructure.*
298. I accept that the Policy should be extended to include the additional Identified Areas. However, I prefer the use of the terms Maaori Areas and Sites of Significance rather than Waahi Tapu to match the terminology used elsewhere in the PWDP and the name of the schedules. I recommend accepting Heritage NZPT [559.59], *[FS1108.116] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* and *[FS1139.104] Turangawaewae Trust Board*.

13.2 Recommendations

299. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Spark [644.25], Vodafone [646.25], Chorus [648.25], WEL Networks [692.50], NZ Steel [827.20], FFNZ [680.85] and Counties Power [405.41], to the extent that the Policy is retained largely intact, but amended in response to another submission
 - b. Accept Tainui o Tainui [942.27], to the extent that Identified Areas are described within the PWDP and can be a defined term
 - c. Reject Powerco [836.44], *[FS1211.20] First Gas, [FS1266.19] WEL Networks, [FS1134.21] Counties Power* and *[FS1272.15] KiwiRail*; accept *[FS1293.64] Department of Conservation* and *[FS1323.42] Heritage NZPT*
 - d. Accept in part Heritage NZPT [559.59], *[FS1108.116] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* and *[FS1139.104] Turangawaewae Trust Board*.

13.3 Recommended amendments

300. Amend Policy 6.1.10 as follows:
- (a) Ensure consideration of the values, qualities and characteristics of Significant Natural Areas, Landscape and Natural Character Areas and Heritage Items, Heritage Precincts, and Maaori Sites and Areas of significance when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.[559.59 Heritage NZPT]

13.4 Section 32AA evaluation

301. The amendments relate to RMA s.6 Matters of national importance, and will give effect to the RPS.

Other reasonably-practicable options

302. Retaining the policy as notified is the main option, along with variations of policy approach on the different types of sites and areas of value, however the principal amendment is to broaden the range of Identified Area types protected by the policy. The RMA s.6 and the RPS require protection of historic heritage and sites and areas of significance to Maaori.

Effectiveness and efficiency

303. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective. The amended policy is more clear, hence efficient and effective, about the Identified Areas to be protected.

Costs and benefits

304. I do not consider there are significant costs if the policy is amended. However, PWDP consultation with Mana Whenua, and the submissions, have clarified that many sites and areas have not been identified publicly. There is a significant cost if those sites are vulnerable to damage or loss during infrastructure and development projects. There are additional safeguards in the Heritage New Zealand Pouhere Taonga Act. There is a benefit from clarity of purpose in the amended policy providing additional explanation to the objective.

Risk of acting or not acting

305. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

306. The amended policy better achieves the objective on infrastructure in relation to Identified Areas (6.1.8).

14 6.1.11 Policy – Undergrounding new infrastructure

Submission point and Submitter		Decision requested
644.26 Spark 646.26 Vodafone 648.26 Chorus 576.81 Transpower 578.96 POAL 836.45 Powerco		Retain Policy 6.1.11 - Undergrounding new infrastructure as notified.
Submission point	Submitter	Decision requested
831.73	Gabrielle Parson on behalf of Raglan Naturally	Amend Policy 6.1.11 Undergrounding new infrastructure, to require existing lines to be placed underground when new line work is undertaken.
<i>FS1266.21</i>	<i>WEL Networks</i>	<i>Opposes 831.73.</i>
405.42	Counties Power	Amend Policy 6.1.11 (a) (i-iii) Undergrounding new infrastructure, to emphasise the economic limitations of undergrounding especially with 110kV lines. Subject to satisfaction of technical requirements, 110kV lines will only be undergrounded where the party requesting the undergrounding pays. Lines within rural environments to continue to be overhead regardless of voltage.

<i>FS1323.43</i>	<i>Heritage NZPT</i>	<i>Opposes 405.42</i>
680.86	FFNZ	Amend Policy 6.1.11 (a) Undergrounding new infrastructure, as follows: (a) Encourage new infrastructure <u>in residential and urban areas</u> to be placed underground unless:...
<i>FS1134.22</i>	<i>Counties Power</i>	<i>Supports 680.86</i>
<i>FS1266.20</i>	<i>WEL Networks</i>	<i>Supports 680.86</i>
692.33	WEL Networks	Amend Policy 6.1.11 Undergrounding new infrastructure, as follows (or other amendments that give effect to the concerns raised): (a) Encourage new infrastructure to be placed underground unless: (i) The adverse effects on the environment are greater than placing the infrastructure above ground; (ii) A natural or physical feature or structure renders underground placement impractical or undesirable; or (iii) There are significant operational, functional, technical, cultural or economic reasons that require the infrastructure be above ground; (iv) <u>within the Rural Zone.</u>
<i>FS1168.145</i>	<i>Hort NZ</i>	<i>Supports 692.33</i>
<i>FS1342.172</i>	<i>FFNZ</i>	<i>Supports 692.33</i>
559.60	Heritage NZPT	Retain Policy 6.1.11 (a) Undergrounding new infrastructure, except for the amendments sought below AND Amend Policy 6.1.11 (a)(iii) undergrounding new infrastructure as follows: (iii) There are significant operational, functional, technical, cultural, <u>historic heritage</u> or economic reasons that require the infrastructure to be above ground.

14.1 Analysis

307. **Spark** [644.26], **Vodafone** [646.26], **Chorus** [648.26], **Transpower** [576.81], **POAL** [578.96] and **Powerco** [836.45]: Retain Policy 6.1.11 Undergrounding new infrastructure as notified.
308. The telecommunication providers consider that these provisions are generally consistent with policy framework in the draft National Planning Standard for Infrastructure and are considered to provide a workable policy framework for telecommunications infrastructure. Counties Power owns an electricity distribution network with a current system length of 3200km; 60% of the area covered by Counties Power falls within the Waikato District and is predominantly Rural; the cost of undergrounding all new infrastructure would be prohibitive, as undergrounding is very expensive. Transpower supports this policy, in that it provides the ability for recognition of the significant operational, functional, technical, cultural or economic reason (constraints) as to why undergrounding of new infrastructure is not always possible.

309. There is general support for the retention of Policy 6.1.11 as notified. The value of the policy is that undergrounding of infrastructure is encouraged mainly for amenity reasons. I recommend accepting in part the 'Retain' submissions seeking to retain the policy, to the extent that the Policy remains largely intact, as amended in response to another submission (Heritage NZPT [559.60]).
310. **Gabrielle Parson on behalf of Raglan Naturally [831.73]**: seeks to amend Policy 6.1.11 Undergrounding new infrastructure, to require existing lines to be placed underground when new line work is undertaken.
311. The submitter considers that overhead power/phone lines currently obstruct views and are generally thought to be unattractive; and the cost makes it unlikely that all lines will be underground in terms of this Proposed District Plan, nevertheless it can remain an objective.
312. *[FS1266.21] WEL Networks opposes [831.73]: This submission seeks to amend Policy 6.1.11 to require existing lines to be undergrounded when new line work is undertaken. Considering the extent of the electricity network, placing such requirements would result in excessive and unreasonable costs on network utility providers.*
313. In my opinion, the PWDP cannot reasonably require undergrounding of existing overhead lines, when minor upgrading, maintenance repair and replacement is undertaken. Section 10 of the RMA provides existing use rights to lawfully-established activities, and would preclude any requirement for undergrounding of existing lines. Committing to a Policy (not Objective) as requested in the submission would have the consequence of requiring funding by the ratepayer or the electricity and telecommunications line users. I recommend rejecting Gabrielle Parson on behalf of Raglan Naturally [831.73], and accepting *[FS1266.21] WEL Networks*.
314. **Counties Power [405.42]**: seeks to amend Policy 6.1.11 (a) (i-iii) Undergrounding new infrastructure, to emphasise the economic limitations of undergrounding, especially with 110kV lines. Subject to satisfaction of technical requirements, 110kV lines will only be undergrounded where the party requesting the undergrounding pays. Lines within rural environments to continue to be overhead regardless of voltage.
315. Counties Power states it owns an electricity distribution network with a current system length of 3200km; 60% of the area covered by Counties Power falls within the Waikato District and is predominantly Rural; the submitter considers that the cost of undergrounding all new infrastructure would be prohibitive; undergrounding is very expensive.
316. *[FS1323.43] Heritage NZPT opposes [405.42]: as economic considerations are already part of the policy and does not consider that further emphasis is required on this matter.*
317. Economic considerations are already part of the Policy. To describe the notified proposed rules, within urban areas new overhead lines carrying up to 110kV are a restricted discretionary activity, and for greater than 110kV are a discretionary activity. The policy uses the language 'encourage', so the requirement is not mandatory in all cases. Overhead lines within Rural Zones and rural roads are a permitted activity. The rules recognise the economic constraints of the extensive rural distribution network. I recommend rejecting Counties Power [405.42], and accepting *[FS1323.43] Heritage NZPT*.

318. **FFNZ [680.86]**: seeks to amend Policy 6.1.11 (a) Undergrounding new infrastructure, to limit the application of the policy to residential and urban areas.
319. The submitter conditionally supports this policy, provided that it applies to urban areas. Undergrounding is unnecessary in the context of rural areas, where the disadvantages and costs of undergrounding may far outweigh any benefits.
320. *[FS1134.22] Counties Power supports [680.86]: Undergrounding in rural areas provides no tangible benefit, as the rural context that it is situated in absorbs this sort of infrastructure far more readily and effectively than in urban settings. [FS1266.20] WEL Networks supports [680.86]: The submission identified that undergrounding infrastructure in rural areas is unnecessary, where the costs outweigh any benefits, which is in line with WEL's submission.*
321. I note that overhead lines are a permitted activity within the Rural Zone and above rural roads, so the policy application is restricted to urban environments by the rules. I recommend rejecting FFNZ [680.86], *[FS1134.22] Counties Power* and *[FS1266.20] WEL Networks*.
322. **WEL Networks [692.33]**: seeks to amend the policy so that clause (iii) only requires operational, functional, technical, cultural or economic reasons that require the infrastructure be above ground, and that the Rural Zone is exempted from the policy.
323. The submitter states that Policy 6.1.11 encourages new infrastructure to be placed underground. It is noted that overhead infrastructure within the Rural Zone is a permitted activity, therefore encouraging infrastructure to be placed underground in this zone is unreasonable and contrary to the relevant rural rule.
324. *[FS1168.145] Hort NZ supports [692.33]: The addition of the rural zone is appropriate, as undergrounding is not appropriate within the rural zone. [FS1342.172] FFNZ supports [692.33]: the amendment for reasons outlined by the submitter.*
325. Economic considerations are a part of the Policy, consequently the rules acknowledge that overhead lines are acceptable (permitted activities) within Rural Zones and rural roads. Removing the qualifier 'significant' from the policy would defeat the purpose, by allowing any reason for avoiding undergrounding. I consider that the Policy amendment requested is not needed. I recommend rejecting WEL Networks [692.33], *[FS1168.145] Hort NZ* and *[FS1342.172] FFNZ*.
326. **Heritage NZPT [559.60]**: seeks to include recognition of historic heritage in clause (iii).
327. I agree that historic heritage may provide additional justification for allowing overhead lines, in order to avoid or minimise earthworks disruption of a site. The RMA definition of historic heritage includes things which may be underground, such as archaeology, cultural sites, and historical sites of buildings (archaeology). I recommend accepting Heritage NZPT [559.60].

14.2 Recommendations

328. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Spark [644.26], Vodafone [646.26], Chorus [648.26], Transpower [576.81], POAL [578.96] and Powerco [836.45] to the extent that the Policy is retained intact, as amended in response to another submission.

- b. Reject Gabrielle Parson on behalf of Raglan Naturally [831.73], accept [FS1266.21] WEL Networks.
- c. Reject Counties Power [405.42]; accept [FS1323.43] Heritage NZPT.
- d. Reject FFNZ [680.86], [FS1134.22] Counties Power and [FS1266.20] WEL Networks;
- e. Reject WEL Networks [692.33], [FS1168.145] Hort NZ and [FS1342.172] FFNZ.
- f. Accept Heritage NZPT [559.60].

14.3 Recommended amendments

329. Amend Policy 6.1.11 (a)(iii) as follows:

6.1.11 Policy – Undergrounding new infrastructure

- (a) Encourage new infrastructure to be placed underground unless:
 - (i) The adverse effects on the environment are greater than placing the infrastructure above ground;
 - (ii) A natural or physical feature or structure renders underground placement impractical or undesirable; or
 - (iii) There are significant operational, functional, technical, cultural, **historic heritage**⁶ or economic reasons that require the infrastructure to be above ground.

14.4 Section 32AA evaluation

330. The amendment incorporates an RMA s.6 Matter of national importance justification for requiring some infrastructure to be above-ground. The RPS Historic and Cultural Heritage objective requires protection of historic heritage. PWDP Objective 7.1.1 is: “A district that acknowledges its past by: recognising, identifying, protecting and promoting heritage.” The amended policy better achieves that objective. The amended Policy also better achieves the main infrastructure policy, 6.1.1 “Development, operation and maintenance of infrastructure”, by its acknowledgement of the importance of Identified Areas. In my opinion, historic heritage is also cultural heritage, so there is no additional cost to the amendment.

15 6.1.12 Policy – Co-location of compatible facilities

Submission point and Submitter	Decision requested
836.46 Powerco 692.51 WEL Networks 644.27 Spark 646.27 Vodafone 648.27 Chorus 578.97 POAL 405.43 Counties Power	Retain Policy 6.1.12 Co-location of compatible facilities as notified.

⁶ 559.60 Heritage NZPT

<i>FS1211.18 First Gas</i>		<i>Supports 405.43</i>
Submission point	Submitter	Decision requested
559.61	Heritage NZPT	Retain Policy 6.1.12 (a) Co-location of compatible facilities, except for the amendments sought below AND Amend Policy 6.1.12 (a) Co-location of compatible facilities as follows: (a) Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved or <u>and</u> adverse effects are reduced <u>avoided, remedied or mitigated.</u>
680.87	FFNZ	Amend Policy 6.1.12 (a) Co-location of compatible facilities, as follows: (a) Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved or adverse effects are reduced, <u>and where reverse sensitivity effects on other surrounding land use and development is not increased.</u>
<i>FS1211.19</i>	<i>First Gas</i>	<i>Opposes 680.87</i>
<i>FS1168.146</i>	<i>Hort NZ</i>	<i>Supports 680.87</i>
<i>FS1323.44</i>	<i>Heritage NZPT</i>	<i>Opposes 680.87</i>

15.1 Analysis

331. **Powerco** [836.46], **WEL Networks** [692.51], **Spark** [644.27], **Vodafone** [646.27], **Chorus** [648.27], **POAL** [578.97] and **Counties Power** [405.43] all seek to retain Policy 6.1.12 as notified. *[FS1211.18] First Gas supports 405.43.*
332. The submitters consider that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role that they play in the social, economic, cultural and environmental well-being of the district, and that it supports the co-location of infrastructure which would limit the footprint which infrastructure occupies. The submitters note the provisions are generally consistent with policy framework in the draft National Planning Standard for Infrastructure, and are considered to provide a workable policy framework for telecommunications infrastructure; they also consider that this policy can reduce the sprawl of infrastructure.
333. There is general support for the retention of Policy 6.1.12 as notified. The value of the policy is in avoiding a proliferation of infrastructure, where it can reasonably be co-located. I recommend accepting in part the 'Retain' submissions, to the extent that the Policy remains largely intact, as amended in response to another submission (Heritage NZPT [559.61]).
334. **Heritage NZPT** [559.61]: seeks to replace “reduce” adverse effects with “avoid, remedy or mitigate”.
335. The submitter supports Policy 6.1.12 in part. The submitter supports the co-location of infrastructure as a method that has the potential to minimise the adverse effects on historic heritage. The submitter considers that the wording of this policy does not encourage the

reduction of adverse effects and needs to be amended to reflect that this should be sought at the time of co-location of compatible facilities.

336. I agree that “avoided, remedied or mitigated” more accurately states the policy intent, compared with “reduced”, which could be related to existing infrastructure effects or potential additional adverse effects. The benefits should also be conjunctive (‘and’ rather than ‘or’), as co-location should in almost every case assist in avoiding, remedying or mitigating potential adverse effects of additional locations. Co-location is to be encouraged, and the adverse effects will be fewer than each operator providing a separate network. I recommend accepting Heritage NZPT [559.61].
337. **FFNZ [680.87]**: seeks to Amend Policy 6.1.12 (a) Co-location of compatible facilities, to encourage co-location where reverse sensitivity effects on other surrounding land use and development is not increased.
338. The submitter supports this policy, provided that it does not extend the area of concern for reverse sensitivity around co-located infrastructure in a way that would otherwise further constrain farming activities. The submitter supports amendments for ensuring that reverse sensitivity effects on other uses is not increased.
339. *[FS1211.19] First Gas opposes [680.87]: Reverse sensitivity effects occur where a sensitive activity is placed within close proximity of an activity that may be detrimentally affected as a result. The above situation would not result in reverse sensitivity issues on surrounding land uses as the pipelines are not a sensitive activity. Reverse sensitivity issues are addressed within Objective 6.1.6 and Policy 6.1.7.*
340. *[FS1168.146] Hort NZ supports [680.87]: Consideration of reverse sensitivity is appropriate.*
341. *[FS1323.44] Heritage NZPT opposes [680.87]: and is concerned that the addition sought to the Policy will result in share locations only if reverse sensitivity is not increased, which could have a limiting effect on the wider intention of the Policy - of reducing adverse effects, for example on historic heritage.*
342. Reverse sensitivity is specifically addressed by another Objective - 6.1.6 - and Policy - 6.1.7 - and does not need to be repeated within Policy 6.1.12. Reverse sensitivity effects are also adverse effects. I consider that it is appropriate that this policy remain focused on encouraging co-location of compatible facilities. I recommend rejecting FFNZ [680.87] and [FS1168.146] Hort NZ, and accepting [FS1211.19] First Gas and [FS1323.44] Heritage NZPT.

15.2 Recommendations

343. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.46], WEL Networks [692.51], Spark [644.27], Vodafone [646.27], Chorus [648.27], POAL [578.97] and Counties Power [405.43] and [FS1211.18] First Gas, to the extent that the Policy is retained intact, as amended in response to another submission
 - b. Accept Heritage NZPT [559.61]
 - c. Reject FFNZ [680.87] and [FS1168.146] Hort NZ; accept [FS1211.19] First Gas and [FS1323.44] Heritage NZPT.

15.3 Recommended amendments

344. Amend Policy 6.1.12 (a) as follows:

- (a) Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved ~~or~~ and adverse effects are ~~reduced-avoided, remedied or mitigated~~. [559.61 Heritage NZPT]

15.4 Section 32AA evaluation

345. The amendment provides clarification on co-location of infrastructure and opportunities to avoid, remedy or mitigate adverse effects, to better meet the objective. Objective (6.1.8) is to take into account the qualities and characteristics of surrounding environments and community well-being, including by reducing the adverse amenity effects of above-ground infrastructure.

16 6.1.13 Policy – Future growth areas

Submission point and Submitter		Decision requested
644.28 Spark 646.28 Vodafone 648.28 Chorus 836.47 Powerco 578.98 POAL 405.44 Counties Power 692.52 WEL Networks 680.88 FFNZ		Retain Policy 6.1.13- Future growth areas as notified.
Submission point	Submitter	Decision requested
742.51	NZTA	Retain Policy 6.1.13 Future growth areas, except for the amendments sought below AND Amend Policy 6.1.13 Future growth areas as follows: Require infrastructure services to be <u>planned, developed and co-ordinated with development to ensure it a standard that enables the service can to</u> be extended to future growth areas where <u>and when</u> appropriate.
<i>FS1379.284</i>	<i>Hamilton City Council</i>	<i>Supports 742.51</i>
<i>FS1134.23</i>	<i>Counties Power</i>	<i>Supports 742.51</i>
923.89	Waikato DHB	Amend Policy 6.1.13- Future growth areas to clearly state how 'where appropriate' will be determined AND Amend Policy 6.1.13- Future growth areas to clearly state to what extent provision of services shall require that infrastructure services be developed to enable the service to be extended to future growth areas.

16.1 Analysis

346. **Spark** [644.28], **Vodafone** [646.28], **Chorus** [648.28], **Powerco** [836.47], **POAL** [578.98], **FFNZ** [680.88], **WEL Networks** [692.52] and **Counties Power** [405.44]: Retain Policy 6.1.13 (a) Future growth areas as notified.
347. The telecommunications providers consider that these provisions are generally consistent with policy framework in the draft National Planning Standard for Infrastructure, and provide a workable policy framework for telecommunications infrastructure. FFNZ supports this policy as an efficient use of resources. WEL Networks considers that Policy 6.1.13 enables development and maintenance of infrastructure, provided development considers any potential effects on the surrounding environment. Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district.
348. There is general support for the retention of Policy 6.1.12 as notified. The value of the policy is in requiring infrastructure services to be provided in a way that can be expanded into future growth areas. This will provide integration of planning and delivery of services, and integration of land use, development and infrastructure. I recommend accepting in part the 'Retain' submissions, to the extent that the Policy remains largely intact, as amended in response to another submission (NZTA [742.51]).
349. **NZTA** [742.51]: supports 'Retain' Policy 6.1.13 Future growth areas, except for the amendments sought below, amend Policy 6.1.13 Future growth to require planning and co-ordination and timing of infrastructure services to support growth.
350. The submitter supports Policy 6.1.13, but considers that for successful planning and development of urban areas to occur, there needs to be an integrated approach to the planning of infrastructure and land use.
351. *[FS1379.284] Hamilton City Council supports [742.51]: the amendments suggested by the NZTA to better articulate the intention of Policy 6.1.13, which seeks infrastructure to be co-ordinated with future growth areas.*
352. *[FS1134.23] Counties Power supports [742.51]: For successful growth and development, it is imperative that infrastructure can be expanded and integrated with ease to ensure good outcomes for all stakeholders.*
353. I agree with the proposed amendments, for the reasons provided by the submitter and further submitters. The RPS has objectives and policies to support planned and co-ordinated subdivision and development (for example Policy 6.1), and for co-ordinating growth and infrastructure (Policy 6.3). I recommend accepting NZTA [742.51], *[FS1379.284] Hamilton City Council* and *[FS1134.23] Counties Power*.
354. **Waikato DHB** [923.89]: seeks to amend Policy 6.1.13 - Future growth areas to clearly state how 'where appropriate' will be determined, and amend Policy 6.1.13- Future growth areas to clearly state to what extent provision of services shall require that infrastructure services be developed to enable the service to be extended to future growth areas.
355. The submitter supports Policy 6.1.13, as development of infrastructure and services to an appropriate standard enables the service, e.g. drinking water infrastructure, to be extended to future growth areas which will have positive public health benefits; however states it is

less clear how Council will implement this policy, particularly given the substantial ‘live’ zoning areas identified and the apparent absence of confirmed infrastructure proposals to service these areas. The submitter also considers that the policy is too uncertain to operate effectively as written, with issues as to how this is implemented, and risks that servicing will be inadequate to meet the needs of the community in particular localities, and potentially undermine community health and well-being.

356. “Where and when” in the Policy applies to the extension of infrastructure to growth areas, not whether the area is suitable for growth. Planning and coordination are to be included in the Policy, in response to the NZTA submission, and relate to the new infrastructure being capable of supporting areas identified for further growth. RPS Policy 6.3 also requires the co-ordination of growth and infrastructure. I recommend accepting in part [923.89] Waikato DHB [923.89], to the extent that the policy is amended in response to another submission.

16.2 Recommendations

357. For the reasons above I recommend that the Hearings Panel:
- Accept in part Spark [644.28], Vodafone [646.28], Chorus [648.28], Powerco [836.47], POAL [578.98], FFNZ [680.88], WEL Networks [692.52] and Counties Power [405.44], to the extent that the Policy is amended in response to another submission
 - Accept NZTA [742.51], [FS1379.284] Hamilton City Council and [FS1134.23] Counties Power
 - Accept in part Waikato DHB [923.89], to the extent that the Policy is amended in response to another submission.

16.3 Recommended amendments

358. Amend Policy 6.1.13 Future growth areas as follows:
- Require infrastructure services to be **planned**, developed **and co-ordinated with development** to **ensure it a standard that enables the service can** ~~to~~ be extended to future growth areas where **and when** appropriate. [742.51 NZTA]

16.4 Section 32AA evaluation

359. The amendment provides for better integration of planning, development and infrastructure, to be a more appropriate policy to achieve the objectives. The objectives are to enable infrastructure, to ensure integration of infrastructure with subdivision, land use and development, and to manage the effects of infrastructure. Planning involving co-ordination and timing is required to better achieve those objectives 6.1.1 on provision of infrastructure, 6.1.8 on community and Identified Area values, and particularly 6.4.1. on integration of infrastructure with subdivision and development.

17 6.1.14 Policy – Electromagnetic and radio frequency fields

Submission point and Submitter	Decision requested
644.29 Spark	Retain Policy 6.1.14 Electromagnetic and radio frequency

646.29 Vodafone 648.29 Chorus 836.48 Powerco 405.45 Counties Power 692.53 WEL Networks 680.89 FFNZ	fields, as notified
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17.1 Analysis / Recommendations

360. All submissions on this policy requested that the policy be retained. I recommend accepting the 'Retain' submissions, for the reasons that the policy is in the PWDP - to ensure control of electromagnetic and radio frequency fields - and for the reasons given by the submitters.
- a. I recommend accepting Counties Power [405.45], FFNZ [680.89], Spark [644.29], Vodafone [646.29], Chorus [648.29], WEL Networks [692.53] and Powerco [836.48].

18 6.1.16 Policy – Water conservation

Submission point and Submitter		Decision requested
836.1 Powerco 578.99 POAL 419.73 Hort NZ 466.48 Balle Bros Group 923.90 Waikato DHB 942.31 Tainui o Tainui		Retain Policy 6.1.16 Water conservation as notified.
<i>FS1171.42 T&G Global</i>		<i>Supports 419.73</i>
Submission point	Submitter	Decision requested
798.11	Ngati Te Ata	Add a new clause (b) to Policy 6.1.16 - Water Conservation as follows: <u>(b) clean water is captured for reuse and groundwater recharge.</u>
<i>FS1108.36</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Supports 798.11</i>
567.9	Ngati Tamaoho Trust	Add a new clause (b) to Policy 6.1.16 - Water conservation, as follows: <u>(b) clean water is captured for reuse and groundwater recharge.</u>
<i>FS1108.98</i>	<i>Te Whakakitenga o Waikato Incorporated</i>	<i>Supports 567.9</i>

	(Waikato-Tainui)	
680.91	FFNZ	Delete Policy 6.1.16 Water conservation OR Amend Policy 6.1.16 Water conservation as follows: <u>6.1.16 Policy Stormwater management for new development and subdivision</u> Water conservation AND Amend Policy 6.1.6 Water conservation, as follows: <u>Where new development and land use is proposed which may otherwise give rise to stormwater ponding, overland flow and flood management issues, Encourage</u> water conservation measures and, where appropriate, low impact stormwater design and facilities.
FS1277.141	Waikato Regional Council	Opposes 680.91
824.3	Bob MacLeod for Raglan Community Board	Add to Policy 6.1.16 Water conservation, as follows: b) <u>Encourage the installation of rain water tanks (storage) to provide: i. to reduce the annual water bill ii. to mitigate the costs and impact of water restrictions on lifestyle, amenity and property value iii. to help avoid the environmental impacts of construction of new water sources; and iv. community -mindedness (i.e. easing the burden on the Raglan water supply).</u>
822.1	Bob MacLeod	Add clauses to Policy 6.1.16 Water conservation, as follows: a) <u>Encourage the installation of rain water tanks (storage) to provide: i. To reduce the annual water bill ii. To mitigate the costs and impact of water restrictions on lifestyle, amenity and property value. iii. To help avoid the environmental impacts of construction a new water sources; and iv. Community - mindedness (i.e. easing the burden on the Raglan water supply).</u>

18.1 Analysis

361. **Hort NZ** [419.73], **Balle Bros Group** [466.48], **Waikato DHB** [923.90], **POAL** [578.99], **Tainui o Tainui** [942.31] and **Powerco** [836.1] all seek to retain Policy 6.1.16 as notified.
362. The submitters support policy that encourages water conservation, considering that this is important in urban and rural situations. They note that the scattered countryside living lots will all have a permitted activity allocation of water, a resource also in demand for rural production. The submitters state that they consider that water conservation should be encouraged through subdivision and land use design requirements and assessment criteria, and a reliable water resource (for human consumption, stock water and crop production) is fundamental to horticultural industry. They support the encouragement of water conservation.

363. *[FSI171.42] T&G Global supports [419.73]: Water conservation should be encouraged where appropriate to ensure the efficient use of this resource, which is also important to continued productive use of rural land.*
364. The policy assists with overland flow and flood management; retains water quality of runoff which maintains quality of water bodies, enables catchments to be managed holistically and comprehensively; and assists with efficient water supply. It will also give effect to Waikato RPS Implementation method 8.3.10, which requires territorial authorities to consider encouraging water conservation measures. I recommend accepting the 'Retain' submissions and further submission for the above reasons, and also for the reasons given by the submitters and further submitter.
365. **Ngati Te Ata [798.11]** and **Ngati Tamaoho Trust [567.9]**: seek to add a new clause (b) to Policy 6.1.16 - Water Conservation to encourage that clean water be captured for reuse and groundwater recharge.
366. *[FSI108.36 andFSI108.98] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) support [798.11] and [567.9]: General agreement with the submission.*
367. No reasons are provided. The Policy at this stage is to encourage water conservation. Stormwater management provisions in 6.4.6 and 6.4.7 and 14.11 seek hydrological neutrality, clean water re-use and groundwater recharge (6.4.7(vii)). I consider that the additional policy point requested is not needed. I recommend rejecting Ngati Te Ata [798.11], *[FSI108.36] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*, Ngati Tamaoho Trust [567.9] and *[FSI108.98] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)*.
368. **FFNZ [680.91]** seeks to delete the policy on water conservation or amend it, to convert it into a policy for stormwater management for new development and subdivision.
369. The submitter states that if the policy is aimed at water conservation in order to facilitate minimum flows for water allocation, that is a regional council matter, and the district council does not have jurisdiction over this under the Act. Similarly, if the policy is aimed at freshwater quality management, the submitter states it also has no place in a district plan. If it is aimed at flood control, and managing stormwater ponding and overland flow, then the submitter considers it should be focused in the context of proposed development intensification and subdivision which triggers stormwater management concerns, in which case the title 'water conservation' is a misnomer.
370. *[FSI277.141] Waikato Regional Council opposes [680.91]: as WRPS Implementation Method 8.3.10 requires territorial authorities to consider encouraging water conservation measures.*
371. The PWDP policy intention is to encourage water conservation, primarily to ensure adequate supply, but also to assist with land development stormwater management. Objective 6.4.6 and Policy 6.4.7 seek to retain hydrological characteristics and provide low-impact stormwater management, including for stormwater ponding, overland flow paths, and flood management. The PWDP must give effect to the Waikato RPS, Implementation Method 8.3.10, which requires territorial authorities to consider encouraging water conservation measures. The policy is not aimed at regional council water allocation or minimum flows. I recommend rejecting FFNZ [680.91] and *accepting [FSI277.141] Waikato Regional Council.*

372. **Bob MacLeod for Raglan Community Board [824.3]** and **Bob MacLeod [822.1]**: Add to Policy 6.1.16 Water conservation, to encourage the installation of rain tanks to harvest rain water.
373. The submitters state the financial benefit of rainwater tanks to the community through the reduction in the cost of water and stormwater infrastructure, and state that the ability of Council to reduce the cost of water and stormwater infrastructure is dependent on the cost benefit of 'Long Run Marginal Cost', which is used for creating new water supplies and represents the change in cost if new water sources are brought forward or delayed.
374. PWDP Policy at this stage is to encourage water conservation. The means of achieving that, beyond the side benefits of stormwater management and enabling water re-use, would be by methods outside the District Plan. The submitters' requested additions to the Policy are only reasons justifying it and not a policy direction. However, in response to another submission point by Mr MacLeod, I have recommended that rain harvesting tanks be explicitly permitted in the Chapter 14 rules. I recommend rejecting Bob MacLeod for Raglan Community Board [824.3] and Bob MacLeod [822.1].

18.2 Recommendations

375. For the reasons above I recommend that the Hearings Panel:
- Accept Hort NZ [419.73], [FS1171.42] T&G Global, Balle Bros Group [466.48], Waikato DHB [923.90], POAL [578.99], Tainui o Tainui [942.31] and Powerco [836.1]
 - Reject Ngati Te Ata [798.11], [FS1108.36] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui), Ngati Tamaoho Trust [567.9] and [FS1108.98] Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)
 - Reject [680.91] FFNZ [680.91]; accept [FS1277.141] Waikato Regional Council
 - Reject Bob MacLeod for Raglan Community Board [824.3] and Bob MacLeod [822.1].

19 6.2 National Grid

19.1 Introduction

National Policy Statement Electricity Transmission (NPSET)

376. The NPSET sets out one objective and a number of policies to standardise the approach to the electricity transmission network (the National Grid) across the country. The NPSET recognises as a matter of national significance the need to operate, maintain, develop and upgrade the electricity transmission network. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised. Transpower has confirmed that any new sections of the National Grid will be established by designation rather than resource consent.
377. The National Environmental Standards for Electricity Transmission (NESETA) set out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. The NESETA specifies that electricity transmission activities are permitted,

subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment; and specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities. The NESETA only applies to existing high voltage electricity transmission lines owned and operated by Transpower. It does not apply to the construction of new transmission lines, nor to substations. The NESETA does not apply to electricity distribution lines which are the lines carrying electricity from regional substations to electricity users.

378. These PWDP objectives and policies relate to new National Grid infrastructure which is not covered by the NESETA as well as protecting the National Grid from other activities to implement Policy 10 and Policy 11 of the NPSET and the corridor management approach of the RPS.

NPSET Policy 10: 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. NPSET 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.

20 General submissions on National Grid

Submission point	Submitter	Decision requested
576.15	Transpower	Retain Section 6.2 National Grid, except for the amendments sought to particular provisions addressed elsewhere in the submission.
<i>FS1269.44</i>	<i>HNZC</i>	<i>Opposes 576.15</i>
749.24	HNZC	Delete Section 6.2 National Grid, and all related provisions including the spatial extent of the overlay AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1168.147</i>	<i>Hort NZ</i>	<i>Supports 749.24</i>
<i>FS1350.14</i>	<i>Transpower</i>	<i>Opposes 749.24</i>
<i>FS1345.114</i>	<i>Genesis Energy</i>	<i>Opposes 749.24</i>
454.1	Troy Fell	Amend Section 6.2 National Grid to allow for all households to access renewable energies such as solar and wind generation and move away from the National Grid.

20.1 Analysis

379. **Transpower** [576.15]: seeks to retain Section 6.2 National Grid, except for the amendments sought to particular provisions addressed elsewhere in the submission.
380. The submitter supports the provision of a policy suite specific to the National Grid, as such provisions that enable and provide for the NPSET to be given effect to. The submitter considers given the Proposed District Plan does not distinguish between Infrastructure generally, and Regionally significant infrastructure or infrastructure that is of national importance, specifically policy recognition of the National Grid which is of National significance, is supported.
381. *[FS1269.44] HNZN opposes [576.15]: the proposed amendment, to the extent that it is inconsistent with its primary submission.*
382. The proposed suite of objective and policies are considered the most appropriate to give effect to the NPSET and the RPS provisions on the National Grid. A number of factors were taken into account including: the directive objectives and policies in the NPSET; the directive objectives and policies in the RPS; feedback from Transpower NZ Limited; and the approaches of adjoining councils including Auckland Council and Hamilton City Council, and other councils throughout New Zealand, and including concerns raised through submissions on other district plans. I recommend accepting Transpower [576.15], for the reasons provided by the submitter. The HNZN primary submission has a submission point below on 6.2 National Grid. It includes a concern that the provisions of the National Grid are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. The National Grid provisions are opposed by HNZN, but no alternative is offered. I recommend rejecting *[FS1269.44] HNZN*.
383. **HNZN** [749.24]: seeks to delete Section 6.2 National Grid, and all related provisions, including the spatial extent of the overlay.
384. HNZN opposes the National Grid provisions in their current proposed state and seeks that the full package of provisions (objectives, policies, rules and definitions), including the spatial extent of the overlay shown in the Proposed District Plan, be deleted. HNZN acknowledges the need for the Proposed District Plan to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008). However, the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.
385. *[FS1168.147] Hort NZ supports [749.24]: The submitter seeks provisions that are less restrictive; all National Grid provisions need to be practical and reasonable.*
386. *[FS1350.14] Transpower opposes [749.24]: The reasoning provided in the submission is unclear as to why the submitter considers the National Grid provisions within the proposed plan to be "overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid". As noted by the submitter, the national significance of the National Grid is recognised within NPSET. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it. The NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network. Transpower 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 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 limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of Transpower's lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed, and seek to: Avoid sensitive activities near electricity transmission lines and infrastructure; • Manage other activities to avoid reverse sensitivity effects on this; and Manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised. The approach adopted within the proposed plan reflects the corridor management approach sought across New Zealand and, on this basis, the submission point is opposed. In response to the specific extent of the overlay, Transpower notes that the proposed plan transposes the definition of National Grid yard and National Grid corridor. Amendments to a number of definitions have been sought by Transpower in its submission.

387. [FS1345.114] Genesis Energy opposes [749.24]: as it does not support the deletion of the provisions relating to the National Grid.
388. The submitter may wish to present evidence on any unwarranted restrictiveness of the National Grid provisions and their inefficient management of sensitive activities within close proximity to and under the National Grid. The national significance of the National Grid is recognised within NPSET. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
389. The NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network. Transpower 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 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 could limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of Transpower's lines could be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed, and seek to avoid sensitive activities near electricity transmission lines and infrastructure; manage other activities to avoid reverse sensitivity effects on this; and manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised.
390. The approach adopted within the proposed plan reflects the corridor management approach sought across New Zealand and required by the RPS. In response to the specific extent of the overlay, Transpower notes that the proposed plan transposes the definition of National Grid Yard and National Grid corridor. For the reasons set out above, and adopted from the

further submitter Transpower, I recommend rejecting HNZC [749.24]; [FS1168.147] Hort NZ, and accepting [FS1350.14] Transpower and [FS1345.114] Genesis Energy.

391. **Troy Fell** [454.1] seeks to amend Section 6.2 National Grid to allow for all households to access renewable energies such as solar and wind generation and move away from the National Grid.
392. The submitter considers that there is a need to move away from reliance on the National Grid because of increasing electricity prices; stating that solar-generated power is more affordable but access to it is made difficult because of the amount of capital investment needed and this usually involves individual house installations rather than a community-scale installation. The submitter has made suggestions for how local and regional councils could manage investments in solar farms for the benefit of ratepayers. The submitter further states that if local and regional government was able to assist through subsidies and sponsorship, construction of solar farms on council land, then this cost would be eliminated and direct savings would be passed on to households.
393. The NPSET requires the PWDP to enable the National Grid. PWDP Objectives and Policies 6.3.1 to 6.3.5 promote and enable renewable energy. Subsidies and investment in land and construction of solar farms are methods outside the District Plan, and available to the council if it wishes to use them. There are nation-wide programmes for grants and loans for energy conservation and solar generation. I consider that enabling the use of renewable electricity technology is more appropriately addressed in Section 6.3, rather than in the section focused on the National Grid. I therefore recommend rejecting Troy Fell [454.1].

20.2 Recommendations

394. For the reasons above I recommend that the Hearings Panel:
- Accept Transpower [576.15] and reject [FS1269.44] HNZC
 - Reject HNZC [749.24] and [FS1168.147] Hort NZ; accept [FS1350.14] Transpower and [FS1345.114] Genesis Energy.
 - Reject Troy Fell [454.1].
395. There are no amendments recommended from assessment of the submissions in this sub-section.

21 6.2.1 Objective – National Grid

Submission point	Submitter	Decision requested
836.2	Powerco	Retain Objective 6.2.1 National Grid as notified.
405.46	Counties Power	Retain Objective 6.2.1 (a) National grid as notified.
766.46	Holcim	Retain Objective 6.2.1 National Grid insofar as it gives effect to the relief sought.
302.46	EnviroWaste	Retain the intent of Objective 6.2.1 National Grid insofar as it gives effect to the submitter's sought relief in that the provisions relating to the National Grid Yard are too

		restrictive.
FSI350.26 FSI350.19	Transpower	FSI350.26 supports 766.46 FSI350.19 supports 302.46
680.92	FFNZ	Amend Objective 6.2.1 (a) National grid, as follows: (a) The national significance of the National Grid is recognised and <u>managed in order to meet the needs of present and future generations</u> protected.
FSI350.16	Transpower	Opposes 680.92.
419.74	Hort NZ	Amend Objective 6.2.1 National Grid, as follows: a) The national significance of the National Grid is recognised and protected provided for.
FSI350.15	Transpower	Supports 419.74
576.16	Transpower	Retain Objective 6.2.1 National grid, except for the amendments sought below AND Amend Objective 6.2.1 National grid, as follows: 6.2.1 Objective - National <u>G</u> grid (a) The national significance of the National Grid is recognised, <u>and</u> protected <u>and</u> provided for.
FSI168.148	Hort NZ	Supports 576.16
FSI345.25	Genesis Energy	Supports 576.16
945.39	First Gas	Amend Objective 6.2.1 - National Grid as follows: Objective 6.2.1 - National Grid <u>and Gas Network</u> (a) The national significance of the National Grid <u>and Gas Network</u> is recognised and protected.
FSI168.149	Hort NZ	Opposes 945.39
FSI350.17	Transpower	Opposes 945.39

21.1 Analysis

396. **Powerco** [836.2] and **Counties Power** [405.46]: Retain Objective 6.2.1 National Grid as notified. **Holcim** [766.46] and **EnviroWaste** [302.46]: seek to retain the intent of Objective 6.2.1 National Grid, insofar as it gives effect to the submitter's sought relief, in that the provisions relating to the National Grid Yard are too restrictive.
397. Powerco considers that the objective will provide for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district. Counties Power considers that the objective will protect access to existing Transpower assets during development, use and subdivision. Holcim and EnviroWaste support the intention of the objective to recognise and provide for protection of the National Grid, however provisions relating to the National Grid yard are too restrictive and should be amended as per relief sought to Chapter 14.4 provisions.
398. [FSI350.26 and FSI350.19] Transpower: Transpower [FSI350.26] supports [766.46] and [FSI350.19] supports [302.46]: The submission points are supported in part, insofar as the

objective and corresponding policies are retained as proposed (subject to amendment as sought in the Transpower original submission). In response to concerns raised by the submitters as to the restrictive nature of the National Grid Yard provisions, as noted in response to Holcim submission point [766.5] and EnviroWaste submission point [302.1], Transpower considers that the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its submission Transpower sought correction of these terms, along with minor amendments to assist with their interpretation and application. The relief sought in Transpower's submission [points 576.39 and 576.40] clarifies the terms (National Grid Yard and National Grid Subdivision Corridor) and related distances. It is further noted that the 12m setback provided in the amended definition for National Grid Yard aligns with that provided in the Auckland Unitary Plan. It is noted that these corrections should address the concerns of the submitter.

399. The objective is the principal PWDP objective to give effect to the NPSET, and to the RPS giving effect to the NPSET, and takes its language from the NPSET objective. For the reasons above I recommend accepting in part Powerco [836.2], Counties Power [405.46], Holcim [766.46], EnviroWaste [302.46], [FS1350.26] Transpower and [FS1350.19] Transpower, to the extent that the objective remains largely intact, as amended in response to other submissions.
400. **FFNZ** [680.92] seeks to Amend Objective 6.2.1 (a) National grid, as follows:
- (a) The national significance of the National Grid is recognised and managed in order to meet the needs of present and future generations protected.
401. The submitter opposes this objective as FFNZ considers that the submitter opposes this objective, as it is not consistent with the National Policy Statement for Electricity Transmission 2010 ('NPSET'); stating that the NPSET is aimed at enabling the management of the effects of the electricity transmission network in light of its national significance being the need to operate, maintain, develop and upgrade the electricity transmission network, and it says nothing about protection. The submitter is concerned that if district plans start to seek protection of assets used or owned by Transpower, this will escalate into a requirement for all sorts of impositions on farming activity where farms are traversed by part of the National Grid. The submitter seeks that this objective be amended to more closely reflect the objective of the NPSET.
402. [FS1350.16] Transpower opposes [680.92]: *The submission point is opposed, insofar as it proposes to replace 'protected' with 'managed'. The word 'managed' does not reflect the wording provided in the NPSET, specifically Policy 1, nor does it give effect to Policies 10 and 11 in terms of avoiding certain activities and effects. As this is the sole objective relating to the National Grid in section 6.2, the wording needs to clearly outline what is to be achieved by the policies.*
403. The submission proposes to replace 'protected' with 'managed'. The word 'managed' does not reflect the wording provided in the NPSET, specifically Policy 1, nor does it give effect to Policies 10 and 11 in terms of avoiding certain activities and effects. As this is the sole objective relating to the National Grid in section 6.2, the wording needs to clearly outline what is to be achieved by the policies. For the reasons provided by the further submitter Transpower, I recommend rejecting FFNZ [680.92], and accepting [FS1350.16] Transpower.
404. **Hort NZ** [419.74]: seeks to amend Objective 6.2.1 National Grid, so that the National Grid is “provided for” rather than “protected”. **Transpower** [576.16]: seeks to retain Objective 6.2.1 National grid, except for amendments to add “and provided for” and to capitalise the

words national Grid. Hort NZ states that the objective seeks an outcome of 'protect', and that the National Policy Statement for Electricity Transmission does not have an objective to 'protect', however it seeks to manage activities to the extent reasonably possible. The submitter considers that the important matter is that activities are managed to reduce the potential for reverse sensitivity effects on infrastructure.

405. *[FS1350.15] Transpower supports [419.74].*
406. The submission point is supported in part in terms of insertion of reference to 'provide for', as this reflects the relief sought in Transpower's original submission. The insertion of 'provided for' would be consistent with the terminology used in the NPSET, specifically Policy 2, which requires that "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". In response to the sought removal of 'protect', this is not supported, as 'protect' relates to protecting the grid from subdivision, land use and development activities, as opposed to enabling its ongoing development, operation and maintenance. On this basis, it is considered appropriate that the sole National Grid objective in the proposed plan covers both the enabling element of the National Grid (through reference to the need to 'provide for'), as well as the protection of the National Grid from subdivision, land use and development activities.
407. The submitter supports the objective and seeks amendment of the objective to ensure that the national significance is not only recognised and protected, but that it is also provided for. The insertion of 'provided for' would be consistent with the terminology used in the NPSET, specifically Policy 2, which requires that "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". While the requirements to 'recognise and protect' are supported, they do not have the same meaning as 'provide for'. Specifically, 'recognise' does not carry the same weight or directive nature, and 'protect' relates to protecting the grid from subdivision, land use and development activities, as opposed to enabling its ongoing development, operation and maintenance. The insertion of 'provide for' would also be consistent with Objective 3.5(e) of the Waikato RPS, which requires that "Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that: e) recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation". It would be consistent with Policy 6.2.3.
408. *[FS1168.148] Hort NZ supports [576.16]: Deletion of 'protected' and replaced with 'provided for' is consistent with the NPSET. This appears to be a 'part support' further submission. [FS1345.25] Genesis Energy supports [576.16]: For the reasons outlined in the Transpower submission.*
409. For the reasons provided above and by the further submitter Transpower, I recommend accepting in part Hort NZ [419.74], to the extent that "provided for" is added, but "protected" is not deleted. I recommend accepting *[FS1350.15] Transpower*. For the reasons provided above and by the original submitter Transpower, and to give effect to Policy 2 of the NPSET and Objective 3.5(e) of the Waikato RPS, I recommend accepting Transpower [576.16]; *[FS1345.25] Genesis Energy*, and accepting in part *[FS1168.148] Hort NZ*.

410. **First Gas [945.39]**: seeks to amend Objective 6.2.1 - National Grid, to include the gas network.
411. The submitter considers that its transmission pipeline is nationally-significant, and seeks that those provisions referencing the National Grid be amended to also include reference to the gas transmission pipeline. The submitter acknowledges that its distribution pipeline differs from its transmission pipeline in this regard. The submitter seeks minimum setbacks between the gas network and sensitive activities to ensure the safety of the gas network and the people living and working near this network.
412. *[FS1168.149] Hort NZ opposes [945.39]: The submitter also seeks the same status for gas pipelines as the National Grid. There is no NPS for the gas network so it should not be accorded the same status as the National Grid.*
413. *[FS1350.17] Transpower opposes [945.39]: The submission point is opposed on the basis that section 6.2 of the proposed plan has been drafted to specifically relate to the National Grid and to give effect to the NPSET. While Transpower does not dispute the importance of the National Gas Network, it does not support inclusion of reference to the National Gas network within Section 6.2 as the most appropriate method. The above comments also apply to submission points [945.40, 945.51, 945.52 and 945.43] seeking amendment to Policy 6.2.2, Policy 6.2.3, Policy 6.2.4, and Policy 6.2.6.*
414. Section 6.2 of the PWDP has been drafted to specifically relate to the National Grid and to give effect to the NPSET and the RPS Objective 3.5, Objective 3.12, Policies 6.6, Implementation Methods 6.6.2 and 6.6.5. There is no NPSET equivalent for gas (be it the transmission or distribution network), mandating such detailed enabling and protective policy for the nationally significant electricity transmission. Gas transmission and distribution can be designated, which may provide a more appropriate form of protection for the mainly underground network utility, and would provide protection of the asset and safety by the operator selection of route and mapping, rather than by a sensitive user setback yard. In any event, the gas network is covered by provisions such as Objective 6.1.6 and Policy 6.1.7 in terms of protecting the network from reverse sensitivity, and section 6.1 in terms of enabling the development, operation and maintenance of the network. I recommend rejecting First Gas [945.39] and accepting *[FS1168.149] Hort NZ* and *[FS1350.17] Transpower*.

21.2 Recommendations

415. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.2] and Counties Power [405.46], Holcim [766.46] and EnviroWaste [302.46], *[FS1350.26] Transpower* and *[FS1350.19] Transpower*
 - b. Reject FFNZ [680.92] and accept *[FS1350.16] Transpower*
 - c. Accept in part [419.74] Hort NZ [419.74], to the extent that “provided for” is added, but “protected” is not deleted; accept *[FS1350.15] Transpower*
 - d. Accept Transpower [576.16] and *[FS1345.25] Genesis Energy*; accept in part *[FS1168.148] Hort NZ*
 - e. Reject First Gas [945.39]; accept *[FS1168.149] Hort NZ*; *[FS1350.17] Transpower*.

21.3 Recommended amendments:

416. Amend Objective 6.2.1 National Grid, as follows:

6.2.1 Objective - National Ggrid [576.16 Transpower]

- a) The national significance of the National Grid is recognised, and protected and provided for. [419.74 Hort NZ; 576.16 Transpower]

21.4 Section 32AA evaluation

417. The amendment better gives effect to the NPSET. The amended objective better achieves the purpose of the Act.

Other reasonably-practicable options

418. Retaining the objective as notified is the principal option. However, the insertion of 'provided for' would be consistent with the terminology used in Policy 2 of the NPSET, which requires that "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". While the requirements to 'recognise and protect' are directly from the NPSET objective, they do not have the same meaning as 'provide for'. Specifically, 'recognise' does not carry the same weight or directive nature, and 'protect' relates to protecting the grid from subdivision, land use and development activities as opposed to enabling its ongoing development, operation and maintenance.

Effectiveness and efficiency

419. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The amended objective is a more appropriate way to achieve the purpose of the Act, to promote the sustainable management of natural and physical resources, with sustainable management meaning managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The objective is amended to provide for the National Grid.

Costs and benefits

420. I do not consider there are significant costs if the objective is amended, as the PWDP policies already align with providing for the national Grid.

Risk of acting or not acting

421. There is sufficient information to avoid risks of acting or not acting to amend the objective.

Decision about most appropriate option

422. The amended objective gives effect to the National Policy Statement and the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the purpose of the Act.

22 6.2.2 Policy – Recognise the national grid

Submission point	Submitter	Decision requested
836.25	Powerco	Retain Policy 6.2.2- Recognise the national grid as notified.
766.47	Holcim	Retain Policy 6.2.2- Recognise the national grid insofar as it gives effects to submitter's relief sought.
302.52	EnviroWaste	Retain the intent of Policy 6.2.2 Recognise the National Grid, insofar as it gives effect to the submitter's relief sought in the provisions relating to the National Grid Yard being too restrictive.
<i>FS1350.27</i> <i>FS1350.20</i>	<i>Transpower</i>	<i>FS1350.27 supports 766.47</i> <i>FS1350.20 supports 302.52</i>
945.40	First Gas	Amend Policy 6.2.2 Recognise the national grid as follows: Policy 6.2.2 Recognise the national grid <u>and Gas network.</u> (a) Recognise the operational, functional and technical constraints of the National Grid, <u>Gas Network</u> , and the interconnectedness of networks.
<i>FS1168.151</i>	<i>Hort NZ</i>	<i>Opposes 945.40</i>
<i>FS1342.252</i>	<i>FFNZ</i>	<i>Opposes 945.40</i>
680.93	FFNZ	Amend Policy 6.2.2. (a) Recognise the national grid, as follows: Recognise the operational, functional and technical constraints of the National Grid, and the interconnectedness of networks <u>where these may be co-located within the National Grid Yard or within public land, including roads.</u>
559.62	Heritage NZPT	Retain Policy 6.2.2 (a) Recognise the national grid, except for the amendments sought below AND Amend Policy 6.2.2 (a) Recognise the national grid as follows: (a) Recognise the operational, functional and technical constraints of the national grid, and the interconnectedness of networks.
<i>FS1168.150</i>	<i>Hort NZ</i>	<i>Supports 559.62</i>
<i>FS1350.18</i>	<i>Transpower</i>	<i>Opposes 559.62.</i>
576.17	Transpower	Retain Policy 6.2.2 Recognise the national grid, except for the amendments sought below AND Amend Policy 6.2.2 Recognise the national grid, as follows: 6.2.2 Policy - Recognise the <u>needs and constraints of the National Grid</u> (a) Recognise the operational, functional and technical <u>needs and</u> constraints of the National Grid, and the interconnectedness of networks.
<i>FS1345.26</i>	<i>Genesis Energy</i>	<i>Supports 576.17</i>

22.1 Analysis

423. **Powerco** [836.25], **Holcim** [766.47] and **EnviroWaste** [302.52]: seek to retain Policy 6.2.2 - Recognise the national grid, insofar as it gives effects to submitter's relief sought.
424. Powerco considers that the policy will provide for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district. Submitters support the intention of the policy to recognise and provide for protection of the National Grid, consider that provisions relating to the National Grid yard are too restrictive and should be amended as per the relief sought under Chapter 14.4 provisions.
425. *[FSI 350.27] Transpower supports [766.47]; [FSI 350.20] Transpower supports 302.52.*
426. In response to concerns raised by the submitters as to the restrictive nature of the National Grid Yard provisions, as noted in Transpower's further submission response to Holcim submission point [766.5] and EnviroWaste submission point 302.1, the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its submission Transpower sought correction of these terms along with minor amendments to assist with their interpretation and application. The reliefs sought in Transpower's submission [points 576.39 and 576.40] clarify the terms (National Grid Yard and National Grid Subdivision Corridor) and related distances. It is further noted the 12m setback provided in the amended definition for National Grid Yard aligns with that provided in the Auckland Unitary Plan. It is considered that these corrections should address the concerns of the submitters. For the reasons above provided by Transpower, I recommend accepting Powerco [836.25], Holcim [766.47], EnviroWaste [302.52], *[FSI 350.27] Transpower* and *[FSI 350.20] Transpower*.
427. **First Gas** [945.40]: seeks to amend Policy 6.2.2 Recognise the national grid, to include the gas network.
428. *[FSI 168.151] Hort NZ opposes [945.40]: The submitter also seeks the same status for gas pipelines as the National Grid. Hort NZ states that there is no NPS for the gas network so it should not be accorded the same status as the National Grid.*
429. *[FSI 342.252] FFNZ opposes [945.40]: FFNZ oppose these submission points for the reason that these inappropriately seek to include regulatory provision and protection for gas network infrastructure in the National Grid Corridor. Identification of National Grid corridors should be limited to only the National Grid as directed by the NPS-ET Policy 11, and not to other forms of infrastructure. If gas network operators wish to install gas network infrastructure on private land, then they need to negotiate access and easement agreements with landowners (including farmers), and it is not appropriate for the Council to include district plan rules that override the landowner's prerogative in this regard.*
430. See earlier discussion on the First Gas [945.39] similar submission (and similar further submissions by Hort NZ and FFNZ on Objective 6.2.1 above. For the same reasons, I do not support the requested changes to the policy. I recommend rejecting First Gas [945.40], and accepting *[FSI 168.151] Hort NZ* and *[FSI 342.252] FFNZ*.
431. FFNZ [680.93] seeks to amend Policy 6.2.2. to add 'where these may be co-located within the National Grid Yard or within public land, including roads' to the end of the policy.

432. The submitter conditionally supports this policy, provided that it is confined to consideration of National Grid matters within the National Grid Yard and the National Grid Corridor. Outside these areas, the submitter considers that farmers have the right to use and to manage access to their farms, including the right to refuse access across private land.
433. Interconnectedness includes access to the different parts of the network and where the National Grid connects with the distribution networks. This may occur over privately-owned farmland, and no additional third-party access rights are required by this policy. Policy 3 of the NPSET is for the operational and technical requirements of the National Grid, and this not constrained to co-location. The National Grid needs to connect to distribution networks. I recommend rejecting FFNZ [680.93].
434. Heritage NZPT [559.62] seeks to delete ‘and the interconnectedness of networks’.
435. The submitter supports Policy 6.1.12 in part. The submitter recognises the importance of the National Grid; but is concerned that the policy appears to include unspecified network utilities as having the same status as the National Grid. The submitter notes that the Government has determined that the National Grid, as nationally important infrastructure, requires a greater level of recognition and protection than other regional and local infrastructure.
436. *[FSI 168.150] Hort NZ supports [559.62]: The focus of the policy should be on the National Grid.*
437. *[FSI 350.18] Transpower opposes [559.62]: While Transpower understands the concerns raised in the submission point, the point is opposed, as the proposed policy approach recognises that the National Grid connects to other networks and, in many respects, that this represents a constraint. The policy does not elevate other networks, rather it allows for consideration of the connectivity of the National Grid to these networks at a policy level.*
438. The National Grid needs to be connected to the distribution networks. The policy does not elevate other networks, rather it allows for consideration of the connectivity of the National Grid to these networks at a policy level. I recommend rejecting Heritage NZPT [559.62] and *[FSI 168.150] Hort NZ*; and accepting *[FSI 350.18] Transpower*.
439. **Transpower** [576.17]: seeks an amendment to the policy title to more accurately articulate and convey the content of the policy, and insertion of the word ‘needs’ to reflect the provided definition of ‘functional need’ and ‘operational need’; The submitter supports provision of a policy which recognises the constraints associated with the National Grid and gives effect to Policy 3 of the NPSET and Objective 3.5.h) and Policy 6.6.c) of the Waikato RPS.
440. *[FSI 345.26] Genesis Energy supports [576.17]: For the reasons outlined in the Transpower submission.*
441. The requested amendments more accurately focus the policy direction, and give effect to Policy 3 of the NPSET, and Objective 3.5(h) and Policy 6.6(c) of the Waikato RPS. I recommend accepting Transpower [576.17] and *[FSI 345.26] Genesis Energy*.

22.2 Recommendations

442. For the reasons above I recommend that the Hearings Panel:

- a. Accept Powerco [836.25], Holcim [766.47], EnviroWaste [302.52], [FS1350.27] Transpower and [FS1350.20] Transpower
- b. Reject First Gas [945.40]; accept [FS1168.151] Hort NZ and [FS1342.252] FFNZ
- c. Reject FFNZ [680.93]
- d. Reject Heritage NZPT [559.62] and [FS1168.150] Hort NZ; accept [FS1350.18] Transpower
- e. Accept Transpower 576.17 and [FS1345.26] Genesis Energy.

22.3 Recommended amendments

443. Amend Policy 6.2.2 Recognise the national grid, as follows:

6.2.2 Policy - Recognise the needs and constraints of the National Grid

- (a) Recognise the operational, functional and technical needs and constraints of the National Grid, and the interconnectedness of networks. [576.17 Transpower]

22.4 Section 32AA evaluation

444. The requested amendments more accurately focus the policy direction, and give effect to Policy 3 of the NPSET, and Objective 3.5(h) and Policy 6.6(c) of the Waikato RPS.

Other reasonably-practicable options

445. Retaining the policy as notified is the main option, along with variants of the NPSET policies, however the principal and preferred amendment is to include the policy direction recognising operational and functional needs of the National Grid transmission infrastructure.

Effectiveness and efficiency

446. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective. The amended policy is more clear and explicit about needs and constraints of corridor infrastructure of national significance, hence efficient and effective in achieving the National Grid objective.

Costs and benefits

447. I do not consider there are significant costs if the policy is amended. However, there is a benefit from clarity of purpose in the amended policy providing additional explanation to the characteristics of the National Grid objective.

Risk of acting or not acting

448. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

449. The amended policy more accurately articulates and conveys the content of the policy, and insertion of the word 'needs' to reflect the provided definition of 'functional need' and 'operational need'. The policy recognises the constraints associated with the National Grid and gives effect to Policy 3 of the NPSET and Objective 3.5(h) and Policy 6.6(c) of the Waikato RPS. The amended policy better achieves the objective of the National Grid.

23 6.2.3 Policy – Operation and development of the National Grid

Submission point	Submitter	Decision requested
836.26	Powerco	Retain Policy 6.2.3- Operation and development of the National Grid as notified.
680.94	FFNZ	Retain Policy 6.2.3 Operation and development of the National Grid.
766.48	Holcim	Retain Policy 6.2.3 Operation and development of the National grid insofar as it gives effect to the submitter's relief sought.
<i>FS1350.28</i>	<i>Transpower</i>	<i>Supports 766.48</i>
302.53	EnviroWaste	Retain the intent of Policy 6.2.3 Operation and development of the National Grid, insofar as it gives effect to the submitter's relief sought in the provisions relating to the National Grid Yard being too restrictive.
<i>FS1350.21</i>	<i>Transpower</i>	<i>Supports 302.53</i>
576.18	Transpower	Retain Policy 6.2.3 Operation and development of the National Grid, except for the amendments sought below AND Amend Policy 6.2.3 (a) Operation and development of the National Grid, as follows: (a) Provide for the operation, <u>maintenance</u> , upgrading and development of the National Grid
<i>FS1345.27</i>	<i>Genesis Energy</i>	<i>Supports 576.18</i>
945.41	First Gas	Amend Policy 6.2.3 Operation and development of the National Grid as follows: Policy 6.2.3 Operation and development of the National Grid <u>and Gas Network</u> . (a) Provide for the operation, upgrading and development of the National Grid <u>and Gas Network</u> .
<i>FS1168.152</i>	<i>Hort NZ</i>	<i>Opposes 945.41</i>
<i>FS1342.253</i>	<i>FFNZ</i>	<i>Opposes 945.41</i>

23.1 Analysis

450. **Powerco** [836.26] and **FFNZ** [680.94] seek to retain Policy 6.2.3. **Holcim** [766.48] and **EnviroWaste** [302.53] also seek to retain Policy 6.2.3, insofar as it gives effect to the submitters' relief sought. Powerco considers that the policy will provide for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district. Submitters support the intention of the objective to recognise and provide for protection of the National Grid,

however provisions relating to the National Grid yard are too restrictive and should be amended as per the relief sought to Chapter 14.4 provisions.

451. *[FS1350.28] and [FS1350.21] Transpower: Transpower [FS1350.28] supports [766.48] and [FS1350.21] supports [302.53]. As discussed above, and in response to concerns raised by the submitter as to the restrictive nature of the National Grid Yard provisions, Transpower considers that the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its submission Transpower sought correction of these terms along with minor amendments to assist with their interpretation and application. The relief sought in Transpower's submission [points 576.39 and 576.40] clarifies the terms (National Grid Yard and National Grid Subdivision Corridor) and related distances. It is further noted that the 12m setback provided in the amended definition for National Grid Yard aligns with that provided in the Auckland Unitary Plan. It is noted that these corrections should address the concerns of the submitter. I recommend for the reasons above accepting Powerco [836.26], FFNZ [680.94], Holcim [766.48], EnviroWaste [302.53], [FS1350.28] Transpower and [FS1350.21] Transpower.*
452. **Transpower [576.18]:** seeks amendment of the policy to include 'maintenance' within the policy, thereby giving effect to Policy 2 of the NPSET which includes the term 'maintenance'. The submission also details reasons for supporting the Policy as notified, but not subject to any specific relief sought. The submitter considers that provision of a policy which requires that the ongoing operation, upgrading and development of the National Grid be 'provided for' is supported, and gives effect to Policy 2 of the NPSET, and Objective 3.12.i) of the Waikato RPS.
453. *[FS1345.27] Genesis Energy supports [576.18]: For the reasons outlined in the Transpower submission.*
454. The proposed amendment may give effect to Policy 2 of the NPSET, however "maintenance" is addressed in proposed Policy 6.2.4. and does not need to be duplicated in Policy 6.2.3. I recommend rejecting Transpower [576.18] and [FS1345.27] Genesis Energy.
455. **First Gas [945.41]:** seeks to amend Policy 6.2.3 Operation and development of the National Grid to include the gas network.
456. *[FS1168.152] Hort NZ opposes [945.41]: The submitter also seeks the same status for gas pipelines as the National Grid. There is no NPS for the gas network so it should not be accorded the same status as the National Grid.*
457. *[FS1342.253] FFNZ opposes [945.41]: FFNZ opposes these submission points for the reason that these inappropriately seek to include regulatory provision and protection for gas network infrastructure in the National Grid Corridor. Identification of National Grid corridors should be limited to only the National Grid, as directed by the NPS-ET Policy 11, and not to other forms of infrastructure. If gas network operators wish to install gas network infrastructure on private land, then they need to negotiate access and easement agreements with landowners (including farmers), and it is not appropriate for the Council to include district plan rules that override the landowner's prerogative in this regard.*
458. See earlier discussion on the First Gas [945.39] similar submission on Objective 6.2.1 above. For the same reasons, I recommend rejecting First Gas [945.41]; and accepting [FS1168.152] Hort NZ and [FS1342.253] FFNZ.

23.2 Recommendations

459. For the reasons above I recommend that the Hearings Panel:
- Accept Powerco [836.26], FFNZ [680.94], Holcim [766.48], EnviroWaste [302.53], [FSI350.28] Transpower and [FSI350.21] Transpower
 - Reject Transpower [576.18] and [FSI345.27] Genesis Energy
 - Reject First Gas [945.41]; accept [FSI168.152] Hort NZ and [FSI342.253] FFNZ.
460. There are no amendments recommended to this policy.

24 6.2.4 Policy – Maintenance and minor upgrade of the National Grid

Submission point	Submitter	Decision requested
836.27	Powerco	Retain Policy 6.2.4- Maintenance and minor upgrade the National Grid as notified.
766.49	Holcim	Retain Policy 6.2.4 Maintenance and minor upgrade the National Grid insofar as it gives effect to the submitters' relief sought.
302.54	EnviroWaste	
<i>FSI350.29</i>	<i>Transpower</i>	<i>Supports 766.49</i>
<i>FSI350.22</i>	<i>Transpower</i>	<i>; Supports 302.54</i>
680.95	FFNZ	Amend Policy 6.2.4 (a) Maintenance and minor upgrade the National Grid, as follows: (a) Enable the repair, maintenance, replacement and minor upgrade of the National Grid <u>within the National Grid Corridor</u> .
<i>FSI350.25</i>	<i>Transpower</i>	<i>Opposes 680.95</i>
945.42	First Gas	Amend Policy 6.2.4 - Maintenance and minor upgrade the National Grid as follows: Policy 6.2.4 - Maintenance and minor upgrade the National Grid <u>and Gas Network</u> . (a)Enable the repair, maintenance, replacement and minor upgrade of the National Grid <u>and Gas Network</u> .
<i>FSI168.154</i>	<i>Hort NZ</i>	<i>Opposes 945.42</i>
<i>FSI342.254</i>	<i>FFNZ</i>	<i>Opposes 945.42</i>
576.19	Transpower	Amend Policy 6.2.4 (a) Maintenance and minor upgrade the National Grid, as follows: (a) Enable the <u>operation</u> , repair, maintenance, replacement and minor upgrade of the National Grid.
<i>FSI168.153</i>	<i>Hort NZ</i>	<i>Supports 576.19</i>

FSI345.28	Genesis Energy	Supports 576.19
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24.1 Analysis

461. **Powerco** [836.27], **Holcim** [766.49] and **EnviroWaste** [302.54] seek to retain Policy 6.2.4, insofar as it gives effect to the submitters' relief sought.
462. Powerco considers that the policy will provide for the development, operation and maintenance of infrastructure, and recognises the role they play in the social, economic, cultural and environmental well-being of the district. The submitters support the intention of the objective to recognise and provide for protection of the National Grid, however consider that provisions relating to the National Grid yard are too restrictive and should be amended as per relief sought to Chapter 14.4 provisions.[FSI350.29] and [FSI350.22] *Transpower: Transpower* [FSI350.29] supports [766.49]; [FSI350.22] supports [302.54].
463. As discussed above, and for the reasons that the National Grid Yard and National Grid Corridor definitions were incorrectly transposed, the provisions are not as restrictive as at first appearance in the notified PWDP. I recommend for the reasons above accepting Powerco [836.27], Holcim [766.49], EnviroWaste [302.54], [FSI350.29] *Transpower* and [FSI350.22] *Transpower*.
464. **FFNZ** [680.95] seeks to limit the policy to apply within the National Grid Corridor.
465. The submitter conditionally supports this policy. They note that replacement of an underground pipeline, wires and an electricity tower can be seriously big jobs; whole paddocks or areas of a farm may be taken over by the network utility operator and be unable to be used by the farmer, as well as experiencing significant traffic over their farm by work crews arriving and leaving for work every day and vehicles carrying gear and equipment. Further, disturbance and disruption includes damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage of materials and machinery on the property. The submitter also states that landowners are concerned about liability if there is an accident while workers are on their land. The submitter considers that all these disruptive matters which occur outside the National Grid Corridor should be handled by landowner agreement with network utility operators, and are outside the sphere of the district plan to control. FFNZ states that the policy consideration should be confined to matters within the National Grid Corridor; in particular, 'replacement' or 'minor upgrade' should not involve any increase in adverse effects beyond this corridor.
466. [FSI350.25] *Transpower opposes* [680.95]: *The necessity and purpose of the sought insertion in the submission point is not apparent, and is therefore opposed by Transpower. Transpower notes that existing assets are subject to the NESETA.*
467. The policy to 'enable' will affect the activity status and rules applying to the works. It is not creating legal access rights or the ability to use others' land. I note that existing National Grid assets are subject to the NESETA, which also enables repair, maintenance, replacement and minor upgrade. The submitter is seeking to limit the activities to the National Grid Corridor, but maintenance, repair, replacement and upgrading will inevitably in some

instances require more space. I recommend rejecting FFNZ [680.95] and accepting [FS1350.25] Transpower New Zealand.

468. **First Gas** [945.42] seeks to amend Policy 6.2.4 to add in the Gas Network.
469. [FS1168.154] Hort NZ opposes [945.42]: The submitter also seeks the same status for gas pipelines as the National Grid. There is no NPS for the gas network, so it should not be accorded the same status as the National Grid.
470. [FS1342.254] FFNZ opposes [945.42]: FFNZ opposes these submission points for the reason that these inappropriately seek to include regulatory provision and protection for gas network infrastructure in the National Grid Corridor. Identification of National Grid corridors should be limited to only the National Grid as directed by the NPS-ET Policy 11, and not to other forms of infrastructure. If gas network operators wish to install gas network infrastructure on private land, then they need to negotiate access and easement agreements with landowners (including farmers), and it is not appropriate for the Council to include district plan rules that override the landowner's prerogative in this regard.
471. See earlier discussion on the First Gas [945.39] similar submission on Objective 6.2.1 above. For the same reasons, I recommend rejecting First Gas [945.42]; accepting [FS1168.154] Hort NZ and [FS1342.254] FFNZ.
472. **Transpower** [576.19] seeks to amend Policy 6.2.4 Maintenance and minor upgrade of the National Grid, to include 'operation'.
473. The submitter seeks an amendment within the Policy to refer to 'operation', thereby ensuring that the ongoing use of the National Grid is also enabled. The submitter notes that Policy 5 of the NPSET also refers to 'operation' and supports Policy 6.2.4 to enable the maintenance and minor upgrade of the National Grid. The submitter states that such policy recognition gives effect to Policy 5 of the NPSET, and Objective 3.12.i) and Policy 6.3.c) of the Waikato RPS.
474. [FS1168.153] Hort NZ supports [576.19]: It is appropriate to include 'operation' in the policy. [FS1345.28] Genesis Energy supports [576.19]: For the reasons outlined in the Transpower submission.
475. This policy 6.2.4 concerns maintenance and minor upgrade. Policy 6.2.3 addresses operation of the National Grid. In order to avoid duplication, I recommend rejecting Transpower [576.19], [FS1168.153] Hort NZ and [FS1345.28] Genesis Energy.

24.2 Recommendations

476. For the reasons above I recommend that the Hearings Panel:
- a. Accept Powerco [836.27], Holcim [766.49], EnviroWaste [302.54], [FS1350.29] Transpower and [FS1350.22] Transpower
 - b. Reject FFNZ [680.95]; accept [FS1350.25] Transpower New Zealand
 - c. Reject First Gas [945.42]; accept [FS1168.154] Hort NZ and [FS1342.254] FFNZ
 - d. Reject Transpower [576.19], [FS1168.153] Hort NZ and [FS1345.28] Genesis Energy.
477. There are no amendments recommended to this policy.

25 6.2.5 Policy – Environmental effects

Submission point	Submitter	Decision requested
836.28	Powerco	Retain Policy 6.2.5- Environmental effects as notified.
766.1	Holcim	Retain Policy 6.2.5 Environmental effects insofar as it gives effect to submitters' relief sought.
<i>FS1350.30</i>	<i>Transpower</i>	<i>Supports 766.1</i>
302.55	; EnviroWaste	Retain Policy 6.2.5 Environmental effects insofar as it gives effect to submitters' relief sought.
<i>FS1350.23</i>	<i>Transpower</i>	<i>Supports 302.55</i>
559.63	Heritage NZPT	Retain Policy 6.2.5 (a) Environmental effects, except for the amendments sought below AND Amend Policy 6.2.5 (a)(v) Environmental effects as follows: (v) Addressing the adverse effects on any heritage values, <u>cultural values</u> , outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable .
<i>FS1258.68</i>	<i>Meridian Energy</i>	<i>Opposes 559.63</i>
<i>FS1350.33</i>	<i>Transpower</i>	<i>Opposes 559.63</i>
576.20	Transpower	Retain Policy 6.2.5 Environmental effects, except for the amendments sought below AND Amend Policy 6.2.5 (a) Environmental effects, as follows: (i) <u>Recognising and providing for the national, regional and local benefits of sustainable, secure and efficient electricity transmission;</u> (ii) <u>Considering the extent to which any Avoiding, remedying or mitigating adverse effects through consideration of <u>have been avoided, remedied or mitigated</u> by the route, site and method selection;</u> (iii) <u>Seeking to r</u> Reduce, the existing adverse effects as part of any substantial upgrade; (iv) ... (v) <u>Within rural environments, seeking to avoid</u> Addressing the adverse effects on any identified heritage values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities, including seeking to the avoidance of adverse effects where practicable.
<i>FS1323.45</i>	<i>Heritage NZPT</i>	<i>Opposes 576.20.</i>
<i>FS1168.155</i>	<i>Hort NZ</i>	<i>Opposes 576.20.</i>

FS1345.29	Genesis Energy	Supports 576.20.
680.96	FFNZ	Add to Policy 6.2.5 (a) Environmental effects new clauses (vi) and (vii) as follows: <u>(vi) Avoiding, remedying or mitigating adverse effects (including intrusion) from operation, maintenance or upgrading of infrastructure, which may intrude on activities outside the National Grid Yard; and (vii) Enabling non-sensitive farming activity, such as; animal grazing, pasture maintenance, pest and weed control, as well as maintaining existing farm infrastructure such as dams and water storage tanks, troughs, water races and water supply pipelines, stock feed pads, stock and vehicle access tracks (including bridges, culverts and fords), fences, rural fire breaks, and farm telecommunication facilities, within the National Grid Yard, except within 12m of a National Grid support structure.</u>
FS1168.156	Hort NZ	Supports 680.96.
FS1171.79	T&G Global	Supports 680.96
FS1350.32	Transpower	Opposes 680.96

25.1 Analysis

478. **Powerco** [836.28]: seeks to Retain Policy 6.2.5 - Environmental effects as notified. **Holcim** [766.1]; **EnviroWaste** [302.55]: Retain Policy 6.2.5 Environmental effects insofar as it gives effect to submitters' relief sought.
479. Powerco considers that the policy will provide for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district. Submitters support the intention of the objective to recognise and provide for protection of the National Grid, however provisions relating to the National Grid yard are too restrictive and should be amended as per relief sought to Chapter 14.4 provisions.
480. *[FS1350.30] and [FS1350.23] Transpower support [766.1] and [302.55]: The submission points are supported in part, insofar as the objective and corresponding policies are retained as proposed (subject to amendment as sought in the Transpower original submission). In response to concerns raised by the submitter as to the restrictive nature of the National Grid Yard provisions, as noted in response to Holcim submission point 766.5 and EnviroWaste submission point [302.1], Transpower considers that the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its submission Transpower sought correction of these terms along with minor amendments to assist with their interpretation and application. The relief sought in Transpower's submission [points 576.39 and 576.40] clarify the terms (National Grid Yard and National Grid Subdivision Corridor) and related distances. It is further noted that the 12m setback provided in the amended definition for National Grid Yard aligns with that provided in the Auckland Unitary Plan. It is noted that these corrections should address the concerns of the submitters.*

481. For the reasons above, and as discussed above, and for the reasons that the National Grid Yard and National Grid Corridor definitions were incorrectly transposed, the provisions are not as restrictive as at first appearance in the notified PWDP. For the reasons above I recommend accepting in part Powerco [836.28], Holcim [766.1], EnviroWaste [302.55], [FS1350.30] Transpower and [FS1350.23] Transpower, to the extent that the policy remains largely intact, as amended in response to other submissions.
482. **Heritage NZPT** [559.63] seeks to include “cultural values” in clause (a)(v) and delete “where practicable”.
483. The submitter supports Policy 6.2.5 in part, as the inclusion of the words “where practicable” serve to dilute the consideration of the protection of historic heritage and cultural values within this policy and weaken the associated rule framework. The submitter states that this is particularly important, given that the related energy and infrastructure rules of the Plan do not rely on the heritage protection framework found in the zone rules, rather there is reliance on a generic protection rules framework for “Identified Area” which includes scheduled historic heritage or Maaori sites or areas of significance in addition to such matters as significant natural areas. In addition within this framework, the submitter notes that some activities are non-complying in “Identified areas” and considers that this activity status should be supported by a robust policy. The submitter states that to give effect to s6 matters the policy and rule framework must ensure that development of infrastructure avoids adverse effects; and to avoid adverse effects on s6 matters this policy also needs to include reference to “Cultural values”.
484. *[FS1258.68] Meridian Energy opposes [559.63]: Insertion of the reference to 'cultural values' is appropriate. However, deletion of the words 'where practicable' fails to take proper account of the functional and operational needs of large-scale infrastructure (such as renewable electricity generation) which may not be able to 'avoid' all adverse effects in all situations.*
485. *[FS1350.33] Transpower opposes [559.63]: In its submission on Policy 6.2.5(a)(v) Transpower has sought changes to give effect to Policy 7 and 8 of the NPSET. Specifically, amendment is sought to reflect the policy directive in Policy 8 of the NPSET to 'seek to avoid' adverse effects. When considering the development of a new line or major upgrades Transpower undertakes, route, site and method selection are part of its options assessment to ensure that various transmission options are identified and evaluated. Although this is a rigorous process, avoidance may not be practicable in all circumstances. Transpower is not opposed to inclusion of reference to cultural values.*
486. I agree that “cultural values” should be added to the policy on addressing adverse effects. I agree with the further submitters’ reasons why “where practicable” should not be deleted. Deletion of the words “where practicable” would fail to take proper account of the functional and operational needs of large-scale infrastructure which may not be able to 'avoid' all adverse effects in all situations. Policy 8 of the NPSET directs ‘seek to avoid’ in rural environments, however Policy 7 uses the terms “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”. I would take that to include the high value Identified Areas where they are not within a rural environment. I accept that when considering the development of a new line or major upgrades, Transpower undertakes route, site and method selection as part of its options assessment to ensure that various transmission options are identified and evaluated, and that although this is a rigorous process, avoidance may not be practicable in all circumstances. I recommend accepting in part Heritage NZPT [559.63], to the extent that “cultural values” be added to the policy, but

without the deletion of “where practicable”. I recommend accepting [FSI258.68] *Meridian Energy* and [FSI350.33] *Transpower*.

487. **Transpower** [576.20]: seeks to retain Policy 6.2.5 Environmental effects, except for detailed amendments to transcribe the wording and intent of the NPSET policies.
488. The submitter seeks to amend the policy to: (i) for the insertion of ‘providing for’ to ensure that the benefits are not only recognised, but they are also provided for. They state that such wording reflects that used in Policy 1 of the NPSET and RPS Objective 3.5.e). The submitter also seeks amendment to (ii) wording to make it clear in NPSET Policy 4 that the key consideration is the extent to which adverse effects have been avoided, remedied or mitigated. An amendment is sought to (iii) to better reflect the wording and outcome sought in NPSET Policy 6, which provides that “Substantial upgrades of transmission infrastructure should be used as an opportunity ...”. The submitter states that the wording within the NPSET is less directive than that proposed in clause (iii), and on this basis seeks an amendment to clause (iii) to amend the absolute directive nature of the policy and better give effect to NPSET Policy 6. The submitter further seeks amendment to (v) to reflect the policy directive within the NPSET Policy 8 “to seek to avoid adverse effects”. The submitter supports the provision of a policy relating to managing the effects of the National Grid electricity transmission network; and considers the policy largely gives effect to Sections 6 and 7 (Policies 1-8) of the NPSET. Notwithstanding its support for the objective as notified, the submitter seeks amendment to the objective to ensure that the national significance is not only recognised and protected, but that it is also provided for.
489. [FSI323.45] *Heritage NZ opposes [576.20]: Heritage NZ considers that most of the amendments sought to the Policy tend to dilute the Policy and its intention that adverse effects on certain values are avoided.*
490. [FSI168.155] *Hort NZ opposes [576.20]: The notified provisions provide clearer guidance.*
491. [FSI345.29] *Genesis Energy supports [576.20]: For the reasons outlined in the Transpower submission.*
492. The amendments proposed to Policy 6.2.5(a) generally provide better alignment with the NPSET policies. I support those changes, except where the intent of NPSET Policy 7 (NZCPS 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”) appears to have been lost in the suggested 6.2.5(a)(v), with urban environments no longer having protection for town centres and any urban identified heritage values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities. I accept that the urban environments may have identified heritage values and existing sensitive activities and areas of high recreational value, but are far less likely to have outstanding natural landscapes, and areas of high natural character. In my opinion, if 6.2.5(a)(v) is amended as requested by the submitter, then that should be a new (a)(vi) and there should remain for urban environments an amended (a)(v) as follows:
- (vi) Within urban environments, addressing the adverse effects on any heritage values, outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.

493. I recommend accepting in part Transpower [576.20] and [FS1345.29] *Genesis Energy*, to the extent that urban environments remain protected in accordance with NPSET Policy 7; accepting in part [FS1323.45] *Heritage NZ* and [FS1168.155] *Hort NZ*, to the extent that they agree with the proposed changes.
494. **FFNZ** [680.96] seeks to add new clauses (vi) and (vii) to Policy 6.2.5 (a) in relation to managing adverse effects from infrastructure which may intrude on activities outside the National Grid Yard, and enabling non-sensitive farming activities within the Yard.
495. The submitter conditionally supports this policy; but states that any policy which seeks to manage landowners' activities around utilities and the potential for reverse sensitivity needs to differentiate between rural and urban land uses. FFNZ states that rural and farming land uses will not have the same reverse sensitivity effects on any network utility due to the wider open spaces, low density of buildings, larger property sizes and people on the property; further it is a burden for landowners to host public infrastructure on their property, which has mostly been installed in the past without compensation. FFNZ states that landowners must be prepared to operate their farming activities around public infrastructure, and to have work crews on their property doing operation or maintenance activities, and in today's health and safety climate, this is not something that farmers take lightly.
496. [FS1168.156] *Hort NZ* supports [680.96]: *There needs to be clear provision for non-sensitive primary production activities.*
497. [FS1171.79] *T&G Global* supports [680.96]: *This submission proposes the addition of two new clauses to Policy 6.2.5 (a) Environmental effects. This submission is supported insofar as the proposed additions provide for non-sensitive rural activities.*
498. [FS1350.32] *Transpower* opposes [680.96].
499. The higher-order policy framework for managing the environmental effects of the National Grid is established by the NPSET. Matters of property rights in terms of access, compensation and health and safety (which sought clause (vi) appears to relate to as explained in the reasons provided) are not district plan matters and are addressed under other legislation. The focus of Policy 6.2.6 is on the environmental effects of the National Grid and not compensation or other non-RMA matters. It is not clear from the submission what other environmental effects are sought to be addressed within the policy that are not already included. The listing of specific activities is not supported as it does not fit within the context of a policy which relates to managing the environmental effects of the development or upgrade of the National Grid. Policy 6.2.6 is specific to the National Grid and adverse effects from other activities. For the reasons above and as provided by further submitter [FS1350.32] *Transpower*, I recommend rejecting FFNZ [680.96], [FS1168.156] *Hort NZ* and [FS1171.79] *T&G Global*, and accepting [FS1350.32] *Transpower*.

25.2 Recommendations

500. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.28], Holcim [766.1], EnviroWaste [302.55], [FS1350.30] *Transpower* and [FS1350.23] *Transpower*, to the extent that the policy remains largely intact, as amended in response to other submissions.

- b. Accept in part Heritage NZPT [559.63], to the extent that “cultural values” be added to the policy, but without the deletion of “where practicable”, and accept [FS1258.68] Meridian Energy and [FS1350.33] Transpower.
- c. Accept in part Transpower [576.20] and [FS1345.29] Genesis Energy, to the extent that urban environments remain protected in accordance with NPSET Policy 7; accept in part [FS1323.45] Heritage NZ and; [FS1168.155] Hort NZ
- d. Reject FFNZ [680.96], [FS1168.156] Hort NZ and; [FS1171.79] T&G Global, accept [FS1350.32] Transpower.

25.3 Recommended amendments

501. Amend Policy 6.2.5 as follows:

6.2.5 Policy – Environmental effects

- (a) Manage the environmental effects of the development or upgrades (other than minor upgrades) of the National Grid, by:
 - (i) Recognising and providing for⁷ the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
 - (ii) Considering the extent to which any Avoiding, remedying or mitigating adverse effects through consideration of have been avoided, remedied or mitigated by the route, site and method selection;⁸
 - (iii) Seeking to rReduce⁹ the existing adverse effects as part of any substantial upgrade;
 - (iv) Considering the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive land uses; and
 - (v) Within urban environments, aAddressing the adverse effects on any heritage values, cultural values,¹⁰ outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities including the avoidance of adverse effects where practicable.
 - (vi) Within rural environments, seeking to avoid adverse effects on identified heritage values, cultural values, outstanding natural landscapes, areas of high natural character, areas of high recreation value and existing sensitive activities.¹¹

25.4 Section 32AA evaluation

502. Amendments in relation to the National Grid are to better give effect to the NPSET. These policy amendments will better, more efficiently and effectively, achieve the Objective 6.2.1 “National Grid – the national significance of the National Grid is recognised and protected.”

⁷ 576.20 Transpower

⁸ 576.20 Transpower

⁹ 576.20 Transpower

¹⁰ 559.63 Heritage NZPT

¹¹ 559.63 Heritage NZPT; 576.20 Transpower

Other reasonably-practicable options

503. Reasonably-practicable options include the policy as notified, the version proposed by Transpower, and the recommended amendments. Retaining the policy as notified would not provide for the full requirements of the NPSET policies. The version proposed by Transpower provides much of the policy framework of the NPSET, but appears to omit some nuance in relation to design and development of the National Grid in relation to urban areas and Identified Areas.

Effectiveness and efficiency

504. The policy is required to be the most appropriate, in efficiently and effectively achieving the objectives of the National Grid. The National Grid enabling and recognition objective is in the PWDP at 6.2.1, and taken from the NPSET to give it effect. The policies can be upgraded to support the full version of the NPSET.

Costs and benefits

505. I do not consider there are significant costs if the policy is amended. If it is not amended there may be costs in effects on urban and high value environments, or in not providing sufficient clarity to the policy framework for development and effects of the National Grid.

Risk of acting or not acting

506. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

507. The amended policy gives effect to the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the PWDP National Grid objective.

26 6.2.6 Policy – Reverse sensitivity and the National Grid

Submission point	Submitter	Decision requested
836.29	Powerco	Retain Policy 6.2.6- Reverse sensitivity and the National Grid as notified.
405.47	Counties Power	Retain Policy 6.2.6 (a) (i-iv) Reverse sensitivity and the National Grid as notified.
766.2	Holcim	Retain Policy 6.2.6 Reverse sensitivity and the National Grid insofar as it gives effect to submitter's relief sought.
<i>FS1350.31</i>	<i>Transpower</i>	<i>Supports 766.2</i>
302.56	EnviroWaste	Retain Policy 6.2.6 Reverse sensitivity and the National Grid insofar as it gives effect to submitter's relief sought.
<i>FS1350.24</i>	<i>Transpower</i>	<i>Supports 302.56.</i>
680.97	FFNZ	Amend Policy 6.2.6 (a) Reverse sensitivity and the National Grid, as follows: (a) Manage <u>proposed</u> subdivision, use and development <u>adjacent to the National Grid Yard</u> so that the operation, maintenance, upgrading and development

		<p>of the National Grid is not compromised by ensuring that:(i) The National Grid is identified on the planning maps and the National Grid Yard and National Grid Corridor establish buffer distances for managing land use development and subdivision near the National Grid;(ii) Sensitive <u>proposed</u> land uses and buildings and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard;(iii) Subdivision is managed within the National Grid Corridor to avoid subsequent land use from compromising the operation, maintenance, <u>minor</u> upgrading and development of the National Grid; and(iv) Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.</p> <p>AND</p> <p>Add to Policy 6.2.6 (a) Reverse sensitivity and the National Grid, new clause (v) as follows:</p> <p><u>(v) Existing farming activity which is not sensitive to management of the National Grid, such as grazing, intensive stock feeding in open feedlots, land cultivation, maintenance of pasture, existing farm accessways and tracks (including stock bridges, culverts and fords), fences and stock exclusion structures, areas for fodder storage, rural fire breaks, water supply pipelines, farm dams, stock water troughs, permitted vegetation clearance, and pest and weed control, is permitted within the National Grid Yard, except within 12 metres from the outer edge of any national grid support structure.</u></p>
FS1350.35	Transpower	Opposes 680.97
FS1168.158	Hort NZ	Supports 680.97
419.75	Hort NZ	<p>Delete Policy 6.2.6 (a) Reverse sensitivity and the National Grid, and replace with the following policy:</p> <p><u>Provide for the National Grid by: (a) Managing subdivision, use and development to the extent reasonably possible to avoid reverse sensitivity effects on the National Grid and ensure that the functional needs of the National Grid are not compromised by: (i) Identifying the existing National Grid on Planning Maps; and (ii) Establish the National Grid Yard where sensitive land uses and intensive farming activities, commercial greenhouses and milking/dairy sheds will generally be avoided; (iii) Establish the National Grid Subdivision Corridor for managing subdivision and subsequent land use near the National Grid; and (iv) Not allowing existing activities in the identified corridors to intensify in a way that increases their incompatibility with existing National Grid</u></p>

		<u>infrastructure.</u>
FS1350.34	Transpower	Opposes 419.75
FS1342.86	FFNZ	Supports 419.75
945.43	First Gas	Add to Policy 6.2.6 - Reverse Sensitivity and the National Grid as follows: Policy 6.2.6 - Reverse Sensitivity and in relation to the National Grid and the Gas Network (a).... (b) Manage subdivision so that the access, operation, maintenance, upgrading and development of the Gas Network is not compromised by ensuring that: (i) <u>The Gas Network is identified on the planning maps.</u> (ii) <u>Sensitive land uses, buildings and structures that may compromise the Gas Network are set back appropriately.</u> (iii) <u>Subdivision is managed on land containing the gas transmission pipeline to avoid subsequent land use from compromising the access, operation, maintenance and upgrade of the pipeline.</u>
FS1342.255	FFNZ	Opposes 945.43
FS1168.159	Hort NZ	Opposes 945.43
576.21	Transpower	Retain Policy 6.2.6 Reverse sensitivity and the National Grid, except for the amendments sought below AND Amend Policy 6.2.6 Reverse sensitivity and the National Grid, as follows: 6.2.6 Policy - Reverse sensitivity, <u>Adverse effects on Infrastructure</u> , and the National Grid ... (ii) Sensitive land <u>Land uses (including sensitive activities)</u> and buildings and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard
FS1168.157	Hort NZ	Opposes 576.21
FS1345.30	Genesis Energy	Supports 576.21

26.1 Analysis

508. **Powerco** [836.29] and **Counties Power** [405.47]: seek to Retain Policy 6.2.6 - Reverse sensitivity and the National Grid as notified. **Holcim** 766.2; **EnviroWaste** 302.56: seek to Retain Policy 6.2.6 Reverse sensitivity and the National Grid, insofar as it gives effect to submitter's relief sought.
509. Powerco considers that the policy will provide for the development, operation and maintenance of infrastructure and recognises the role they play in the social, economic, cultural and environmental well-being of the district. Submitters support the intention of the objective to recognise and provide for protection of the National Grid, however provisions relating to the National Grid yard are too restrictive and should be amended as per relief sought to Chapter 14.4 provisions.

510. *[FS1350.31] and [FS1350.24] Transpower: Transpower [FS1350.31] supports [766.2] and [FS1350.24] supports [302.56].*
511. The submission points are supported in part insofar as the objective and corresponding policies are retained as proposed (subject to amendment as sought in the Transpower original submission). In response to concerns raised by the submitters as to the restrictive nature of the National Grid Yard provisions, as noted in response to Holcim submission point [766.5] and EnviroWaste submission point [302.1], and as discussed above, and for the reasons that the National Grid Yard and National Grid Corridor definitions were incorrectly transposed, the provisions are not as restrictive as at first appearance in the notified PWDP. For the reasons above I recommend accepting in part Powerco [836.29] and Counties Power [405.47]; Holcim [766.2]; EnviroWaste [302.56]; *[FS1350.31] Transpower and [FS1350.24] Transpower*, to the extent that the policy remains largely intact, as amended in response to other submissions.
512. **FFNZ [680.97]** seeks to amend Policy 6.2.6 on reverse sensitivity and the National Grid, to manage proposed activities rather than existing activities adjacent to the National Grid Yard, to allow intensive farming activities, to only allow minor upgrading of the National Grid, and to explicitly exempt non-sensitive farming activities from the policy except within 12m of National Grid structures.
513. The submitter conditionally supports this policy; and considers that rural and farming land uses will not have the same reverse sensitivity effects on any network utility due to the wider open spaces, low density of buildings, larger property sizes and fewer people on the property. This includes intensive farming activity where animals are kept in outdoor feedlots. Where intensively farmed animals are kept indoors, the submitter accepts that minimum separation distances between buildings and high-voltage electricity transmission lines and structures is important; however, FFNZ considers this can be managed through policy aimed at restriction of new structures and development within the National Grid Yard. The submitter seeks that the policy's focus is such that matters requiring consideration be confined to being within the National Grid Yard, and to network utility activities that can be lawfully carried out within the National Grid Yard. The submitter seeks that the policy be amended so that it clearly only applies to proposed subdivision, use and development within the National Grid Yard, and does not impugn existing lawfully-established activity and development. The submitter also seeks that existing farming, and maintenance of existing farm accessways and fences within the National Grid Yard, be provided for.
514. *[FS1350.35] Transpower opposes [680.97]: Subject to the relief sought in Transpower's original submission, the submission point is generally acceptable as it would help to provide clarity. However, specific parts of the relief sought are opposed as follows: Transpower does not support reference to "adjacent to the National Grid Yard so" within clause (a) as this insertion would create interpretive confusion as to whether the provisions and rules apply to land within the National Grid Yard (and Corridor) or outside of it. It is also noted that what constitutes 'adjacent' is open to interpretation. The insertion is not needed as clarity regarding the extent of these areas is provided within sub clauses (i) to (iv) which references the National Grid Yard or the National Grid Corridor. The proposed deletion of reference to "building" within sub clause (ii) is opposed, as buildings for sensitive activities are not appropriate within the National Grid Yard. The proposed deletion of reference to "including intensive farming activities" within sub clause (ii) is opposed as the activity is not appropriate within the National Grid Yard. In its original submission Transpower has sought changes to sub clause (ii) to clarify the intent of the wording. While Transpower is not opposed to*

the intent of the wording within new sub clause (v), it does not support the need for such detail at a policy level.

515. *[FS1168.158] Hort NZ supports [680.97]: stating there needs to be clear provision for non-sensitive primary production activities.*
516. I do not agree that the suggested changes are needed or useful: “proposed” is not needed as the PWDP provisions are not retroactive and only apply to new activities and changes. I consider that “adjacent to the National Grid” is not needed, as the policy is related to the National Grid, and the National Grid Yard and National Grid Corridor are the spatial extent of rules managing development and subdivision in close proximity to the National Grid. The term ‘building’ is a defined term within the PWDP, amended to match the National Planning Standards definition and ‘structure’ is a defined term within the RMA, amended to match the National Planning Standards definition, and they have different meanings from each other. The National Planning Standards has further distinguished both terms. The term ‘upgrading’, and not just minor upgrading, is derived from the NPSET policies, particularly Policies 2, 10 and 11. I do not support the deletion of intensive farming, as this is not appropriate within the National Grid Yard. The suggested additional clause (v) is too detailed for the policy and ‘sensitive land use’ is already included within the policy and is a defined term within the PWDP. For those reasons and for the reasons provided by the further submitter Transpower, I recommend rejecting FFNZ [680.97] and *[FS1168.158] Hort NZ*, and accepting *[FS1350.35] Transpower*.
517. **Hort NZ** [419.75]: seeks deletion of Policy 6.2.6 (a) Reverse sensitivity and the National Grid, and replace with the following policy:
- Provide for the National Grid by: (a) Managing subdivision, use and development to the extent reasonably possible to avoid reverse sensitivity effects on the National Grid and ensure that the functional needs of the National Grid are not compromised by: (i) Identifying the existing National Grid on Planning Maps; and (ii) Establish the National Grid Yard where sensitive land uses and intensive farming activities, commercial greenhouses and milking/dairy sheds will generally be avoided; (iii) Establish the National Grid Subdivision Corridor for managing subdivision and subsequent land use near the National Grid; and (iv) Not allowing existing activities in the identified corridors to intensify in a way that increases their incompatibility with existing National Grid infrastructure.
518. The submitter considers that this policy is absolute in its direction; and that Policy 10 of the National Policy Statement for Electricity Transmission (NPSET) includes 'to the extent reasonably possible' so the direction in the NPSET is not as absolute as the proposed policy.
519. *[FS1350.34] Transpower opposes [419.75]: The submission point is opposed. In its submission, Transpower sought amendment to Policy 6.2.6 to reflect that it is not only reverse sensitivity effects which may compromise the National Grid but also adverse effects from other activities. Policies 10 and 11 of the NPSET provide strong and directive wording, in that activities are to be managed to avoid reverse sensitivity effects and ensure the grid is not compromised. In summary, the policies seek to: Avoid sensitive activities near electricity transmission lines and infrastructure; Manage other activities to avoid reverse sensitivity effects on this; and Manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised. The reference to "the extent reasonably possible" is not considered necessary within the proposed policy as provisions (i) to (iv) establish the framework in which to consider what is reasonably possible.*

520. *[FS1342.86] FFNZ supports [419.75]: FFNZ support this submission point as an alternative to its own submission on Policy 6.2.6.*
521. I agree with the submitter that the policy could read as absolute in its direction, using terms such as “are excluded” and “to avoid”, however the activities are not avoided in the policy, only their effects, where Policy 10 of the NPSET states that:
- “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.”
522. I note that the onus is not on those proposing the new or changed activities, but on the decision-makers, for proposed plans, plan changes, Notices of Requirement and resource consents, to manage activities, who will be guided by these objectives and policies. The other suggested amendments from Hort NZ do not in my opinion offer any clarity to the policy. I recommend accepting in part Hort NZ [419.75], only to the extent that “to the extent reasonably possible” is inserted near the beginning of the policy. I recommend accepting in part *[FS1342.86] FFNZ*; accepting in part *[FS1350.34] Transpower* to the extent that the remainder of the policy remains intact.
523. **First Gas [945.43]**: seeks the addition of clauses relating to the gas network.
524. *[FS1342.255] FFNZ opposes [945.43]: FFNZ oppose these submission points, for the reason that these inappropriately seek to include regulatory provision and protection for gas network infrastructure in the National Grid Corridor. Identification of National Grid corridors should be limited to only the National Grid, as directed by the NPS-ET Policy 11, and not to other forms of infrastructure. If gas network operators wish to install gas network infrastructure on private land, then they need to negotiate access and easement agreements with landowners (including farmers), and it is not appropriate for the Council to include district plan rules that override the landowners’ prerogative in this regard.*
525. *[FS1168.159] Hort NZ opposes [945.43]: The submitter also seeks the same status for gas pipelines as the National Grid. There is no NPS for the gas network so it should not be accorded the same status as the National Grid.*
526. See earlier discussion on the First Gas [945.39] similar submission on Objective 6.2.1 above. For the same reasons, I recommend rejecting First Gas [945.43], and accepting *[FS1342.255] FFNZ* and *[FS1168.159] Hort NZ*.
527. **Transpower [576.21]** seeks to amend the title of the policy to acknowledge adverse effects on infrastructure and make clause (ii) not limited to sensitive land uses.
528. The submitter supports the policy, in that it recognises the adverse effects of subdivision, land use and development on the operation, maintenance, upgrading and developing of the National Grid; and considers such policy recognition gives effect to policies 8 and 9 of the NPSET, and Waikato RPS Policy 4.4f and Policy 6.6a. The submitter seeks an amendment to the policy title to reflect that it is not only reverse sensitivity effects which may compromise the National Grid but also the adverse effects from other activities. In particular, the submitter supports (i) as it gives effect to Policy 11 of the NPSET, and (ii), in that it recognises sensitive activities which may compromise the National Grid. However, the submitter seeks an amendment to the policy to give effect to NPSET Policy 10 and recognise

that it is not only sensitive activities which are to be managed, but also those activities which compromise the ongoing operation, maintenance, upgrading and development of the National Grid. The submitter states that NPSET Policy 10 and 11 are to be read together and reflect the Transpower corridor management approach proposed by Transpower throughout NZ, and that Policy 11 need not be limited solely to the management of sensitive activities; a buffer corridor is also an efficient and effective method (in terms of s32 RMA) to give effect to the requirements of Policy 10 and to manage the risks imposed by other activities, such as earthworks, on the transmission network. The submitter supports (iii) and (iv) as it gives effect to the NPSET and reflects the submitter's wide corridor management approach.

529. *[FS1168.157] Hort NZ opposes [576.21]: and seeks that the policy be better reworded to provide a balanced approach to managing reverse sensitivity.*
530. *[FS1345.30] Genesis Energy supports [576.21]: For the reasons outlined in the Transpower submission.*
531. I agree that the policy should include “Adverse effects on infrastructure” and that it should refer to (ii) “Land uses (including sensitive land uses)”, as “sensitive land uses” is a defined term within the PWDP and is much more narrow than anticipated by Policies 10 and 11 of the NPSET. I also agree with the submitter Transpower that the buffers proposed are considered effective and efficient methods to give effect to Policies 10 and 11 of the NPSET. I recommend accepting Transpower [576.21]; [FS1345.30] Genesis Energy, and rejecting [FS1168.157] Hort NZ.

26.2 Recommendations

532. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.29] and Counties Power [405.47]; Holcim 766.2; EnviroWaste 302.56; [FS1350.31] Transpower and [FS1350.24] Transpower to the extent that the policy remains largely intact, as amended in response to other submissions.
 - b. Reject FFNZ [680.97], [FS1168.158] Hort NZ and accept [FS1350.35] Transpower
 - c. Accept in part Hort NZ [419.75], only to the extent that “to the extent reasonably possible” is inserted near the beginning of the policy; accept in part [FS1342.86] FFNZ and accept in part [FS1350.34] Transpower to the extent that the remainder of the policy remains intact
 - d. Reject First Gas [945.43] and accept [FS1342.255] FFNZ and [FS1168.159] Hort NZ
 - e. Accept Transpower [576.21] and [FS1345.30] Genesis Energy and reject [FS1168.157] Hort NZ.

26.3 Recommended amendments

533. Amend Policy 6.2.6 as follows:

6.2.6 Policy – Reverse sensitivity, Adverse effects on Infrastructure,¹² and the National Grid

- (a) Manage subdivision, use and development to the extent reasonably possible¹³ so that the operation, maintenance, upgrading and development of the National Grid is not compromised by ensuring that:
- (i) The National Grid is identified on the planning maps and the National Grid Yard and National Grid Subdivision¹⁴ Corridor establish buffer distances for managing land use development and subdivision near the National Grid;
 - (ii) Land uses (including sSensitive land uses)¹⁵ and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard;
 - (iii) Subdivision is managed within the National Grid Subdivision¹⁶ Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid; and
 - (iv) Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.

26.4 Section 32AA evaluation

534. Amendments are considered to better give effect to the NPSET. The amended policy must be assessed against the objective, which is derived from and gives effect to the objective of the NPSET.

Other reasonably-practicable options

535. Reasonably practicable options include the policy as notified, the versions proposed by the submitters, and the recommended amendments. Retaining the policy as notified would not recognise that there can be adverse effects on infrastructure other than reverse sensitivity effects, and which can compromise the National Grid. “To the extent reasonably possible” applies to the management of subdivision, use and development external to the National Grid, however that will need to recognise and provide for the National Grid operational and functional needs. The addition of “subdivision” to the name of the National Grid Corridor does not change the policy, but recognises that the National Grid Corridor only affects subdivision. There is an additional clarification that some land uses which are not sensitive will also be excluded from the National Grid Yard, for their potential to compromise the National Grid.

Effectiveness and efficiency

¹² 576.20 Transpower

¹³ 419.75 Hort NZ

¹⁴ 576.39; 576.40 Transpower; 419.128 Hort NZ

¹⁵ 576.20 Transpower

¹⁶ 576.39; 576.40 Transpower; 419.128 Hort NZ

536. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective, of the National Grid. The National Grid enabling and recognition objective is in the PWDP at 6.2.1, and taken from the NPSET to give effect to it. The policy can be upgraded to support the full version of the NPSET and better achieve the objective.

Costs and benefits

537. I do not consider there are significant costs if the policy is amended. If it is not amended there may be costs in effects on urban and high value environments, or in not providing sufficient clarity to the policy framework for development and effects of the National Grid.

Risk of acting or not acting

538. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

539. The amended policy gives effect to the RPS. It is considered to be the most appropriate in efficiently and effectively achieving the PWDP National Grid objective.

27 6.3 Energy

28 General submissions on Energy

Submission point	Submitter	Decision requested
454.3	Troy Fell	Amend Section 6.3 Energy to allow access for all households to access renewable energies such as solar and wind generation and move away from the National Grid.
581.40	Synlait Milk Ltd	Add new policy to Section 6.3 Energy as follows: <u>6.3.6 Policy - Future carbon free energy sources</u> <u>(a) Provide for the investigation, development, operation, maintenance and upgrading of carbon free energy sources associated with industrial activities.</u>
<i>FS1341.57</i>	<i>Hynds Pipe Systems Limited</i>	<i>Supports 581.40.</i>
924.23	Genesis Energy	Amend Objective 6.3.6 (a)- Non-renewable energy as follows <u>(a) Non-renewable energy resources and electricity generation are recognised within the district.</u>
<i>FS1258.69</i>	<i>Meridian Energy</i>	<i>Supports 924.23</i>

28.1 Analysis

540. **Troy Fell** [454.3]: seeks to amend Section 6.3 Energy to allow access for all households to renewable energies such as solar and wind generation and move away from the National Grid.
541. Households are able to access renewable energies such as solar and wind generation and move away from the National Grid if they wish. Renewable energy is enabled, including solar and wind electricity generation. Subsidy, sponsorship and construction of solar farms on council land would be a cost on the ratepayer if Council used those techniques. It is open to the Council to allocate funding or land to do that, but inappropriate to direct through the PWDP. Section 6.3 enables renewable energy and gives effect to the NPSREG and the objectives and policies in the RPS such as Objectives 3.5 and 3.12. I recommend rejecting [454.3] Troy Fell as I consider the amendments to this section are not required.
542. **Synlait Milk Ltd** [581.40]: Add new policy to Section 6.3 regarding future carbon free energy sources.
543. *[FS1341.57] Hynds Pipe Systems Limited supports [581.40:] This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly, the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and a proposal for residential rezoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. This further submission does not appear to be on the submission topic.*
544. The suggested provision, for the investigation, development, operation, maintenance and upgrading of carbon-free energy sources associated with industrial activities, is not sufficiently detailed to support beyond the proposed renewable energy policy framework. More information could be useful, for example if the activities included heat recovery from industrial processes, or hydrogen or bio-fuels, and those would be supported within the industrial activity provisions, subject to management of emissions to air and water. However, as it stands the suggested policy could even include nuclear energy. It may not be appropriate to have such an objective until the policy and rule implications are understood. The Infrastructure definition includes electricity generation where it is connected to a transmission or distribution network, and not where the electricity (energy) is only to be used on-site. Proposed Chapter 15 in Stage 2 of the PWDP, on natural hazards and climate change, concentrates on natural hazards, rather than on energy and emissions. It does not include encouraging alternative activities to reduce greenhouse gas emissions (carbon impacts on climate change). I recommend rejecting Synlait Milk Ltd [581.40] and [FS1341.57] Hynds Pipe Systems Limited, unless further information is provided.
545. **Genesis Energy** [924.23]: seeks to include electricity generation in Objective 6.3.6 Non-renewable energy.
546. *[FS1258.69] Meridian Energy supports [924.23]: The proposed amendment more fully recognises the benefits of renewable electricity generation (consistent with section 7 of the RMA and the NPS-REG).*

547. Electricity generation is both a renewable and non-renewable energy issue. This Objective 6.3.6 recognises non-renewable energy resources, and I consider that would include both the resource from which the electricity is obtained and the electricity generator resource. I recommend rejecting Genesis Energy [924.23] and [FS1258.69] Meridian Energy, as the electricity generation function is an energy resource as it transforms one form of energy into another (electrical).

28.2 Recommendations

548. For the reasons above I recommend that the Hearings Panel:

- a. Reject Troy Fell [454.3]
- b. Reject Synlait Milk Ltd [581.40] and [FS1341.57] Hynds Pipe Systems Limited
- c. Reject Genesis Energy [924.23] and [FS1258.69] Meridian Energy.

29 6.3.1 Objective – Renewable energy

Submission point and Submitter		Decision requested
836.3 Powerco 405.48 Counties Power 692.54 WEL Networks 680.98 FFNZ 942.50 Tainui o Tainui		Retain Objective 6.3.1 Renewable energy as notified.
Submission point	Submitter	Decision requested
581.39	Synlait Milk Ltd	Amend Objective 6.3.1 Renewable energy as follows: Energy efficient design and an increase in renewable electricity generation activities <u>and the use of carbon-free energy sources</u> are promoted.
<i>FS1341.56</i>	<i>Hynds Pipe Systems Limited</i>	<i>Supports 581.39</i>
580.16	Meridian Energy	Retain Objective 6.3.1 Renewable Energy, except for the amendments sought below AND Amend Objective 6.3.1 Renewable Energy as follows: (a) Energy efficient design and an increase in renewable electricity generation activities are promoted. OR Add a new objective for renewable energy as follows: <u>Increased electricity generation from renewable sources.</u>
553.2	Malibu Hamilton	Amend Objective 6.3.1 (a) Renewable energy, as follows: Energy efficient design and an increase in renewable electricity generation activities are promoted <u>established</u> .
<i>FS1134.24</i>	<i>Counties</i>	<i>Opposes 553.2</i>

	Power	
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29.1 Analysis

549. **FFNZ** [680.98], **Powerco** [836.3], **Tainui o Tainui** [942.50], **WEL Networks** [692.54] and **Counties Power** [405.48] all seek to retain Objective 6.3.1 as notified.
550. For the reasons the objective is included within the PWDP, to give effect to the NPSREG, and the support of the submitters, I recommend accepting in part FFNZ [680.98], Powerco [836.3], Tainui o Tainui [942.50], WEL Networks [692.54] and Counties Power [405.48], to the extent that the objective be amended in response to other submissions to focus on an increase in renewable energy generation rather than its promotion.
551. **Synlait Milk Ltd** [581.39] seeks to amend Objective 6.3.1 as set out in the table above. Synlait supports initiatives to investigate, trial and potentially adopt practices that will positively contribute to the achievement of a low carbon economy.
552. Synlait states that it supports initiatives to investigate, trial and potentially adopt practices that will positively contribute to the achievement of a low carbon economy.
553. *[FS1341.56] Hynds Pipe Systems Limited supports [581.39]: stating this submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. This further submission does not appear to be on the submission topic.*
554. This objective 6.3.1 relates to renewable electricity generation and energy-efficient design. Low-carbon and carbon-free energy resources are not solely renewables, and could include electricity generation, hydrogen, and biofuels. The submitter may wish to provide further information on what they are actually proposing, for example industrial processing energy sources, in order to understand how the district plan could assist or enable, and the impacts such a policy could have on PWDP rules and other methods. I recommend rejecting Synlait Milk Ltd [581.39] and *[FS1341.56] Hynds Pipe Systems Limited*.
555. **Meridian Energy** [580.16]: seeks Retain Objective 6.3.1 Renewable Energy, except for the amendments sought and amend Objective 6.3.1 Renewable Energy to convert the objective from one promoting activities to focus on achieving energy efficient design and an increase in renewable electricity generation.
556. Meridian states that the objective of the National Policy Statement for Renewable Electricity Generation is not simply a promotion of renewable electricity generation; the objective is to achieve an increase in electricity generation from renewable energy sources to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

557. I agree with the submitter's reasons, including that the objective of the NPSREG is not simply for promotion, but for a targeted increase in electricity generation from renewable sources. I recommend accepting Meridian Energy [580.16], and amending the objective to be aspirational rather than promotional.
558. **Malibu Hamilton [553.2]:** seeks to amend Objective 6.3.1(a) Renewable energy, to change “promoted” to “established”.
559. *[FSI 134.24] Counties Power opposes [553.2]: as the proposed amendment does not make sense in relation to the wording of the objective.*
560. As for Meridian Energy [580.16] above, I agree that the objective should focus on achieving more renewable electricity generation activity, rather than simply on the promotion of renewable electricity generation. This approach would more closely align with the NPSREG and the RPS. I recommend accepting in part Malibu Hamilton [553.2]; *[FSI 134.24] Counties Power*, to the extent that the Objective be amended.

29.2 Recommendations

561. For the reasons above I recommend that the Hearings Panel:
- Accept in part FFNZ [680.98], Powerco [836.3], Tainui o Tainui [942.50], WEL Networks [692.54] and Counties Power [405.48]
 - Reject Synlait Milk Ltd [581.39] and *[FSI 341.56] Hynds Pipe Systems Limited*
 - Accept Meridian Energy [580.16]
 - Accept in part Malibu Hamilton [553.2] and *[FSI 134.24] Counties Power*.

29.3 Recommended amendments

562. Amend Objective 6.3.1 Renewable Energy as follows:
- Energy efficient design and an increase in renewable electricity generation ~~activities are promoted~~. [580.16 Meridian Energy; 553.2 Malibu Hamilton]

29.4 Section 32AA evaluation

Other reasonably-practicable options

563. Retaining the objective as notified is the principal option. However, the deletion of “~~activities are promoted~~” converts the promotional objective into an aspirational one. It does create an objective without a verb, outside the form of the other PWDP objectives. However, the PWDP function in relation to renewable electricity generation and energy efficiency is an enabling and supporting policy framework, rather than the Council necessarily funding and operating renewable electricity generation. The work in energy efficiency might involve more promotion and information support, but will also influence how the Council undertakes its own operations. In those senses it is more than promotional.

Effectiveness and efficiency

564. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The amended objective is a more appropriate way to achieve the purpose of the Act, to promote the sustainable management of natural and physical resources, with sustainable management meaning managing the use, development, and

protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The objective is amended to enable and support renewable electricity generation and energy efficiency.

Costs and benefits

565. I do not consider there are significant costs if the objective is amended, as the PWDP policies already align with design of subdivision, land use and development, enabling all phases of renewable electricity generation, and protection of existing renewable electricity generation.

Risk of acting or not acting

566. There is sufficient information to avoid risks of acting or not acting to amend the objective. The policies already support the amended objective.

Decision about most appropriate option

567. The amended objective gives effect to the NPSREG and the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the purpose of the Act.

30 6.3.2 Policy – Utilising energy efficiency

Submission point and Submitter	Decision requested
836.30 Powerco 692.55 WEL Networks 680.99 FFNZ 942.51 Tainui o Tainui	Retain Policy 6.3.2- Utilising energy efficiency as notified.

30.1 Analysis

568. WEL Networks considers that the policy recognises and encourages the use of renewable energy resources, and states that renewable energy generation is encouraged by the National Energy Strategy, and that this benefits the community as a whole through increasing security of supply as well as the subsequent economic benefits to the community and environment. WEL Networks further states that the policy would encourage the community to invest in renewable energy development and is therefore consistent with section 7(b), 7(i) and 7(j) of the RMA and promotes the sustainable management purpose in section 5 of the RMA. Powerco considers that the policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in the social, economic, cultural and environmental well-being of the district.

569. All submissions support the retention of the policy. The policy recognises and encourages the use of renewable energy resources, and renewable energy generation is encouraged by the National Energy Strategy. The policy is already supported by the s.32 evaluation. I recommend retention of the policy as notified.

30.2 Recommendations

570. For the reasons above I recommend that the Hearings Panel:
- a. Accept WEL Networks [692.55], FFNZ [680.99], Powerco [836.30] and Tainui o Tainui [942.51].

31 6.3.3 Policy – Enabling renewable electricity generation

Submission point and Submitter	Decision requested
836.31 Powerco 405.49 Counties Power 692.56 WEL Networks 680.100 FFNZ 942.52 Tainui o Tainui 580.17 Meridian Energy	Retain Policy 6.3.3 Enabling renewable electricity generation, as notified.

31.1 Analysis / Recommendations

571. All submissions support the retention of the policy, and it gives appropriate effect to the NPSREG. I recommend the Hearings Panel retain the policy as notified and:
- a. Accept Meridian Energy [580.17], FFNZ [680.100], Counties Power [405.49], Tainui o Tainui [942.52], Powerco [836.31] and WEL Networks [692.56].

32 6.3.4 Policy – Future renewable electricity

Submission point and Submitter	Decision requested
836.50 Powerco 405.1 Counties Power 692.57 WEL Networks 680.101 FFNZ 942.53 Tainui o Tainui 580.18 Meridian Energy	Retain Policy 6.3.4 Future renewable electricity as notified.

32.1 Analysis / Recommendations

572. All submissions support the retention of the policy. It supports the implementation of a strategy to achieve the objective. I recommend the Hearings Panel retain the policy as notified and:
- a. Accept Meridian Energy [580.18], Counties Power [405.1], Powerco [836.50], Tainui o Tainui [942.53], FFNZ [680.101] and WEL Networks [692.57].

33 6.3.5 Policy – Existing renewable electricity facilities

Submission point and Submitter		Decision requested
836.51 Powerco 692.58 WEL Networks 942.54 Tainui o Tainui 580.19 Meridian Energy		Retain Policy 6.3.5 Existing renewable electricity facilities.
Submission point	Submitter	Decision requested
680.102	FFNZ	Add to Policy 6.3.5 Existing renewable electricity facilities, a new clause (b) as follows: <u>(b) Enable non-sensitive rural land use including: animal grazing, land cultivation and maintenance of pasture, pest and weed control, farm accessways and tracks fences and stock exclusion structures (including stock bridges, culverts and fords), water supply pipelines, farm dams and stock water troughs, and farm storage areas for fodder storage, fuel, fertiliser, hazardous substances, including associated farm storage buildings, sheds, animal barns and shelters and rural fire breaks, and permitted vegetation clearance, pest and weed control</u>
<i>FS1258.76</i>	<i>Meridian Energy</i>	<i>Supports 680.102</i>
<i>FS1171.80</i>	<i>T&G Global</i>	<i>Supports 680.102</i>

33.1 Analysis

573. **Powerco** [836.51], **Tainui o Tainui** [942.54], **WEL Networks** [692.58] and **Meridian Energy** [580.19] seek to retain Policy 6.3.5 Existing renewable electricity facilities.
574. For the reasons the policy is included within the PWDP - that it will protect the operation and maintenance of existing renewable electricity facilities against adverse effects of subdivision, land use and development - and the support of the submitters, I recommend accepting in part Powerco [836.51], Tainui o Tainui [942.54], WEL Networks [692.58] and Meridian Energy [580.19], to the extent that that the policy be retained largely intact, as modified in response to the FFNZ [680.102] submission.
575. **FFNZ** [680.102]: The submitter conditionally supports this policy, provided that recognition is made in the policy for non-sensitive farming activity such as animal grazing, cultivation and pasture maintenance, pest and weed control, maintenance of farm tracks (including stock bridges, culverts and fords), fences, water supply pipelines, farm dams and stock water troughs, and farm storage areas for fodder storage, fuel, fertiliser, hazardous substances, including associated farm storage buildings, sheds, animal barns and shelters and rural fire breaks.

576. [FS1258.76] Meridian Energy supports [680.102]: As a renewable electricity generator, Meridian has an interest in the wording of any changes to Policy 6.3.5. In principle, the suggested amendments seem reasonable. Meridian requests that it be advised of any consequential amendments resulting from any amendments made to Policy 6.3.5.
577. [FS1171.80] T&G Global supports [680.102]: This submission proposes amendments to Policy 6.3.5 Existing renewable electricity facilities. This submission is supported as the amendments seek to enable the establishment of non-sensitive rural activities in these areas, insofar as they do not adversely affect the operation and maintenance of existing, lawfully-established renewable energy generation facilities.
578. Although I am not sure that such a policy qualifier is needed, I understand the submitter's concern to clarify that non-sensitive farming activities should generally be able to continue in and around renewable electricity generation facilities within the rural environment. Effects from and on those generation facilities can be managed by landowner agreements. The clarification is supported, although not with as much detail as provided in the suggested amendment. Such a list invites argument that an activity not listed was not contemplated and may not be acceptable, and I note Meridian Energy's continuing submission interest in any changes to the definition of "sensitive land uses". I recommend accepting in part [680.102] FFNZ, [FS1258.76] Meridian Energy and [FS1171.80] T&G Global, to the extent that the policy is amended to:

"(b) Enable non-sensitive rural land use activities, where they can co-exist with existing renewable electricity generation facilities."

33.2 Recommendations

579. For the reasons above I recommend that the Hearings Panel:
- Accept in part Powerco [836.51], Tainui o Tainui [942.54], WEL Networks [692.58] and Meridian Energy [580.19],
 - Accept in part FFNZ [680.102], [FS1258.76] Meridian Energy and [FS1171.80] T&G Global.

33.3 Recommended amendments

580. Add to Policy 6.3.5 a new clause (b) as follows:

6.3.5 Policy – Existing renewable electricity facilities

- Ensure subdivision, use and development are designed and located so that they do not adversely affect the operation and maintenance of existing, lawfully established renewable energy generation facilities.
- Enable non-sensitive rural land use activities, where they can co-exist with existing renewable electricity generation facilities.¹⁷

33.4 Section 32AA evaluation

Other reasonably-practicable options

¹⁷ 680.102 FFNZ

581. Retaining the policy as notified is the main option, along with variations of mention of the different types of activities which may be compatible or may compromise existing renewable energy generation facilities. As the primary location for such facilities, at any large scale is likely to be rural, it is considered appropriate to focus the sub-policy on that opportunity, and to ensure that the rural activities can co-exist with existing renewable energy generation facilities.

Effectiveness and efficiency

582. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective. The amended policy is more clear on co-existing activities, hence efficient and effective, in enabling renewable energy generation facilities without them being excluded or prevented by competing demands for use of rural land. This approach will also assist in supporting new renewable energy generation facilities.

Costs and benefits

583. I do not consider that there are significant costs if the policy is amended. There is a benefit from clarity of purpose in the amended policy providing additional explanation to the objective. Co-existence of rural and renewable energy generation activities is a substantial benefit.

Risk of acting or not acting

584. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

585. The amended policy better achieves the objective on infrastructure in relation to renewable energy generation facilities (6.3.1).

34 6.3.6 Objective – Non-renewable energy

Submission point	Submitter	Decision requested
836.52	Powerco	Retain Objective 6.3.6 Non-renewable energy as notified
<i>FS1211.21</i>	<i>First Gas</i>	<i>Supports 836.52</i>

34.1 Analysis / Recommendations

586. The submission and further submission support the retention of the policy. The district has substantial non-renewable energy resources and resource use to generate electricity. I recommend the Hearings Panel retain the policy as notified and:

- a. Accept Powerco [836.52] and [*FS1211.21*] *First Gas*.

35 6.3.7 Policy – Recognise non-renewable energy resources

Submission point	Submitter	Decision requested
836.53	Powerco	Retain Policy 6.3.7- Recognise non-renewable energy resources as notified.
<i>FS1211.22</i>	<i>First Gas</i>	<i>Supports 836.53</i>
924.24	Genesis Energy	Retain Policy 6.3.7- Recognise non-renewable energy resources in the same or similar form.

35.1 Analysis / Recommendations

587. The submissions and further submission support the retention of the policy. The district has substantial non-renewable energy resources and resource use to generate electricity. I recommend the Hearings Panel retain the policy as notified and:

- a. Accept Powerco [836.53], [*FS1211.22*] *First Gas* and Genesis Energy [924.24].

36 6.4 Infrastructure, Subdivision and Development

37 General submissions on Infrastructure, subdivision and development

Submission point	Submitter	Decision requested
367.11	Liam McGrath for Mercer Residents and Ratepayers Committee	Retain Section 6.4 Infrastructure, Subdivision and Development.
368.43	Ian McAlley	Retain Chapter 6.4 - Objectives and Policies, as notified.
749.25	HNZC	Retain the objectives and policies in Section 6.4 Infrastructure, Subdivision and Development as notified.
535.56	Hamilton City Council	Amend Section 6.4 Infrastructure, Subdivision and Development, to add specific objectives and policies for wastewater and water after Policy 6.4.7 AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

37.1 Analysis

588. **Liam McGrath for Mercer Residents and Ratepayers Committee** [367.11], **Ian McAlley** [368.43] and **HNZC** [749.25] seek to retain Section 6.4 Infrastructure, Subdivision and Development.
589. Ian McAlley considers that provision of adequate and appropriate infrastructure is critical to land development; Infrastructure has particular design characteristics that are required to be adhered to and poor infrastructure provision will lead to medium to long term costs that are borne by the community either through lack of efficiency in terms of price paid per household unit, or greater than anticipated operational and maintenance costs.
590. For the reasons Section 6.4 Infrastructure, Subdivision and Development objectives and policies are included within the PWDP, to promote integration of infrastructure with subdivision, land use and development, and to give effect to the integration and growth objectives and policies of the RPS, and for the reasons provided by the submitters, I recommend accepting Liam McGrath for Mercer Residents and Ratepayers Committee [367.11], Ian McAlley [368.43] and HNZC [749.25].
591. **Hamilton City Council** [535.56]: seeks to amend Section 6.4 Infrastructure, Subdivision and Development, to add specific objectives and policies for wastewater and water after Policy 6.4.7.
592. The submitter states that the Proposed District Plan does not contain specific policies on wastewater or water and including policies relevant to waste and wastewater is required to provide certainty during subdivision, land use or development.
593. While there are not any specific policies for wastewater and water supply, these services are covered by Policy 6.4.2, which seeks to ensure that there is adequate infrastructure. This policy is delivered by Chapter 14 provisions for wastewater servicing, pipelines for water, wastewater and stormwater, pumping stations and reservoirs, water treatment plants and wastewater treatment plants. It is not clear what HCC consider is missing in terms of policy direction for water and wastewater, therefore I recommend rejecting 535.56 Hamilton City Council [535.56].

37.2 Recommendations

594. For the reasons above I recommend that the Hearings Panel:
- a. Accept Liam McGrath for Mercer Residents and Ratepayers Committee [367.11], Ian McAlley [368.43] and HNZC [749.25].
 - b. Reject Hamilton City Council [535.56].

38 6.4.1 Objective – Integration of infrastructure with subdivision, land use and development

Submission point and Submitter	Decision requested
578.100 POAL 680.103 FFNZ	Retain Objective 6.4.1 Integration of infrastructure with subdivision, land use and development, as notified.

836.4 Powerco; 692.34 WEL Networks 923.120 Waikato DHB 524.22 Anna Noakes 598.33 Withers Family Trust 81.218 Waikato Regional Council		
FS1273 Auckland Transport	FS1273.18 supports 578.100 FS1273.20 supports 692.34 FS1273.19 supports 81.218	
FS1211.23 First Gas	Supports 836.4.	
FS1062.17 Andrew and Christine Gore	Opposes 81.218	
766.3 Holcim 302.47 EnviroWaste 633.15 Van Den Brink Group	Retain Objective 6.4.1 insofar as it gives effect to the relief sought.	
Submission point	Submitter	Decision requested
405.2	Counties Power	Add the following to Objective 6.4.1 (a) Integration of infrastructure with subdivision, land use and development: <u>Protection of existing infrastructure assets.</u>
FS1211.24	First Gas	Supports 405.2
FS1168.160	Hort NZ	Opposes 405.2
FS1273.17	Auckland Transport	Supports 405.2

38.1 Analysis

595. **Holcim** [766.3], **EnviroWaste** [302.47], **POAL** [578.100], **Van Den Brink Group** [633.15], **FFNZ** [680.103], **Waikato DHB** [923.120], **Powerco** [836.4], **Anna Noakes** [524.22], **Withers Family Trust** [598.33], **WEL Networks** [692.34] and **Waikato Regional Council** [81.218]: seek to retain Objective 6.4.1 Integration of infrastructure with subdivision, land use and development, insofar as it gives effect to the relief sought.
596. [FS1273.18, FS1273.19 and FS1273.20] Auckland Transport further submissions support [578.100], [81.218] and [692.34]. Auckland Transport supports the retention of Objective 6.4.1, and supports changes that seek to more efficiently integrate infrastructure provision with subdivision, use and development.
597. [FS1211.23] First Gas on behalf of First Gas supports [836.4] Powerco: The Powerco submission supports the retention of Objective 6.4.1. First Gas supports this submission to the extent that the objective provides for the development, operation and maintenance of infrastructure and recognises the role they play in the social, economic, cultural and environmental well-being of the district. The submission seeks to provide for integration of infrastructure with subdivision, land use and development, which is also supported by First Gas.

598. *[FS1062.17] Andrew and Christine Gore oppose [81.218] Waikato Regional Council: This provision does not provide for landowners with fragmented land to realise their land value. Unnecessarily descriptive. I do not have sufficient information to fully assess this further submission. The objective is for integration of infrastructure with subdivision, land use and development. Where land is held in fragmented landholdings it may be more difficult to provide infrastructure. Provision of infrastructure is a significant contributor to the value of property. I accept that linear infrastructure such as land transport networks can fragment landholdings and cause a functional as well as community severance.*
599. For the reasons Objective 6.4.1 Section 6.4 Infrastructure, Subdivision and Development objectives and policies are included within the PWDP - to give effect to the RPS objectives and policies, to give effect to the new NPSUD - and for the reasons provided by the submitters, I recommend accepting Holcim [766.3], EnviroWaste [302.47], POAL [578.100] and *[FS1273.18] Auckland Transport Van Den Brink Group [633.15], FFNZ [680.103], Waikato DHB [923.120], Powerco [836.4] and [FS1211.23] First Gas, Anna Noakes [524.22], Withers Family Trust [598.33], WEL Networks [692.34] and [FS1273.20] Auckland Transport, and Waikato Regional Council [81.218] and [FS1273.19] Auckland Transport, and rejecting [FS1062.17] Andrew and Christine Gore.*
600. **Counties Power [405.2]:** seeks to add protection of existing infrastructure assets to Objective 6.4.1.
601. *[FS1211.24] First Gas supports [405.2]: First Gas supports this submission, which seeks to add protection of existing infrastructure assets to Objective 6.4.1 (a) integration of infrastructure with subdivision, land use and development.*
602. *[FS1168.160] Hort NZ opposes [405.2]: Recognising and providing for infrastructure is supported, rather than protection.*
603. *[FS1273.17] Auckland Transport supports [405.2]: Auckland Transport supports the retention of Objective 6.4.1 [submission points 578.100, 81.218 and 692.34], and supports changes that seek to more efficiently integrate infrastructure provision with subdivision, use and development [submission point 405.2].*
604. I would not support a separate sentence relating to protection of existing infrastructure policy, as I consider integration would include protection, and there is a reverse sensitivity policy framework earlier in the chapter to address this issue. The ways in which infrastructure is integrated with subdivision, land use and development include the active installation, maintenance and repair, upgrading, operation, and co-location in a road corridor where practicable, protecting against damage and incompatible adjacent infrastructure. Integration also includes the planning, timing and funding of infrastructure. I recommend rejecting Counties Power [405.2], *[FS1211.24] First Gas and [FS1273.17] Auckland Transport;* and accepting *[FS1168.160] Hort NZ.*
605. No amendments are recommended to Objective 6.4.1.

38.2 Recommendations

606. For the reasons above I recommend that the Hearings Panel:
- a. Accept Holcim [766.3], EnviroWaste [302.47], POAL [578.100] and *[FS1273.18] Auckland Transport Van Den Brink Group [633.15], FFNZ [680.103], Waikato DHB [923.120], Powerco [836.4] and [FS1211.23] First Gas, Anna Noakes [524.22], Withers Family Trust*

[598.33], WEL Networks [692.34] and [FS1273.20] Auckland Transport, and Waikato Regional Council [81.218] and [FS1273.19] Auckland Transport, and reject [FS1062.17] Andrew and Christine Gore

- b. Reject [405.2] Counties Power [405.2], [FS1211.24] First Gas and [FS1273.17] Auckland Transport; accept [FS1168.160] Hort NZ.

39 6.4.2 Policy – Provide adequate infrastructure

Submission point and Submitter		Decision requested
578.101 POAL 836.54 Powerco; 692.35 WEL Networks 923.121 Waikato DHB 524.23 Anna Noakes 598.14 Withers Family Trust 81.219 Waikato Regional Council		Retain Policy 6.4.2- Provide adequate infrastructure as notified.
<i>FS1211.25 First Gas</i>		<i>Supports 836.54</i>
Submission point	Submitter	Decision requested
742.52	NZTA	Retain Policy 6.4.2 Provide adequate infrastructure, except for the amendments sought below AND Amend Policy 6.4.2 Provide adequate infrastructure as follows: Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided or its use is <u>changed and/or intensified</u> .
680.302	FFNZ	Amend Policy 6.4.2 (a) Provide adequate infrastructure, as follows: (a) Ensure adequate provision of infrastructure, including land transport networks, <u>where proposed subdivision results in an increase in the number of lots adjacent to an existing road, infrastructure corridor or existing infrastructure easement, or its use intensified where resource consent is required for restricted discretionary, discretionary or non-complying land use.</u> (b) <u>To manage minor effects of subdivision on infrastructure in rural areas, through enabling subdivision as a controlled activity, with appropriate matters of control around separation distance from infrastructure to proposed new lot boundaries.</u>
<i>FS1134.25</i>	<i>Counties Power</i>	<i>Opposes 680.302</i>

39.1 Analysis

607. **FFNZ** [680.302]: seeks to only require provision of infrastructure when the number of lots is increased adjacent to roads and infrastructure corridors or easements, and to enable rural subdivision as a controlled activity with separation distances from infrastructure.
608. The submitter conditionally supports this policy, provided that its focus is confined to considering subdivision which increases the number of lots next to an infrastructure corridor or existing infrastructure easement. The submitter states that the effects of rural subdivision on infrastructure are very minor, and can be managed through controlled subdivision status with appropriate matters of control around minimum lot boundary separation distances. The submitter's view is that agreements as to access across private farmland are a matter between utility operators and landowners, and the Council is not involved. FFNZ therefore states that the focus of the policy should be amended to refer to substantial changes in land use where resource consent is required, such as for example from farming activity to some non-farming use of land. FFNZ states that the use of farmland for farming, even if paddock stocking rates are increased, should not be within the remit of this policy to control.
609. *[FS1134.25] Counties Power opposes [680.302]: Retain policy as notified without amendment.*
610. On the first part of the submission point, I agree that subdivision can occur which does not require additional infrastructure, being for reserve or conservation lots, access allotments or utility allotments. I also accept that boundary re-locations would generally not require new infrastructure. Chapter 14 sets out the infrastructure requirements for subdivision, and utility networks may require upgrading or new extensions. New infrastructure can be required when land use is changed or intensified significantly, and I accept that an increase in stocking rates as an intensification of farming activity is an example of where additional or upgraded infrastructure may not be required. I would support amending Policy 6.4.2 to clarify that for some types of subdivision additional lots do not require additional infrastructure, and that intensification of land use may not always require additional infrastructure, as follows:
- 6.4.2 Policy – Provide adequate infrastructure
- (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing conservation lots, access and utility allotments, or its use significantly changed or intensified, needing additional or upgraded infrastructure.
611. On the second part of the submission point, I do not agree that this policy is an appropriate place for policy distinguishing rural subdivision, and in fact do not agree that rural subdivision should be a controlled activity. This matter is more fully addressed in the s42A report for Rural Zone subdivision. I recommend accepting in part FFNZ [680.302], to the extent that Policy 6.4.2 is amended as shown in the paragraph immediately above; and rejecting *[FS1134.25] Counties Power*.
612. **Waikato DHB** [923.121], **Anna Noakes** [524.23], **Withers Family Trust** [598.14], **Powerco** [836.54], **POAL** [578.101], **Waikato Regional Council** [81.219] and **WEL Networks** [692.35]: seek to retain Policy 6.4.2 Provide adequate infrastructure.

613. [FS1211.25] First Gas supports 836.54: Powerco, which seeks the retention of Policy 6.4.2 which seeks to ensure adequate provision of infrastructure where land is sub-divided or its use is intensified.
614. For the reasons Policy 6.4.2 Provide Adequate Infrastructure is included within the PWDP, and for the reasons provided by the submitters, I recommend accepting in part Waikato DHB [923.121], Anna Noakes [524.23], Withers Family Trust [598.14], Powerco [836.54] and [FS1211.25] First Gas, POAL [578.101], Waikato Regional Council [81.219] and WEL Networks [692.35], to the extent that the policy is amended in response to the [680.302] FFNZ submission point.
615. **NZTA** [742.52]: seeks to Retain Policy 6.4.2 Provide adequate infrastructure, except for the amendments sought below AND Amend Policy 6.4.2 Provide adequate infrastructure as follows:
- Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided or its use is changed and/or intensified.
616. The submitter supports Policy 6.4.2, but considers the focus on intensification does not necessarily capture land use change; Different land uses may not necessarily be considered more intensive but may have very different impacts on and requirements for infrastructure.
617. In relation to the FFNZ [680.302] submission point above, I agree that land use change or intensification may require additional or upgraded, or in some cases less, infrastructure, and the policy should be amended to acknowledge land use change as well as intensification. I recommend accepting in part NZTA [742.52], to the extent that land use change is added to the policy requiring adequate infrastructure.

39.2 Recommendations

618. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part FFNZ [680.302] and reject [FS1134.25] Counties Power
 - b. Accept in part Waikato DHB [923.121], Anna Noakes [524.23], Withers Family Trust [598.14], Powerco [836.54] and [FS1211.25] First Gas, POAL [578.101], Waikato Regional Council [81.219] and WEL Networks [692.35],
 - c. Accept in part NZTA [742.52].

39.3 Recommended amendments

619. Amend Policy 6.4.2 as follows:
- (a) Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing conservation lots, access and utility allotments, [680.302 FFNZ] or its use significantly changed or [742.52 NZTA] intensified, needing additional or upgraded infrastructure.[680.302 FFNZ]

39.4 Section 32AA evaluation

620. The amendment provides further clarifying detail to policy, including reasonable exceptions.

40 6.4.3 Policy – Infrastructure Location and Services

Submission point and Submitter		Decision requested
578.102 POAL 836.55 Powerco 692.36 WEL Networks 923.122 Waikato DHB 524.24 Anna Noakes 598.15 Withers Family Trust 81.220 Waikato Regional Council 581.41 Synlait Milk Ltd 680.303 FFNZ 378.2 FENZ		Retain Policy 6.4.3 - Infrastructure Location and Services as notified.
<i>FS1341.58 Hynds Pipe Systems Limited</i>		<i>Supports 581.41</i>
<i>FS1211.26 First Gas</i>		<i>Supports 836.55</i>
<i>FS1035.107 Pareoranga Te Kata</i>		<i>Supports 378.2</i>
405.3 Counties Power		Retain Policy 6.4.3(a)(iii) Infrastructure Location and Services as notified.
Submission point	Submitter	Decision requested
697.562	Waikato District Council	Amend Policy 6.4.3(a)(i) Infrastructure Location and Services as follows: (i) Three waters (water, wastewater and stormwater <u>supply management</u>);

40.1 Analysis

621. **Synlait Milk Ltd** [581.41], **Powerco** [836.55], **FENZ** [378.2], **POAL** [578.102], **Counties Power** [405.3], **FFNZ** [680.303], **Waikato DHB** [923.122], **Withers Family Trust** [598.15], **Anna Noakes** [524.24], **Waikato Regional Council** [81.220] and **WEL Networks** [692.36] all seek to retain Policy 6.4.3.

622. Apart from the reasons the policy was notified, the submitters' reasons for supporting the retention of the policy include supporting that the zoning or urban areas, including Heavy Industrial Zones, is coordinated with the supply of infrastructure and services; and this should ensure that the Heavy Industrial Zone is able to be used for its intended purposes without undue limitation on traffic movements and access to water and wastewater services. The submitters also consider that the policy will provide for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district; and the integration of infrastructure with subdivision, land use and development including electricity services, particularly Objective 6.4.1 and Policy 6.4.3. The submitters state the policy ensures subdivision, use and

development are provided with infrastructure and services to a level that is appropriate to its location and intended use, including adequate water supply within urban areas for fire-fighting purposes. Counties Power recognises the need to support new development and needs to be able to respond quickly to increased demand for electricity; stating the policy helps to give effect to Waikato Regional Policy Statement policies 6.1, 6.3, 6.15 and Section 6A in terms of placing emphasis on planned, coordinated approach to subdivision and development and provision of supporting infrastructure. Waikato DHB considers that this approach is essential to achieving strong health and well-being outcomes for the district's communities; and identifies a need to ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where greenfield sites are identified for urban growth, that the ability to appropriately, effectively and efficiently service these areas in comparison to other areas has been adequately investigated through Section 32 RMA analysis. This provision is supported by Waikato Regional Council as it helps give effect to WRPS policies 6.1, 6.3, 6.15 and Section 6A in terms of placing emphasis on planned, coordinated approach to subdivision and development and provision of supporting infrastructure. The submitter states that this ensures that provision for infrastructure such as electricity and telecommunications is provided for as part of the subdivision process.

623. *[FS1341.58] Hynds Pipe Systems Limited supports 581.41 Synlait Milk Limited: The submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. This further submission supports the policy, but appears to do so for protection of heavy industrial land against reverse sensitivity and encroachment by sensitive activities.*
624. *[FS1211.26] First Gas supports [836.55] Powerco: which seeks to ensure adequate provision of infrastructure where land is sub-divided or its use is intensified.*
625. *[FS1035.107] Pareoranga Te Kata Supports [378.2 FENZ]: Obtain statement of performance expectation (SPE) to allow submission to be accepted. The relief sought is not understood, but is taken as a Support further submission.*
626. For the reasons Policy 6.4.3 Infrastructure Location and Services is included within the PWDP, to ensure adequate provision of services, and for the reasons provided by the submitters, I recommend accepting Synlait Milk Ltd [581.41] and [FS1341.58] Hynds Pipe Systems Limited,, Powerco [836.55] and [FS1211.26] First Gas, FENZ [378.2] and [FS1035.107] Pareoranga Te Kata, POAL [578.102], Counties Power [405.3], FFNZ [680.303], Waikato DHB [923.122], Withers Family Trust [598.15], Anna Noakes [524.24], Waikato Regional Council [81.220] and WEL Networks [692.36].
627. Waikato District Council [697.562]: seeks to amend Policy 6.4.3(a)(i) Infrastructure Location and Services to replace the word “supply” with “management”.
628. This is a correction, as water is supplied, wastewater is disposed of and stormwater is managed. I recommend accepting Waikato District Council [697.562].

40.2 Recommendations

629. For the reasons above I recommend that the Hearings Panel:

- a. Accept Synlait Milk Ltd [581.41] and [FS1341.58] *Hynds Pipe Systems Limited*, Powerco [836.55] and [FS1211.26] *First Gas*, FENZ [378.2] and [FS1035.107] *Pareoranga Te Kata*, POAL [578.102], Counties Power [405.3], FENZ [680.303], Waikato DHB [923.122], Withers Family Trust [598.15], Anna Noakes [524.24], Waikato Regional Council [81.220] and WEL Networks [692.36].
- b. Accept Waikato District Council [697.562].

40.3 Recommended amendments

630. Amend Policy 6.4.3(a)(i) as follows:

6.4.3 Policy – Infrastructure Location and Services

- (a) Ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including:
 - (i) Three waters (water, wastewater and stormwater **supply-management**);¹⁸
 - (ii) Telecommunication services;
 - (iii) Electricity services; and
 - (iv) Adequate water supply within urban areas for firefighting purposes.

40.4 Section 32AA evaluation

631. As this amendment is a minor correction only, as wastewater and stormwater are not 'supplied', but managed, a s32AA evaluation is not required.

41 6.4.4 Policy – Road and rail network

Submission point and Submitter		Decision requested
836.56 Powerco 923.123 Waikato DHB 524.25 Anna Noakes 598.16 Withers Family Trust 81.221 Waikato Regional Council 680.304 FENZ		Retain Policy 6.4.4 Road and rail network as notified.
<i>FS1273.24 Auckland Transport</i>		<i>Supports 81.221</i>
Submission point	Submitter	Decision requested
986.38	KiwiRail	Retain Policy 6.4.4 Road and rail network except for the

¹⁸ 697.562 Waikato District Council

		<p>amendments sought below AND Amend Policy 6.4.4 Road and rail network as follows (or similar amendments to achieve the requested relief):</p> <p>6.4.4 Policy - Road and rail Land transport network (a) Discourage <u>Avoid</u> subdivision, use and development that would compromise: (i) The road function, as specified in the road hierarchy, or the safety and efficiency of the roading network; and (ii) The safety and efficiency, <u>including the maintenance, upgrading, development and operation of the railway-land transport network.</u> (b) <u>Avoid reverse sensitivity effects on the land transport network through setbacks and design controls for new residential and other noise sensitive activities established in proximity to existing or planned transport corridors.</u></p>
<i>FSI 273.22</i>	<i>Auckland Transport</i>	<i>Supports 986.38</i>
742.53	NZTA	<p>Retain Policy 6.4.4 Road and rail network, except for the amendments sought below AND Amend Policy 6.4.4 Road and rail network as follows:</p> <p>6.4.4 Policy - Road and rail Land transport network (a) Discourage <u>Avoid</u> subdivision use and development that would compromise: (i) The road function, as specified in the road hierarchy in 14.12.5.5, or the safety and efficiency of the roading network. (ii) The safety and efficiency; including the maintenance, upgrading, development and operation of the railway network land transport network.</p> <p>AND Add a new clause as follows:</p> <p><u>(b) Avoid reverse sensitivity effects on the land transport network through setbacks and design controls for new residential and other sensitive land use activities established in proximity to existing or planned transport corridors.</u></p>
<i>FSI 273.21</i>	<i>Auckland Transport</i>	<i>Supports 742.53</i>
297.40	Counties Manukau Police	<p>Amend Policy 6.4.4 Road and rail network as follows:</p> <p>(a) Discourage subdivision, use and development that would compromise: (i) The road function, as specified in the road hierarchy, or the safety and efficiency of the roading network; (ii) <u>The access by emergency services and their vehicles;</u> and (iii) the safety and efficiency of the railway network.</p>
<i>FSI 114.7</i>	<i>FENZ</i>	<i>Supports 297.40</i>
578.103	POAL	<p>Add a new clause (b) to Policy 6.4.4 Road and rail network, as follows:</p> <p><u>(b) Encourage subdivision, use and development that makes efficient use of the road and rail network.</u></p>
<i>FSI 273.23</i>	<i>Auckland</i>	<i>Supports 578.103</i>

	Transport	
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41.1 Analysis

632. **Withers Family Trust** [598.16], **Powerco** [836.56], **Waikato Regional Council** [81.221], **Waikato DHB** [923.123], **Anna Noakes** [524.25] and **FFNZ** [680.304] all seek to retain Policy 6.4.4. (a) Road and rail network, as notified.
633. The reasons for the submitters' support include that the policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district; and also provides for integration of infrastructure with subdivision, land use and development including electricity services. The submitters state the policy helps give effect to WRPS policies 6.1, 6.3, 6.15 and Section 6A in terms of placing emphasis on planned, co-ordinated approach to subdivision and development and provision of supporting infrastructure; and they consider that this approach is essential to achieving strong health and well-being outcomes for the district's communities. The submitters also wish to ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where greenfield sites are identified for urban growth, that the ability to appropriately, effectively and efficiently service these areas in comparison to other areas has been adequately investigated through Section 32 RMA analysis.
634. *[FS1273.24] Auckland Transport supports [81.221]: the intention of this provision, in that it places emphasis on a planned, coordinated approach to subdivision and development and provision of the necessary supporting infrastructure.*
635. For the reasons Policy 6.4.4 - Road and Rail Network is included within the PWDP, to protect the road function, and the safety and efficiency of the land transport networks, and for the reasons provided by the submitters, recommend accept in part Withers Family Trust [598.16], Powerco [836.56], Waikato Regional Council [81.221] and *[FS1273.24] Auckland Transport*, Waikato DHB [923.123], Anna Noakes [524.25] and FFNZ [680.304] to the extent that the policy is amended in response to KiwiRail and NZTA submission points.
636. **KiwiRail** [986.38]: seeks to Retain and amend Policy 6.4.4 Road and rail network except for the amendments to describe 'road and rail' as the 'land transport network', and to avoid rather than discourage subdivision, land use and development that could compromise the land transport networks; functions, safety and efficiency. The policy amendments would support the NZTA and KiwiRail-promoted noise-sensitive corridor buffer provisions.
637. KiwiRail supports the intent of the Policy, which seeks to discourage subdivision, use and development which compromises regional land transport infrastructure (including both road and rail). However, it seeks amendments to change the title to reflect that it is specific to land transport networks; use the RMA defined word "avoid" rather than "discourage" subdivision; and take into account the full range of functions and activities on the land transport network (including road and rail). KiwiRail also seeks that a further arm is added to the policy to address the specific measures sought to be added to the Plan to address reverse sensitivity effects. An additional item is sought to address the mitigation needed through setbacks and acoustic insulation.
638. *[FS1273.22] Auckland Transport supports [986.38]: Auckland Transport supports these submission points [742.53, 986.38 and 578.103] which seek to ensure consistent terminology (as it relates to*

the road network) is used throughout the plan, and takes into account the full range of functions and activities on the land transport network. Auckland Transport also supports amendments that seek to address reverse sensitivity effects on the land transport network.

639. **NZTA [742.53]**: seeks to retain and amend Policy 6.4.4 Road and rail network, in a similar way to the KiwiRail submission above.
640. The submitter supports the intent of Policy 6.4.4 which seeks to discourage subdivision, use and development which compromises regional land transport infrastructure (including both road and rail); Change the title to use consistent terminology (i.e. land transport networks which the submitter has sought a definition for); Use the stronger word "avoid" (that relates to the RMA purpose and principles) rather than "discourage"; Take into account the full range of functions and activities on the land transport network; A further clause should be added to Policy 6.4.4 to address the specific measures sought to be added to the Plan to address reverse sensitivity effects.
641. *[FS1273.21] Auckland Transport supports [742.53]: Auckland Transport supports these submission points [742.53, 986.38 and 578.103] which seek to ensure consistent terminology (as it relates to the road network) is used throughout the plan, and takes into account the full range of functions and activities on the land transport network. Auckland Transport also supports amendments that seek to address reverse sensitivity effects on the land transport network.*
642. I agree road and rail should be referred to as the "land transport network". I agree that the policy should provide more guidance on the meaning of "Discourage" in relation to subdivision, land use and development compromising the land transport network function and its safety and efficiency. It needs to be decided whether "discourage" should be "avoid", "avoid where practicable, otherwise remedy or mitigate", or "avoid, remedy or mitigate", or perhaps "avoid in the first instances, or remedy or mitigate if this is not practicable", or "avoid if its going to affect the safety, and avoid, remedy or mitigate if it is going to affect any of the other aspects of the policy". In my opinion, hard though it may be as a prevention policy, "avoid" is the appropriate term. Mitigation, if achieved to a satisfactory level, would equate with "avoid", and whether the function, safety and efficiency of the land transport network is compromised will be a matter of judgement in each case. The requested amendments identify that safety and efficiency should also relate to the maintenance, upgrading, development and operation of the land transport network. I support the addition of a (b) clause on reverse sensitivity, and note that within Chapter 14 I am also recommending stronger buffer controls for sensitive land uses in proximity to the rail and State Highway networks, some of which already exist within the zone provisions, in response to more detailed KiwiRail and NZTA submissions. I recommend accepting in part KiwiRail [986.38], *[FS1273.22] Auckland Transport*, NZTA [742.53] and *[FS1273.21] Auckland Transport*, to the extent that effects rather than activities should be avoided.
643. **Counties Manukau Police [297.40]**: seeks to amend Policy 6.4.4 Road and rail network to allow access by emergency services and their vehicles.
644. The reasons provided are to ensure that there is an obligation to consider access by emergency services and consequently any other service vehicles; This is of specific concern to the submitter and has been problematic in some new developments under the authority of Auckland Council.

645. *[FS1114.7] FENZ supports [297.40]: FENZ supports the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
646. I am conscious of the Counties Manukau Police and FENZ substantial submission efforts to ensure adequate access by emergency services and their vehicles included within the policies and rules for road design and vehicle access. I consider that this is the appropriate location for such a policy direction. I recommend accepting Counties Manukau Police [297.40] and [FS1114.7] FENZ.
647. **POAL** [578.103] supports this policy, however seeks addition of a new clause that encourages subdivision, use and development that makes efficient use of the road and rail network and therefore ensures that infrastructure can integrate efficiently with subdivision, use and development.
648. *[FS1273.23] Auckland Transport supports [578.103]: Auckland Transport supports these submission points [742.53, 986.38 and 578.103] which seek to ensure consistent terminology (as it relates to the road network) is used throughout the plan, and takes into account the full range of functions and activities on the land transport network. Auckland Transport also supports amendments that seek to address reverse sensitivity effects on the land transport network.*
649. This is a protective policy, as Objective 6.4.1 and Policy 6.4.2 enable subdivision, land use and development that supports efficient use of the land transport network. That objective and policy should ensure a cascade to zonings and rules for integration of subdivision, land use and development with infrastructure, including the land transport network. The submitter appears to be seeking support for zoning for or locating high traffic generating activities (possibly inland port) close to the land transport networks and their nodes. I consider the change is not needed as that is a zoning matter rather than a reverse sensitivity infrastructure matter, and recommend rejecting POAL [578.103] and [FS1273.23] Auckland Transport.

41.2 Recommendations

650. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Withers Family Trust [598.16], Powerco [836.56], Waikato Regional Council [81.221] and [FS1273.24] Auckland Transport, Waikato DHB [923.123], Anna Noakes [524.25] and FFNZ [680.304]
 - b. Accept KiwiRail [986.38] and [FS1273.22] Auckland Transport, NZTA [742.53] and [FS1273.21] Auckland Transport
 - c. Accept Counties Manukau Police [297.40] and [FS1114.7] FENZ
 - d. Reject POAL [578.103] and [FS1273.23] Auckland Transport.

41.3 Recommended amendments

651. Amend Policy 6.4.4 as follows:
- 6.4.4 Policy - ~~Read and rail~~ Land transport network [986.38 KiwiRail; 742.53 NZTA]

- (a) ~~Discourage–Avoid~~ [986.38 KiwiRail; 742.53 NZTA] effects of subdivision, use and development that would compromise:
- (i) The road function, as specified in the road hierarchy, ~~or the safety and efficiency of the roading network;~~ [742.53 NZTA]; and
 - (ii) The access by emergency services and their vehicles; and [297.40 Counties Manukau Police]
 - (iii) The safety and efficiency, including the maintenance, upgrading, development and operation of the railway land transport network. [986.38 KiwiRail, 742.53 NZTA]
- (b) Avoid reverse sensitivity effects on the land transport network through setbacks and design controls for new residential and other noise sensitive activities established in proximity to existing or planned transport corridors. [986.38 KiwiRail, 742.53 NZTA]

41.4 Section 32AA evaluation

652. The amendment clarifies a ‘land transport network’ context rather than road and/or rail; adds in emergency services, and introduces policy support for land transport network noise-sensitivity planning, to better meet the objective.

Other reasonably-practicable options

653. Retaining the policy as notified is the main option, along with variations of mention of the different types of operational and functional needs and constraints of the land transport network. The recommended amendments harden up the policy, from ‘discourage activities’ to ‘avoid the effects of activities’. They also introduce access by emergency services as a critical (policy and operational) function of the land transport network, and accentuate the need for reverse sensitivity effects management. Options for reverse sensitivity effects management are from the mitigation costs (noise and vibration mitigation) falling mainly on the generator of the noise and vibration, through to all the costs falling on the receiver mitigation (distance separations, acoustic treatments and mechanical ventilation), and a range in between.

Effectiveness and efficiency

654. The policy is required to be the most appropriate, in efficiently and effectively achieving the objective (6.5.1), promoting an efficient, effective, integrated, safe, resilient and sustainable land transport network. The amended policy is more clear, hence efficient and effective, on access by emergency services as a critical (policy and operational) function of the land transport network, and the need for reverse sensitivity effects management. To give effect to the RPS, development must not unnecessarily prevent likely future network infrastructure improvements and upgrades, must support the use of rail for freight movement, and must recognise the transport hierarchy and manage effects on the function of transport infrastructure.

Costs and benefits

655. For the most part there are not significant costs to the proposed amendments, and there is a benefit from clarity of purpose in the amended policy providing additional explanation to the objective. However, there are substantial economic costs associated with the reverse sensitivity management approach, and these can be seen reflected in the rules for noise-sensitive corridors proposed by the submitters NZTA and KiwiRail. The economic and social benefits are comparatively substantial, enabling land transport corridors of regional

and national importance. The 'do nothing' option could be more costly, affecting amenity of those adjacent to the transport corridors (environmental and social cost) and potentially compromising the ability of those corridors to continue and intensify. There is an additional environmental and amenity cost on existing parties in close proximity to these corridors, and those costs will increase as the corridors intensify.

Risk of acting or not acting

656. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

657. The amended policy gives effect to the RPS transport objectives and policies. The amended policy better achieves the objective on infrastructure in relation to the land transport network (6.5.1).

42 6.4.5 Policy – Roading infrastructure

Submission point and Submitter		Decision requested
836.57 Powerco 923.124 Waikato DHB 524.26 Anna Noakes 598.17 Withers Family Trust 81.222 Waikato Regional Council 680.305 FFNZ 578.104 POAL		Retain Policy 6.4.5 Roading infrastructure, as notified.
<i>FS1273 Auckland Transport</i>		<i>FS1273.30 Supports 81.222</i> <i>FS1273.29 Opposes 578.104</i>
297.58 Counties Manukau Police		Retain Policy 6.4.5(a)(iii) Roading Infrastructure as notified.
Submission point	Submitter	Decision requested
697.563	Waikato District Council	Amend Policy 6.4.5 Roading infrastructure by renumbering as 6.5.8 and inserting it after Policy 6.5.7.
<i>FS1273.26</i>	<i>Auckland Transport</i>	<i>Supports 697.563</i>
942.56	Tainui o Tainui	Add a new clause to Policy 6.4.5(a) Roading infrastructure as follows: <u>(v) Where land is still owned by Maaori but has been appropriated by Council without compensation for public use, lease arrangements should be entered into.</u>
405.4	Counties Power	Add the following to Policy 6.4.5 (a) Roading infrastructure: <u>(v) Design, alignment and dimension of new roads to accommodate installation of network infrastructure in accordance with technical and</u>

		<u>safety specification.</u>
FS1211.27	First Gas	Supports 405.4
FS1273.28	Auckland Transport	Opposes 405.4.
297.41	Counties Manukau Police	Amend Policy 6.4.5(a)(i) Rooding infrastructure to read: The design, location, alignment and dimensions of new roads provide safe vehicle (<u>including all emergency services vehicles</u>), pedestrian and cycling access and manoeuvring to every site
FS1114.8	FENZ	Supports 297.41
697.564	Waikato District Council	Delete Policy 6.4.5(a)(iv) Rooding infrastructure OR Amend Policy 6.4.5(a)(iv) Rooding infrastructure as follows: (iv) Contaminants generated <u>during construction</u> are appropriately mitigated.
FS1273.27	Auckland Transport	Supports 697.564
742.55	NZTA	Retain Policy 6.4.5 Rooding Infrastructure, except for the amendments sought below AND Amend Policy 6.4.5 Rooding infrastructure as follows: Policy - <u>Land transport network Rooding infrastructure</u> (a) Ensure that <u>rooding-land transport network</u> infrastructure is developed so that: (i) The design, location, alignment and dimensions of new roads- land transport networks ... (ii) The rooding-pattern <u>land transport network</u> provides good connectivity to the site and integrates with adjacent land-developments and identified as-future growth areas including <u>walking and cycling networks and facilities and public transport</u> ...
FS1273.25	Auckland Transport	Supports 742.55
302.48 633.16 766.4	EnviroWaste Van Den Brink Group Holcim	Add an exclusion to Policy 6.4.5(i) and (ii) Rooding Infrastructure for Industrial Zones

42.1 Analysis

658. **Counties Manukau Police** [297.58], **Withers Family Trust** [598.17], **Waikato Regional Council** [81.222], **Anna Noakes** [524.26], **FFNZ** [680.305], **Powerco** [836.57], **POAL** [578.104] and **Waikato DHB** [923.124] all seek to retain Policy 6.4.5 as notified.
659. The submitters' reasons include that the policy helps give effect to WRPS policies 6.1, 6.3, 6.15 and Section 6A in terms of placing emphasis on planned, co-ordinated approach to subdivision and development and provision of supporting infrastructure; it also provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district. The submitters

consider this approach is essential to achieving strong health and well-being outcomes for the district's communities, and ensures that there is an obligation to consider access by emergency services and consequently any other service vehicles especially when other vehicles are parked on the road-side. The submitters want to ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where greenfield sites are identified for urban growth, that the ability to appropriately, effectively and efficiently service these areas in comparison to other areas has been adequately investigated through Section 32 RMA analysis.

660. *[FS1273.30] Auckland Transport supports [81.222]: Waikato Regional Council: retention of this policy generally. [FS1273.29] Auckland Transport opposes [578.104] POAL: see support of the amendments noted in submission point [742.55] below.*
661. For the reasons that Policy 6.4.5 - Roading Infrastructure is included within the PWDP, for integration of infrastructure with subdivision, land use and development, and for the reasons provided by the submitters, I recommend accepting in part Counties Manukau Police [297.58], Withers Family Trust [598.17], Waikato Regional Council [81.222] and *[FS1273.30] Auckland Transport*, Anna Noakes [524.26], FFNZ [680.305], Powerco [836.57], POAL [578.104] and Waikato DHB [923.124] and accepting in part *[FS1273.29] Auckland Transport*, to the extent that the policy is amended in response to other submission points.
662. **Waikato District Council** [697.563]: seeks to Amend Policy 6.4.5 Roading infrastructure by renumbering as 6.5.8 and inserting it after Policy 6.5.7.
663. *[FS1273.26] Auckland Transport supports [697.563]: moving the policy under Objective 6.5.1, where it sits more logically.*
664. I agree that, although transport is infrastructure, the roading infrastructure policy would more logically sit with the transport objective and section. I recommend accepting Waikato District Council [697.563], and re-locate Policy 6.4.5 to be 6.5.8.
665. **Tainui o Tainui** [942.56]: seeks to add a new clause to Policy 6.4.5(a) Roading infrastructure, for where land is still owned by Maaori but has been appropriated by Council without compensation for public use, that lease arrangements should be entered into.
666. The submitter states that the predecessor of the council acquired a vast area of inalienable Maaori land in Whaingaroa/Raglan for roads and other public purposes. The submitter considers that Council could be proactive in establishing arrangements with affected landowners.
667. Land ownership, compensation for public use and lease arrangements would be covered by other legislation, and not by the PWDP and the RMA, except in the case of designations, which generally involve the Public Works Act for land acquisition. I recommend rejecting Tainui o Tainui [942.56].
668. **Counties Power** [405.4]: seeks to add to Policy 6.4.5 (a) Roading infrastructure, to accommodate installation of (non-road) network infrastructure.
669. Counties Power supports good design and connectivity of roads. The submitter considers that road corridors are utilised for installation of distribution network for the connection of new subdivisions and development.

670. *[FS1211.27] First Gas supports [405.4]: which seeks to add to Policy 6.4.5 (a) Rooding Infrastructure.*
671. *[FS1273.28] Auckland Transport opposes [405.4]: the relief sought in that the application of technical standards to road assets are most appropriately dealt with outside the Plan through the relevant codes of practice and engineering standards.*
672. I agree that, although the issue of network utility co-location in the transport corridors is part of Policy 6.5.6, it is also an issue of integration of infrastructure with subdivision, land use and development and can add value to Policy 6.4.5. Other guidance, outside the PWDP, also assists in the co-location of network utilities in the transport corridor, including subdivision design and RITS, and the Corridor Access Request process. I agree with the inclusion of a sub-policy recognising the use of the road corridor for network infrastructure. I recommend accepting Counties Power [405.4] and *[FS1211.27] First Gas* and rejecting *[FS1273.28] Auckland Transport*.
673. **Counties Manukau Police** [297.41]: Amend Policy 6.4.5(a)(i) Rooding infrastructure to provide for safe emergency services vehicle access.
674. The submitter considers this is needed to ensure that there is an obligation to consider access by emergency services and consequently any other service vehicles especially when other vehicles are parked on the road-side. This is of specific concern to the submitter and has been problematic in some new developments under the authority of Auckland Council.
675. *[FS1114.8] FENZ supports [297.41]: the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
676. I do not consider that this amendment is needed, as the policy already covers the principal modes of vehicles, pedestrians and cycling. Emergency services vehicle access is provided for in recommended amended Policy 6.4.4 – Land transport network. I recommend rejecting Counties Manukau Police [297.41] and *[FS1114.8] FENZ*.
677. **Waikato District Council** [697.564]: Delete Policy 6.4.5(a)(iv) Rooding infrastructure OR Amend Policy 6.4.5(a)(iv) Rooding infrastructure to only mitigate contaminants generated during construction.
678. *[FS1273.27] Auckland Transport supports [697.564]: the proposed amendment.*
679. I agree that contaminants from road construction, principally silt and sediment (but sometimes other contaminants such as zinc, copper, hydrocarbons and residual pesticides) need to be managed and is appropriately within the district planning level. At a higher level, the water quality of discharges from road operation run-off will be a matter for regional plan control, in the discharge consents for road drainage discharging to land or water-bodies. I understand the issue of contaminant mitigation in relation to roads was raised as an issue during consultation with iwi on the PWDP. Following management of contaminants generated during road construction, it is anticipated that iwi will at a later stage want to go further in relation to stormwater discharge consents from roads. I support the limiting of

district plan level road run-off contamination to the construction stages. I recommend accepting Waikato District Council [697.564]; [FS1273.27] *Auckland Transport*.

680. **NZTA** [742.55] seeks to amend Policy 6.4.5 as set out in the above table, to refer to the land transport network instead of roading and add in walking and cycling networks.
681. The submitter supports the intent of Policy 6.4.5, but requests that it is amended to change the focus from "roads" to the "land transport network". The submitter states that it is important new communities are developed with access to a range of transport options, including off road walkways and cycle facilities, and provide connectivity to existing and future development.
682. [FS1273.25] *Auckland Transport* supports [742.55]: the proposed amendment.
683. I agree the proposed amendments more appropriately address the wider than roads land transport networks. They also provide a more accurate statement of the policy intent, including integration with subdivision, land use and development, and that future growth areas need walking and cycling attention as well as public transport. I recommend accepting NZTA [742.55] and [FS1273.25] *Auckland Transport*, as reflected in the recommended amendments recorded below.
684. **EnviroWaste** [302.48], **Van Den Brink Group** [633.16] and **Holcim** [766.4]: seek to add an exclusion to Policy 6.4.5(i) and (ii) Roothing Infrastructure for Industrial Zones.
685. The three submitters' reasons are: As Industrial areas are subject to less pedestrian thoroughfare or recreational cyclist facilities, there is no reason to require industrial areas to adhere to the same amenity standards as residential and higher amenity zones.
686. In industrial areas the cycling and walking facilities are also for journey to work, and in most cases not primarily for recreation or amenity. I recommend rejecting EnviroWaste [302.48], Van Den Brink Group [633.16] and Holcim [766.4].

42.2 Recommendations

687. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Counties Manukau Police [297.58], Withers Family Trust [598.17], Waikato Regional Council [81.222] and [FS1273.30] *Auckland Transport*, Anna Noakes [524.26], FFNZ [680.305], Powerco [836.57], POAL [578.104] and Waikato DHB [923.124] and accept in part [FS1273.29] *Auckland Transport*
 - b. Accept Waikato District Council [697.563]
 - c. Reject Tainui o Tainui [942.56]
 - d. Accept Counties Power [405.4] and [FS1211.27] *First Gas*; reject [FS1273.28] *Auckland Transport*
 - e. Reject Counties Manukau Police [297.41] and [FS1114.8] *FENZ*
 - f. Accept Waikato District Council [697.564] and [FS1273.27] *Auckland Transport*
 - g. Accept NZTA [742.55] and [FS1273.25] *Auckland Transport*
 - h. Reject EnviroWaste [302.48], Van Den Brink Group [633.16] and Holcim [766.4].

42.2.1 Recommended amendments

688. Relocate Policy 6.4.5 to be 6.5.8 and amend as follows:

~~6.4.5~~ **6.5.8** Policy – Roading Land transport network infrastructure [742.55 NZTA and 697.563 Waikato District Council]

- (a) Ensure that roading land transport network infrastructure is developed so that: [742.55 NZTA]
- (i) The design, location, alignment and dimensions of new roads land transport networks provide safe vehicle, pedestrian and cycling access and manoeuvring to every site; [742.55 NZTA]
 - (ii) The ~~roading pattern~~ land transport network provides good connectivity to the site and integrates with adjacent land-developments and identified as future growth areas including walking and cycling networks and facilities and public transport ~~such as bus stops~~; [742.55 NZTA]
 - (iii) There is adequate provision of on-site parking and manoeuvring for land use activities; ~~and~~
 - (iv) Contaminants generated during construction are appropriately mitigated; and [697.564 Waikato District Council]
 - (v) Design, alignment and dimension of new roads to accommodate installation of network infrastructure in accordance with technical and safety specification. [405.4 Counties Power]

42.3 Section 32AA evaluation

689. Amendment relocates the transportation policy under the transportation objective, broadens roads to include the land transport network, and improves integration of development with infrastructure, to better meet the objective.

Other reasonably-practicable options

690. Retaining the objective as notified is the principal option. However, I agree with the need to recognise that the transport network is more than just roads, and needs to support rail and walking and cycling, and public transport. This would also give effect to the RPS objective and policy framework on regionally significant transport corridors and supporting alternative modes of walking, cycling and public transport. Recognition, that new roads need to be able to accommodate non-transport network infrastructure, has implications for their design but is the preferred approach. Some very large scale trunk network infrastructure cannot always fit in roads, and drainage can only use the road where gravity agrees.

Effectiveness and efficiency

691. The objective is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act. The amended objective is a more appropriate way to achieve the purpose of the Act, to promote the sustainable management of natural and physical resources, with sustainable management meaning managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The objective is amended to recognise the wider land transport network and to assist the objective of integrating infrastructure with subdivision, land use and development.

Costs and benefits

692. I do not consider there are significant costs if the objective is amended, as the PWDP policies already align with the new objective. There may be a cost in arguments where the new infrastructure needed cannot reasonably be accommodated within the road, for example larger transformers or pump stations.

Risk of acting or not acting

693. There is sufficient information to avoid risks of acting or not acting to amend the objective. The policies already support the amended objective.

Decision about most appropriate option

694. The amended objective gives effect to the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the purpose of the Act.

43 6.4.6 Objective – Stormwater and drainage

Submission point and Submitter		Decision requested
836.58 Powerco 524.27 Anna Noakes 598.18 Withers Family Trust 578.105 POAL 942.57 Tainui o Tainui		Retain Objective 6.4.6 Stormwater and drainage, as notified.
Submission point	Submitter	Decision requested
680.306	FFNZ	Delete Objective 6.4.6 (a) Stormwater and drainage OR Amend Objective 6.4.6 (a) Stormwater and drainage as follows: (a) The hydrological characteristics of the natural drainage processes are retained <u>where new subdivision, development or land use is proposed.</u>
579.41	Lakeside2017	Amend Objective 6.4.6 Stormwater and drainage, as follows: (a) The hydrological characteristics of the natural drainage processes are managed to <u>achieve a treatment train process and minimise stormwater effects.</u>

43.1 Analysis

695. **Anna Noakes** [524.27]; **Powerco** [836.58]; **Tainui o Tainui** [942.57]; **POAL** [578.105]; **Withers Family Trust** [598.18] all seek to retain Objective 6.4.6 Stormwater and drainage.

696. The submitters' reasons include that the objective provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district; and it provides for integration of infrastructure with subdivision, land use and development including electricity services. The submitters wish to ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where greenfield sites are identified for urban growth, that the ability to appropriately, effectively and efficiently service these areas in comparison to other areas has been adequately investigated through Section 32 RMA analysis.
697. For the reasons Objective 6.4.6 - Stormwater and Drainage is included within the PWDP, to retain hydrological characteristics of the natural drainage processes for environmental sustainability, and for the reasons provided by the submitters, I recommend accepting in part Anna Noakes [524.27]; Powerco [836.58]; Tainui o Tainui [942.57]; POAL [578.105]; Withers Family Trust [598.18] to the extent that the objective is largely intact, as amended by another submission (FFNZ [680.306]).
698. **FFNZ** [680.306] seeks to delete Objective 6.4.6 or amend it to add where new subdivision, development or land use is proposed to the end of (a).
699. FFNZ states that if the focus is management of hydrology to maintain water quantity for the purpose of managing water allocation, the district council does not have the jurisdiction for this under the RM Act. If the purpose of this objective is to manage flood control and stormwater ponding and overland flow associated with subdivision, development or land use which intensifies use of land, then FFNZ states that this objective should be amended to confine its focus to such matters.
700. I agree that the focus of this policy is on the district plan matters of control of subdivision, land use and development, and not the regional council functions of controlling water table and groundwater discharges. Existing use rights will protect lawfully established drainage arrangements, and the district plan provisions are not retrospective. I recommend accepting FFNZ [680.306].
701. Lakeside2017 [579.41]: seeks to Amend Objective 6.4.6 Stormwater and drainage, to allow a treatment train process as an alternative to retaining the natural drainage processes.
702. Hydrological characteristics of the natural drainage patterns being retained is the Objective (or outcome). That is achieved by Policy 6.4.7 which includes low-impact design, at-source treatment, control of impervious areas, and hydrological condition targets, which form part of the treatment train approach (being a method to achieve the objective). The amendments sought by the submitter are more akin to a policy. I therefore recommend rejecting Lakeside2017 [579.41].

43.2 Recommendations

703. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Anna Noakes [524.27]; Powerco [836.58]; Tainui o Tainui [942.57]; POAL [578.105]; Withers Family Trust [598.18]
 - b. Accept FFNZ [680.306]
 - c. Reject Lakeside 2017 [579.41].

43.3 Recommended amendments

704. Amend Objective 6.4.6 as follows:

- (a) The hydrological characteristics of the natural drainage processes are retained where new subdivision, development or land use is proposed. [680.306 FFNZ]

43.4 Section 32AA evaluation

705. The amendment clarifies that the district plan provisions will apply to new work. This change is not substantive, but recognises the district plan is able to influence hydrological characteristics through new subdivision, development and land use. That will achieve the purpose of the Act within the district plan level objective.

44 6.4.7 Policies – Stormwater

Submission point and Submitter		Decision requested
836.59 Powerco 923.125 Waikato DHB 524.28 Anna Noakes 598.19 Withers Family Trust 578.106 POAL		Retain Policy 6.4.7- Stormwater as notified.
Submission point	Submitter	Decision requested
419.76	Hort NZ	Add a new clause (viii) to Policy 6.4.7 Stormwater, as follows: (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development: ... <u>(viii) Avoid the generation and discharge of contaminants from urban development, particularly from high contaminant generating car parks and high use roads and into sensitive receiving environments.</u>
<i>FS1342.87</i>	<i>FFNZ</i>	<i>Supports 419.76</i>
942.58	Tainui o Tainui	Add new clauses to Policy 6.4.7 Stormwater as follows: <u>(ix) Overland flow should be intercepted, and managed to minimise effects like erosion on coastlines and beaches.</u> <u>(x) Ensure that storm water from overland flow does not adversely affect neighbouring properties.</u>
742.54	NZTA	Retain Policy 6.4.7 Stormwater, except for the amendments sought below AND Amend Policy 6.4.7(a)(v) Stormwater, as follows: Does not increase the flow of stormwater runoff onto adjoining properties <u>adjacent land</u> or flood plains ...

81.224	Waikato Regional Council	Amend Policy 6.4.7 (a)(ii) Storm water as follows: (a)(ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for on-site treatment <u>at-source management</u> ;
579.42	Lakeside2017	Amend Policy 6.4.7 Stormwater as follows: (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development: (i) Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater; (ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for <u>initial</u> on-site treatment; (iii) Minimises-Manage <u>impervious surfaces to meet agreed impervious standard within respective zones so as to reduce stormwater runoff</u> ; (iv) Retains pre-development hydrological conditions as far as practicable ; (v) <u>Manage Does not increase</u> the flow of stormwater <u>to minimise</u> runoff onto adjoining properties or flood plains, or reduce site storage capacity on site ; (vi) ..
553.5	Malibu Hamilton	Amend Policy 6.4.7(a)(i) Stormwater, as follows: Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater.
680.104	FFNZ	Amend Policy 6.4.7 (a) Stormwater, as follows: <u>(a)</u> Ensure that stormwater and drainage infrastructure for subdivision, land use and development <u>in urban and rural residential areas</u> ;
697.565	Waikato District Council	Amend Policy 6.4.7 (a) Stormwater a new matter (viii) as follows: <u>(viii) Be supported by a stormwater management plan</u>

44.1 Analysis

706. **Withers Family Trust** [598.19], **Powerco** [836.59], **Anna Noakes** [524.28], **Waikato DHB** [923.125] and **POAL** [578.106] all seek to retain Policy 6.4.7 as notified.
707. Waikato DHB supports policy 6.4.7 as it can help improve access to water and enhance water quality which can in turn affect environmental health, the local economy and overall quality of life and community well-being. Other submitters' reasons for support include that the policy provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district; and provides for integration of infrastructure with subdivision, land use and development including electricity services.
708. Submitters reasons include: Ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where greenfield sites are identified for urban growth, that the ability to appropriately, effectively and efficiently service these areas in comparison to other

areas has been adequately investigated through Section 32 RMA analysis; Provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district; Provides for integration of infrastructure with subdivision, land use and development including electricity services; Waikato DHB supports policy 6.4.7 as it can help improve access to water and enhance water quality which can in turn affect environmental health, the local economy and overall quality of life and community well-being.

709. For the reasons Policy 6.4.7 - Stormwater is included within the PWDP, to provide a low-impact stormwater management approach, and for the reasons provided by the submitters, I recommend accepting in part Withers Family Trust [598.19], Powerco [836.59], Anna Noakes [524.28], Waikato DHB [923.125] and POAL [578.106], to the extent that the policy is largely intact, as amended by other submissions.
710. **Hort NZ** [419.76]: seeks to add a new clause (viii) to Policy 6.4.7 Stormwater, to require management of contaminant generation from urban development, including high contaminant generating car parks and high use roads. Hort NZ considers the development of land from rural to urban land use results in a degradation of water quality. The submitter considers that degradation of water quality should be avoided where possible to ensure no adverse effects on the downstream users of freshwater for rural production.
711. [FS1342.87] FFNZ supports this submission point [419.76] as an addition to its own submission on Policy 6.4.7.
712. The proposed policy requires stormwater management. I agree it could be more explicit, that treatment should be for water quality as well as quantity. However, consenting of stormwater discharges from urban development, particularly from high contaminant generating car parks and high use roads, into sensitive receiving environments, is a regional council function, through which at-source treatment may be required as a condition of the discharge consent. The connections into those networks, which discharge to land or water-bodies, may be managed at district plan level to assist in meeting the conditions of any regional stormwater network discharge consent. The policy can be amended to the extent that generation of contaminants can be controlled to a certain extent at the land use and development district plan level, and particularly silt and sediment, and discharges are controlled by regional councils. Although the regional council functions include management of water quality and discharges, the district plan is able to contribute to management of the activities generating the contaminants. If the State Highways are designated then they are only required to take account of the objectives and policies of the district plan, but must also seek regional council consents for discharge and diversion, where water quality and contaminants will be managed. I recommend accepting in part Hort NZ [419.76] and [FS1342.87] FFNZ as follows:
- (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development: ...
- (viii) Avoid, remedy or mitigate the generation of contaminants from urban development, particularly from high contaminant generating car parks and high use roads.
713. **Tainui o Tainui** [942.58]: Add new clauses to Policy 6.4.7 Stormwater, to minimise erosion on coastlines and beaches by intercepting overland flows, and to ensure overland flows do not affect neighbouring properties.

714. The submitter states that one area not mentioned are the stormwater pipes and other infrastructure directed to local beaches, which result in scouring out of dunes, loss of vegetation and back-dunes and encroachment on coastal land. In terms of residential areas, the submitter considers all development needs to have infrastructure signed off as compliant with rules especially where the development occurs above existing homes as gravity and the natural flow paths may end up adversely affecting the health of people living below.
715. While I admit that Policy 6.4.7 Stormwater may not significantly improve existing coastal erosion effects in the short-term, Policy 6.4.7(a)(iv) seeks to retain the pre-development hydrological conditions as far as practicable. Policy 6.4.7(a)(v) ensures there is no increase in flow of stormwater run-off onto adjacent land. I recommend rejecting *Tainui o Tainui* [942.58].
716. **NZTA** [742.54]: supports the intent of Policy 6.4.7 and seeks a minor change to clause (v) to refer to "land" rather than "properties" so it is clear that this also applies to transport corridors which may not be considered properties per se. The submitter seeks the replacement of "adjoining" with "adjacent", as the former implies the parcels must be contiguous.
717. By addressing "adjacent land" rather than "adjoining properties", this policy will also include roads, which are not considered to be sites or properties. I understand that "adjacent" has a broader meaning than "adjoining", and means "nearby" rather than "contiguous". I recommend accepting NZTA [742.54], so that roads can be considered affected by run-off and flooding in the same way as properties.
718. **Waikato Regional Council** [81.224] seeks to amend Policy 6.4.7 (a)(ii) to replace 'on-site treatment' with 'at-source management'.
719. The submitter considers care is required with on-site treatment, if this means the assets would be on-lot and hence in private ownership; and asks how will Waikato District Council ensure that the stormwater management devices are constructed as per design criteria and that they are operated and maintained into the future? At-source stormwater management in the public domain is preferred by the submitter, i.e. in the roading corridor or in drainage reserves, as this ensures that the assets can be operated and maintained as intended with the District Council ensuring this happens. The submitter states that significant systems are needed to be in place within the District Council to manage the implementation and ongoing success of on-lot devices (to document on-lot device location, design criteria, operation and maintenance requirements, certificate of fitness, issues as they arise, etc.). The submitter states their stormwater discharge resource consents are not able to cover on-lot devices.
720. I agree with the requested amendment from "on-site treatment" to "at-source management", however at-source management will still include on-site treatment. Stormwater management in the public domain is preferred by both the Waikato District Council and the Waikato Regional Council, mainly for better maintenance of devices. However, in many cases on-site treatment and mitigation may be most appropriate, and particularly for large sites, and sites that include streams or front other water-bodies, or would benefit from soakage, groundwater recharge or to mitigate diversion effects. The proposed policies allow for the inclusion of public stormwater management assets within the roading corridor and drainage reserves. I recommend accepting Waikato Regional Council [81.224].

721. **Lakeside2017** [579.42] seeks to amend Policy 6.4.7 as set out in the above table, including various wording changes and the deletion of reference to retaining pre-development hydrological conditions.
722. The submitter considers that the effect of their amendment is to provide a managed process to control stormwater and promote best practice. Lakeside2017 considers that the notified policy would prevent development like Lakeside, and their requested amendments will ensure high standards of stormwater management will be achieved in the urban development. The submitter considers that the objective and policy are unworkable as no new development that includes roads, houses and paved surfaces will be above the “pre-development hydrological conditions”; the incorporation of “as far as practicable” in the policy is recognised but the submitter considers that this will invite debate on what that means.
723. I recommend changing “on-site” to “at-source” rather than “initial” treatment. Low-impact stormwater management includes a treatment train approach, with at-source treatment preferred. The policy intent is to minimise impervious surfaces overall. The rules set the agreed impervious standards to implement the policies. “As far as practicable” means infiltration to ground, groundwater recharge, retention and detention of run-off, and water re-use. “Does not increase the flow of stormwater” sets a policy direction, but “manage” does not as no outcome is identified. Site storage capacity on-site can be replaced but should not be reduced if it will exacerbate flooding effects. I recommend rejecting [579.42] Lakeside2017 [579.42] .
724. **Malibu Hamilton** [553.5]: The submitter considers that the use of "where appropriate" is not required in clause (a)(i) and is not defined.
725. Use of “where appropriate” accepts that there will be circumstances where the approach is not practicable, for example where there is a need to clear flooding from upstream, or if soil conditions and topography cannot sustain stormwater infiltration into the ground without affecting land stability. High density residential development cannot fully participate in low-impact design if the site has been created without scope or space around the building. I recommend rejecting Malibu Hamilton [553.5].
726. **FFNZ** [680.104]: seeks to amend Policy 6.4.7 (a) Stormwater, so that it only applies to urban and rural residential areas.
727. The submitter conditionally supports this policy provided that criteria for low-impact design approaches and minimising impervious surfaces is focused so that these only apply in urban areas. The submitter considers that in rural areas, the impact of stormwater from development, and the amount of impervious surface in comparison to land area, is insignificant to the point that these are not relevant issues, and the costs of carrying out assessment and design for these matters far outweighs any benefit to be derived.
728. I do not consider the suggested amendment is needed. Stormwater management is concerned not only with impervious area controls and point of run-off, it also involves flood management and storage, overland flow paths, and potentially groundwater effects and stream and wetland ecology. I accept that the level of analysis and the techniques used for stormwater management will be different within a rural environment from an urban development site. The rules are amended in response to a Waikato District Council

submission, to not require stormwater management in the Rural Zone as it is undertaken on-site. I recommend rejecting FFNZ [680.104].

729. **Waikato District Council** [697.565]: seeks to add a new clause to the Policy requiring support by a stormwater management plan.
730. The submitter considers this an inclusion of an additional note to better explain stormwater management plan requirements.
731. I support the clarification, that a stormwater management plan will support the design of the stormwater and drainage infrastructure. A stormwater management plan will assess the hydrological conditions and design a system to manage stormwater effects, using the techniques described in the policies. I recommend accepting Waikato District Council [697.565]. There will be a consequential amendment in the rules.

44.2 Recommendations

732. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Withers Family Trust [598.19], Powerco [836.59], Anna Noakes [524.28], Waikato DHB [923.125] and POAL [578.106]
 - b. Accept in part Hort NZ [419.76] and [FS1342.87] FFNZ
 - c. Reject Tainui o Tainui [942.58]
 - d. Accept NZTA [742.54]
 - e. Accept Waikato Regional Council [81.224]
 - f. Reject Lakeside2017 [579.42]
 - g. Reject Malibu Hamilton [553.5]
 - h. Reject FFNZ [680.104]
 - i. Accept Waikato District Council [697.565].

44.3 Recommended amendments

733. Amend Policy 6.4.7 as follows:
- (a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development: ...
 - (ii) Manages stormwater in accordance with a drainage hierarchy, with a preference for ~~on-site treatment~~ at-source management; ... [81.224 Waikato Regional Council]
 - (v) Does not increase the flow of stormwater runoff onto ~~adjoining properties~~ adjacent land or flood plains, or reduce storage capacity on site; [742.54 NZTA]
 - (vi) Provides a stormwater catchment management plan for future urban development; ~~and~~
 - (vii) Promotes clean water reuse and groundwater recharge where practicable;:-
 - (viii) Avoids, remedies or mitigates the generation of contaminants from urban development, particularly from high contaminant generating car parks and high use roads; and [419.76 Hort NZ]
 - (viii) Is supported by a stormwater management plan. [697.565 Waikato District Council]

44.4 Section 32AA evaluation

734. The amendments clarify stormwater management terms and planning techniques, affected land and contamination of stormwater run-off as policy issues.

Other reasonably-practicable options

735. Reasonably practicable options include the policy as notified, the versions proposed by submitters, and the recommended amendments. Minor amendments are proposed to include roads as if they were 'sites' for the purpose of managing stormwater run-off and flooding. At-source treatment is substituted for on-site treatment, to allow treatment near where the stormwater run-off originates without necessarily creating a proliferation of private on-site treatment devices. Management of contaminants in run-off is introduced to the extent possible at a district plan level. The requirement for a stormwater management plan is introduced as a policy for site stormwater management, within the low-impact approach.

Effectiveness and efficiency

736. The policy as amended is required to be the most appropriate, in efficiently and effectively achieving the objectives, of the PWDP for infrastructure and integration of infrastructure and development, and particularly the stormwater management objective 6.4.6.

Costs and benefits

737. I do not consider there are significant costs if the policy is amended, however there are private economic costs in preparing and implementing a stormwater management plan to achieve environmental and social benefits of water flow management and waterway and riparian protection. There are also costs to contaminant management, but clear benefits in controlling silt and sedimentation effects, particularly of new construction and small scale land development.

Risk of acting or not acting

738. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

739. The amended policy gives effect to the RPS requirements for co-ordination of planning, development and infrastructure. It is considered to be the most appropriate, in efficiently and effectively achieving the PWDP stormwater objective.

45 6.5 Transport

46 General submissions on Transport

Submission point	Submitter	Decision requested
81.223	Waikato Regional Council	Amend Section 6.5 Transport Objectives and Policies to take into account the Regional Land Transport Plan (RLTP).

FSI307.3	New Zealand Walking Access Commission	(not stated)
FSI087.27	POAL	Supports 81.223
FSI202.63	NZTA	Supports 81.223

46.1 Analysis

740. **Waikato Regional Council** [81.223] seeks to amend Section 6.5 Transport Objectives and Policies to take into account the Regional Land Transport Plan (RLTP).
741. The submitter states that while the provisions in this section are generally supported, the submitter considers the policies could be considerably strengthened to be more consistent with the Waikato Regional Land Transport Plan (RLTP). WRC states that Road Controlling Authorities play an important role in implementing the policies and implementation actions of the RLTP and considers that the District Plan would benefit from incorporating the following elements into Section 6.5: Recognising the important role strategic road and rail corridors play in the district for facilitating the movement of inter and intraregional freight; Connecting Regional cycle trails; Specifically providing for public transport in new growth areas of the district; and Supporting energy efficient transport modes by providing the necessary infrastructure e.g. electric vehicle chargers.
742. *[FSI307.3] New Zealand Walking Access Commission (not stated). [FSI087.27] POAL supports [81.223]: agrees with the submitter that the policies should recognise the important role that the strategic road and rail corridors play in the district for facilitating the movement of freight. [FSI202.63] NZTA supports [81.223]: in relation to the Regional Land Transport Plan and agrees that it is an appropriate consideration.*
743. The current Waikato RLTP is the 2018 Update to The Waikato Regional Land Transport Plan 2015 - 2045 documenting regional land transport objectives and policies and measures as well as providing a statement of transport priorities for the region. Nothing in the PWDP Chapter 6 Objectives and Policies appears inconsistent with the RLTP, however the PWDP is not a work programme or funding allocation. The RLTP policy framework clearly articulates the region's key transport issues as being:
- a. Protecting the function of our strategic corridors in the context of growth pressures in and around Hamilton, the North Waikato, and in the upper North Island overall
 - b. Tackling our complex road safety problem and the disproportionate number of deaths and injuries in the region; and
 - c. Providing for the access and mobility needs of our communities in a changing social, demographic, economic and technological landscape.

Waikato Regional Land Transport Plan 2015 – 2045

744. The Waikato Regional Land Transport Plan (WRLTP) has been developed for the region by the Waikato Regional Transport Committee, and sets out:
- a. How it intends to develop the region's land transport system over the next 30 years; and

- b. What regional transport activities are proposed for investment (local and/or central government) over the next six years.
745. The WRLTP replaces the previous Regional Land Transport Strategy and Regional Land Transport Programme. Whilst the WRLTP is not a document specifically required under the RMA for the Proposed District Plan to give effect to, it is considered relevant given it has been prepared to complement and implement key WRPS built environment policies. The following are the six regional land transport objectives identified in the WRLTP. These are intended to help achieve the purpose of the Land Transport Management Act aim of an effective, efficient, and safe land transport system in the public interest.
1. Integration and forward planning – "An integrated and aligned land use and transport system."
 2. Facilitating Economic Development – "An effective and efficient land transport system that enhances economic well-being, and supports growth and productivity within the Waikato region and upper North Island."
 3. Road safety – "To achieve a significant reduction in risk, deaths and injuries across the Waikato region."
 4. Affordability – "An adaptable and flexible approach to managing and developing the land transport system that optimises funding options and provides innovative management approaches to best meet the needs of the region in an affordable way."
 5. Access and mobility – "Communities in the Waikato have access to a multimodal land transport system that functions effectively to meet their social, cultural and economic needs."
 6. Environmental sustainability and resilience – "An environmentally sustainable and energy efficient land transport system that is robust and resilient to external influences."
746. The WRLTP highlights the importance of integrated land use and transport planning: an integrated regional land transport system that enables a range of economic, social and environmental outcomes to be met at local, regional and wider spatial scales. There are a number of policies which are relevant, however the key messages are:
- a. Ensure land development takes into account the existing transport hierarchy and future requirements of the transport network;
 - b. Ensure land development does not compromise the safety and efficiency of strategic transport corridors;
 - c. Ensure the transport network provides for all modes of transport;
 - d. Develop, maintain and protect key strategic corridors;
 - e. Protect and promote the development of the regional rail network for the transportation of freight;
 - f. Adopt the one network approach to ensure 'whole of journey' people and goods movements within the region.
 - g. Develop efficient processes and freight routes for the movement of high productivity motor vehicles through the region.
 - h. Improve travel demand management measures between Hamilton and satellite towns.
 - i. Plan and develop the region's transport network to enable appropriate connectivity between local networks and strategic corridors.
 - j. Manage transport demand in the Future Proof sub-region and improve transport choices.
 - k. Recognise and plan for the anticipated effects arising from system resilience issues, such as climate change, alternative fuels and technological change.

747. While the objectives of the WRLTP are high-level and are addressing land transport issues at a regional level, the themes of integration, well-being and productivity, safety, multi-modal accessibility and sustainability are relevant to the PWDP. Some of these themes/matters are addressed within the PWDP provisions and they can readily be included.
748. The Waikato Proposed District Plan (PWDP) includes transport objective and policies for an integrated land transport network, accessible, safe and efficient for all modes; construction and operation of the land transport network; road hierarchy; standards; road safety and vehicle access. As included within the submission, PWDP 6.5 Transport could also include:
- a. Recognising the important role strategic road and rail corridors play in the district for facilitating the movement of inter and intraregional freight;
 - b. Connecting regional cycle trails;
 - c. Specifically providing for public transport in new growth areas of the district; and
 - d. Supporting energy efficient transport modes by providing the necessary infrastructure e.g. electric vehicle chargers.
749. WDC work is continuing on planning, acquiring, developing, connecting and enabling walkways and cycleways, and the PWDP identifies a primary indicative network. Provisions for electric vehicle chargers are included within the infrastructure sections. Road design for new growth areas is required to provide for public transport. The submitter may wish to provide more detail about how the PWDP objective and policies can take into account the RLTP. I recommend accepting in part Waikato Regional Council [81.223], to the extent that 6.5 Transport can include the objectives relating to recognising the important role strategic road and rail corridors play in the district for facilitating the movement of inter- and intraregional freight, and relating to effective and efficient transport system supporting growth and productivity, and policies on regional rail, freight and the one network approach; accepting in part [FS1307.3] *New Zealand Walking Access Commission* ((not stated)); [FS1087.27] *POAL* and [FS1202.63] *NZTA*, to the extent that the amendments satisfy their relief sought.

46.2 Recommendations

750. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Waikato Regional Council [81.223], to the extent that 6.5 Transport can include the objectives relating to recognising the important role strategic road and rail corridors play in the district for facilitating the movement of inter and intraregional freight; accept in part [FS1307.3] *New Zealand Walking Access Commission* (not stated), [FS1087.27] *POAL* and [FS1202.63] *NZTA*.

46.3 Recommended amendments

751. Add new objective and policy parts/amend 6.5 as follows:

6.5.1 Objective – Land transport network

- (a) An integrated land transport network where:
 - (i) All transport modes are accessible, safe and efficient; and

- (ii) Adverse effects from the construction, maintenance, upgrading¹⁹ and operation of the transport network are ~~managed~~ avoided, remedied or mitigated.²⁰
- (iii) Strategic road and rail corridors play an important role in the district for facilitating the movement of inter and intra-regional freight;
- (iv) There is an effective and efficient land transport system that enhances economic well-being, and supports growth and productivity within the Waikato region and upper North Island.²¹

Consequential policy amendments (additions):

6.5.2 Policy – Construction, maintenance, upgrading²² and operation of the land transport network

6.5.2 (xi) Protect and promote the development of the regional rail network for the transportation of freight;

(xii) Develop efficient processes and freight routes for the movement of high productivity motor vehicles through the region.

6.5.3 Policy – Road hierarchy and function

6.5.3 (b) Adopt the one network approach to ensure ‘whole of journey’ people and goods movements within the region.

[81.223 Waikato Regional Council]

46.4 Section 32AA evaluation

752. These amendments are required to give effect to the Waikato Regional Policy Statement. There are also relatively minor amendments to include ‘upgrading’ as a function of the land transport network operations, and identifying that ‘managing effects’ means ‘avoiding, remedying or mitigating effects’. The more substantial amendments introduce the importance of freight movement and wider growth and productivity, and economic well-being.

Other reasonably-practicable options

753. Reasonably practicable options include the policy as notified, the versions proposed by submitters, and the recommended amendments. Minor amendments are proposed to include ‘upgrading’ as a function of the land transport network operations, and identifying that ‘managing effects’ means ‘avoiding, remedying or mitigating effects’. Freight and economic well-being, along with growth and productivity, will be introduced to give effect to the RPS.

Effectiveness and efficiency

754. The objective as amended is required to be the most appropriate, in efficiently and effectively achieving the purpose of the Act, which included economic well-being. The consequential policy amendments, of the PWDP (6.5.2 The land transport network, and

¹⁹ 742.56 NZTA; 986.39 KiwiRail

²⁰ 559.64 Heritage NZPT

²¹ 81.223 Waikato Regional Council

²² 742.57 NZTA

6.5.3 Road hierarchy and function) are required to most efficiently and effectively achieve the amended objective.

Costs and benefits

755. I do not consider there are significant costs if the objective and policies are amended, however there may be a re-direction of attention on road and rail infrastructure, inland ports, industrial and logistics development and activities, and the networks and possibly zonings needed to sustain those activities within and through the district and region

Risk of acting or not acting

756. There is sufficient information to avoid risks of acting or not acting to amend the objectives and policies.

Decision about most appropriate option

757. The amended objective is the most appropriate to achieve the purpose of the Act, and particularly economic well-being, and the policy amendments will give effect to the RPS requirements for strategic and operational freight and economic well-being, along with growth and productivity, and best achieve the amended PWDP objective.

47 6.5.1 Objective – Land transport network

Submission point	Submitter	Decision requested
836.5	Powerco	Retain Objective 6.5.1 Land Transport network as notified.
<i>FS1211.28</i>	<i>First Gas</i>	<i>Supports 836.5</i>
578.107	POAL	Retain Objective 6.5.1 Land transport network, as notified.
<i>FS1273.33</i>	<i>Auckland Transport</i>	<i>Opposes 578.107</i>
680.105	FFNZ	Retain Objective 6.5.1 Land transport network, as notified.
742.56 986.39	NZTA KiwiRail	Retain Objective 6.5.1 Land Transport Network, except for the amendments sought below AND Amend Objective 6.5.1(a)(ii) Land Transport Network as follows: Adverse effects from the construction, maintenance, <u>upgrading</u> and operation of the transport network are managed.
<i>FS1273.31</i> <i>FS1273.32</i>	<i>Auckland Transport</i>	<i>Support 742.56 and 986.39</i>
<i>FS1323.46</i>	<i>Heritage NZPT</i>	<i>Supports 742.56</i>
297.42	Counties Manukau Police	Amend Objective 6.5.1(a)(i) Land transport network as follows:

		All transport modes, <u>including emergency services vehicles</u> , are accessible, safe and efficient; and...
<i>FS1114.9</i>	<i>FENZ</i>	<i>Supports 297.42</i>
559.64	Heritage NZPT	Retain Objective 6.5.1 Land transport network, except for the amendments sought below. AND Amend Policy 6.5.1(a)(ii) Land transport network as follows: (ii) Adverse effects from the construction, maintenance and operation of the transport network are managed-avoided, remedied or mitigated.
923.126	Waikato DHB	Amend Objective 6.5.1 (a) (i)- Land Transport Network as follows: All transport modes <u>including public transport and walking and cycling</u> are accessible, safe, <u>effective and efficient.</u>

47.1 Analysis

758. **Powerco** [836.5], **POAL** [578.107] and **FFNZ** [680.105]: seek to Retain Objective 6.5.1 Land Transport network as notified.
759. Powerco considers that the Policy will provide for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district.
760. *[FS1211.28] First Gas supports [836.5]: the retention of Objective 6.5.1 which seeks to provide for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district.*
761. *[FS1273.33] Auckland Transport opposes [578.107]: Auckland Transport supports the amendments proposed by the NZTA [742] and KiwiRail [986] and consequently, opposes the retention of the notified version of this objective.*
762. I recommend accepting in part Powerco [836.5], POAL [578.107] and FFNZ [680.105] and *[FS1211.28] First Gas* and *[FS1273.33] Auckland Transport*, to the extent that the Policy is kept largely intact, as amended in response to NZTA and KiwiRail submissions.
763. **NZTA** [742.56] and **KiwiRail** [986.39]: support the policy but seek inclusion of “upgrading”.
764. NZTA supports Objective 6.5.1 as it aligns with the land Transport Management Act 2003 and requests minor change to recognise that upgrading is also a necessary part of infrastructure management. KiwiRail supports the objective as it recognises the integral role transport infrastructure plays in the District and that it meets several key community well-beings. KiwiRail considers development which is inappropriately located can result in adverse effects as well as compromised amenity if not appropriately designed and located.
765. *[FS1273.31] Auckland Transport supports [742.56] and [FS1273.32] Auckland Transport supports [986.39]: this provision as it aligns with the Land Transport Management Act 2003, and agrees that the recognition of the requirement to maintain and upgrade the road network is a necessary*

component of infrastructure management (submission point 742.56). Auckland Transport also supports recognition being given to the management of adverse effects arising from construction and maintenance activities. These changes recognise that construction, operation, and maintenance activities are all important part of providing a safe and efficient land transport network, and need to be provided for.

766. *[FS1323.46] Heritage NZPT supports [742.56]: the proposed inclusion of the additional matter of upgrading as this encompasses an important aspect of the Transport Agency work, subject to the amendments sought on the same Objective by HNZPT.*
767. This provision aligns with the Land Transport Management Act 2003, and the recognition of the requirement to maintain and upgrade the road network is a necessary component of infrastructure management. Recognition is given to the management of adverse effects arising from construction and maintenance activities. These changes recognise that construction, operation, and maintenance activities are all important parts of providing a safe and efficient land transport network, and need to be provided for. For the reasons provided by the submitters and further submitters above, recommend accept NZTA [742.56]; KiwiRail [986.39]; FS1273.31 Auckland Transport; FS1273.32 Auckland Transport; FS1323.46 Heritage NZPT.
768. **Counties Manukau Police [297.42]:** seeks to Amend Objective 6.5.1(a)(i) Land transport network to include explicit recognition of emergency services vehicles.
769. The submitter wishes to ensure that there is an obligation to consider access by emergency services and consequently any other service vehicles especially when other vehicles are parked on the roadside; This is of specific concern to the submitter and has been problematic in some new developments under the authority of Auckland Council.
770. *[FS1114.9] FENZ supports [297.42]: the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ; for fire appliances to access an emergency, adequate access width, height and gradient is necessary; the requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
771. I do not support this amendment, as emergency service vehicles are already part of “all transport modes”, as are public transport, walking and cycling as requested by Waikato DHB in their submission below. Making such amendments would turn the policy into a more complex, comprehensive list of transport modes, or give emphasis to one or more that should not be needed in a policy. This matter is discussed further in relation to the FENZ original submission. I recommend rejecting Counties Manukau Police [297.42] and [FS1114.9] FENZ.
772. **Heritage NZPT [559.64]:** supports Objective 6.5.1 Land transport network, but seeks that clause (ii) require adverse effects to be “avoided, remedied or mitigated” rather than “managed”.
773. The submitter considers that, as transport projects can have adverse effects on historic heritage and cultural values, adverse effects should be avoided and if they cannot be avoided should be remedied or mitigated. The submitter further considers that the use of the word “managed” does not provide sufficient guidance in this regard.

774. I agree that “avoided, remedied or mitigated” is a more appropriate RMA term than “managed”. I am not sure there is an automatic hierarchy of avoid first, and if adverse effects cannot be avoided then they should be remedied or mitigated, unless that is explicitly stated in a policy. I do not consider there should be a hierarchy in this case, however the submission will not in my opinion establish a hierarchy. I recommend accepting Heritage NZPT [559.64].
775. Waikato DHB [923.126]: seeks to Amend Objective 6.5.1 (a) (i)- Land Transport Network to include public transport, walking and cycling, and to ensure all transport modes are effective.
776. The submitter supports the Objective subject to amendments to align it more strongly to the Waikato Regional Land Transport Plan and to transport modes that can positively impact community health and well-being. The submitter considers that more explicit recognition of the Waikato Regional Land Transport Plan is required. Waikato DHB states that transport provides access to economic and social opportunities which is key to supporting social engagement and inclusion, whilst also providing access to essential services e.g. education, healthcare and employment. The submitter further states that public transport infrastructure and services, and walking and cycling infrastructure play an important role not only in increasing the capacity of the network, but in enabling access for those people whose transport choices are limited. The DHB considers the transport system can also enable increased levels of physical activity which can in turn have positive impacts on risk factors associated with chronic conditions.
777. I do not support this amendment, as public transport, walking and cycling are already part of “all transport modes”, as are emergency service vehicles as requested by Counties Manukau Police in their submission above. I accept that significant benefits are derived from public transport, walking and cycling. Making such amendments would turn the policy into a more complex, comprehensive list of transport modes, or give emphasis to one or more that should not be needed in a policy. I recommend rejecting Waikato DHB [923.126].

47.2 Recommendations

778. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.5] and [FS1211.28] *First Gas*, POAL [578.107] and [FS1273.33] *Auckland Transport*, and FFNZ [680.105]
 - b. Accept NZTA [742.56], KiwiRail [986.39], [FS1273.31] *Auckland Transport*, [FS1273.32] *Auckland Transport* and [FS1323.46] *Heritage NZPT*
 - c. Reject Counties Manukau Police [297.42] and [FS1114.9] *FENZ*
 - d. Accept Heritage NZPT [559.64]
 - e. Reject Waikato DHB [923.126].

47.3 Recommended amendments

779. Amend Objective 6.5.1(a)(ii) as follows:
- (ii) Adverse effects from the construction, maintenance, upgrading [742.56 NZTA; 986.39 KiwiRail] and operation of the transport network are ~~managed-avoided, remedied or mitigated~~. [559.64 Heritage NZPT]

47.4 Section 32AA evaluation

780. The amendments clarify origins of effects of concern, and clarify the meaning of 'management' of effects. I do not consider they have implications beyond clarification, and they do not require a s.32AA evaluation against the purpose of the Act. They use the language of s.5 of the Act in relation to effects.

48 6.5.2 Policy – Construction and operation of the land transport network

Submission point and Submitter		Decision requested
836.60 Powerco 578.108 POAL 692.37 WEL Networks 378.3 FENZ 680.106 FFNZ		Retain Policy 6.5.2- Construction and operation of the land transport network as notified.
<i>FS1273 Auckland Transport</i>		<i>FS1273.37 opposes 378.3 FS1273.40 supports 692.37 FS1273.39 supports 578.108</i>
<i>FS1035.108 Pareoranga Te Kata</i>		<i>Supports 378.3</i>
Submission point	Submitter	Decision requested
524.38	Anna Noakes	Retain Policy 6.5.2 (a)(iv) Construction and operation of the land transport network, where land is earmarked for residential or commercial/industrial development
986.40	KiwiRail	Retain Policy 6.5.2 Construction and operation of the land transport network except for the amendments sought below AND Amend Policy 6.5.2(a)(viii) Construction and operation of the land transport as follows (or similar amendments to achieve the requested relief): (viii) Discouraging the installation of new at grade road and pedestrian rail level crossings (ix) A. Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings; (x) B. Railway crossing design in accordance with the requirements of the rail operator.
<i>FS1273.38</i>	<i>Auckland Transport</i>	<i>Supports 986.40</i>
697.566	Waikato District	Amend Policy 6.5.2(a)(viii) Construction and operation of the land transport network as follows:

	Council	(viii) Discouraging the installation of new at grade road and pedestrian rail level crossings: A. (ix) Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings; and B. (x) Where a R railway crossing is required, it must be <u>designed</u> in accordance with the requirements of the rail operator.
FSI273.35	Auckland Transport	Supports 697.566
742.57	NZTA	Retain Policy 6.5.2 Construction and operation of the land transport network, except for the amendments sought below AND Amend Policy 6.5.2 Construction and operation of the land transport network as follows: Policy - Construction, <u>maintenance, upgrading</u> and operation of the land transport network (a) Promote the construction, <u>maintenance, upgrading</u> and operation of an efficient ... (ii) The appropriate design and location of sites <u>accesses</u> ; (iii) Traffic signage, road marking, lighting, rest areas, <u>service facilities</u> and parking as appropriate; (v) Corridor and carriageway design which is sufficient to enable <u>enables</u> provision of public transport ...
FSI273.34	Auckland Transport	Supports 742.57
923.127	Waikato DHB	Amend Policy 6.5.2 (a)- Construction and operation of the land transport network as follows: Promote the construction and operation of an efficient, effective, integrated, safe, resilient, <u>accessible</u> and sustainable transport network through:... AND Amend Policy 6.5.2 (a) (iv)- Construction and operation of the land transport network as follows: <u>Safe and accessible</u> provision for pedestrians and cyclists <u>to maximise accessibility</u> that addresses accessibility , including off-road facilities and connections.
297.43	Counties Manukau Police	Add to Policy 6.5.2 Construction and operation of the land transport network a new point as follows: <u>(ix) conforming to the national guidelines for CPTED</u>
405.5	Counties Power	Amend Policy 6.5.2 Construction and operation of the land transport network (a), by including the following: <u>(ix) Encourage collaborative working to enable sustainable transport and electricity networks in transport corridors and the protection of existing assets.</u>
FSI273.36	Auckland Transport	Opposes 405.5
FSI211.29	First Gas	Supports 405.5

368.14	Ian McAlley	Add to Policy 6.5.2 - Construction and operation of the land transport network the following: <u>(ix) Recognition that any adverse effects of the development of an integrated and effective land transport network can often be mitigated in a short term time-frame in comparison to the lifetime of the infrastructure.</u>
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48.1 Analysis

781. **FENZ** [378.3], **Anna Noakes** [524.38]; **Powerco** [836.60], **FFNZ** [680.106], **WEL Networks** [692.37] and **POAL** [578.108]: seek to Retain Policy 6.5.2 Construction and operation of the land transport network.
782. FENZ considers that the Policy promotes the appropriate design and location of site accesses; Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district; WEL Networks considers it provides for network utilities to be accommodated within transport corridors.
783. *[FS1273.37] Auckland Transport opposes [378.3]: Auckland Transport supports the amendments proposed by the NZTA and WDC and, consequently, opposes the retention of the notified version of this objective.*
784. *[FS1035.108] Pareoranga Te Kata supports [378.3]: Fire safety and fire prevention to undertake training activities for fire-fighters within the region.*
785. *[FS1273.40] and [FS1273.39] Auckland Transport supports [692.37] and [578.108]: Auckland Transport supports the amendments to this policy proposed by the NZTA and WDC and, consequently, opposes the retention of the notified version of this objective.*
786. I recommend accepting in part the Retain submissions and further submissions, to the extent that the Policy remains largely intact, as modified in response to submissions from NZTA and clarifications promoted by KiwiRail and Waikato District Council, for the reasons provided by the submitters and further submitters summarised above. The value of the policy is in its comprehensive treatment of the construction and operation of the land transport network, to achieve the land transport network objective.
787. **KiwiRail** [986.40] supports Policy 6.5.2 but considers it would be better expressed as separate items for clarity. KiwiRail supports the policy as it discourages new level crossings on the network. Where any new crossing is sought as part of new development, KiwiRail considers it would need to be formally consulted and approve any proposal, and that level crossings are a hazard to both rail and road traffic and every effort should be made to manage risks associated with them.
788. *[FS1273.38] Auckland Transport supports [986.40]: this proposed amendment given the safety risks associated with new and/or unmitigated existing level crossing and notes similar policy direction in the Auckland Unitary Plan Operative in Part.*
789. I recommend accepting KiwiRail [986.40]; *[FS1273.38] Auckland Transport for clarity.*

790. Waikato District Council [697.566]: seeks to amend Policy 6.5.2(a)(viii) Construction and operation of the land transport network, to renumber and to clarify when design needs to satisfy the rail operator.
791. The submitter considers this is a correction for clarity. The Submitter considers Parts A and B do not relate to Clause (viii) and would be clearer as three separate clauses. *[FS1273.35] Auckland Transport supports 697.566: amendments that provide clarity on this provision.*
792. I recommend accepting Waikato District Council [697.566], *[FS1273.35] Auckland Transport* for clarity.
793. **NZTA** [742.57]: seeks to amend Policy 6.5.2 Construction and operation of the land transport network, to introduce maintenance and upgrading, service facilities and to enable public transport.
794. The submitter supports the intent of Policy 6.5.2 and requests that minor changes are made to recognise that construction, operation, and maintenance are all important parts of providing a safe and efficient land transport network.
795. *[FS1273.34] Auckland Transport supports [742.57]: Auckland Transport supports amendments that recognise that construction, operation and maintenance are all important parts of providing a safe and efficient land transport network.*
796. I consider that the requested amendments appropriately expand the Policy to include maintenance and upgrading and that they should enable provision of public transport. I am not sure that “service facilities” has a common meaning; it is not a defined term in the PWDP, and could potentially include Police traffic enforcement space, electric vehicle chargers or fuel and food and beverage stations. I do not consider those activities and facilities would be prevented if the sub-Policy did not include “service facilities”. I recommend accepting in part NZTA [742.57] and *[FS1273.34] Auckland Transport*, to the extent that the requested amendments are made except for service facilities. Alternatively, the submitter may wish to provide a definition or description of “service facilities” so the meaning is clear.
797. **Waikato DHB** [923.127] seeks to amend Policy 6.5.2 (a) and (a)(iv) to add in references to accessibility.
798. The submitter supports the policy in principle subject to amendments to align it more strongly to the Waikato Regional Land Transport Plan. The submitter considers their proposed amendments more strongly contribute to achieving community health and well-being outcomes; and states that accessible transport networks can enable increased levels of physical activity and community connectedness for all users.
799. I agree that the requested amendments clarify the type of provision sought for pedestrians and cyclists. I recommend accepting Waikato DHB [923.127].
800. **Counties Manukau Police** [297.43]: seeks to Add to Policy 6.5.2 Construction and operation of the land transport network a new point requiring conformation to the national guidelines for CPTED.
801. The submitter seeks amendment to ensure that there is an obligation to consider CPTED, reducing victimisation, making people safe and feel safe.

802. Infrastructure providers including road controlling authorities are aware of the need for CPTED principles to be applied to the design and construction, maintenance and operation of the land transport network. From the CPTED national guidelines, there are four key overlapping CPTED principles, being Surveillance; Access management; Territorial reinforcement; and Quality environments. I recommend rejecting Counties Manukau Police [297.43] as the additional policy point is not needed. If it were added to the policy, it would need a resource consent assessment in every case, including for minor maintenance and any change in the road, for whether conforming with the guidelines had been achieved. The resource consent would be required for discretionary and non-complying resource consents, but the activity status of otherwise permitted activities would need to be revised to restricted discretionary, as the CPTED compliance assessment is a qualitative assessment.
803. **Counties Power** [405.5]: seeks to Amend Policy 6.5.2 Construction and operation of the land transport network, by encouraging collaborative working to enable sustainable transport and electricity networks in transport corridors, and the protection of existing assets.
804. The submitter wants to encourage collaborative working to achieve safe, integrated, resilient and sustainable transport and electricity networks in the transport corridors, through good design and protection of existing Counties Powers assets.
805. *[FS1273.36] Auckland Transport opposes [405.5]: and considers this amendment unnecessary.*
806. *[FS1211.29] First Gas supports [405.5]: which seeks to amend Policy 6.5.2(a)(vi), subject to an amendment to address the gas network: Encourage collaborative working to enable sustainable transport, electricity and gas networks in transport corridors and the protection of existing assets. A further submission can only support or oppose an original submission, and cannot extend the scope of relief sought in the original submission.*
807. I consider the requested amendment unnecessary. Policy 6.5.2 (a)(vi) allows provision for other infrastructure in the road, Policy 6.5.4 encourages network utility location in the road. There are also other co-operative and asset protection techniques outside the district plan, such as asset management planning, advance work programming and funding arrangements, BeforeUdig and Corridor Access Request process (road opening notices). I recommend rejecting Counties Power [405.5]; *[FS1211.29] First Gas*, accept *[FS1273.36] Auckland Transport*.
808. **Ian McAlley** [368.14] seeks to Add to Policy 6.5.2 - Construction and operation of the land transport network: recognition that any adverse effects of the development of an integrated and effective land transport network can often be mitigated in a short term time-frame in comparison to the lifetime of the infrastructure.
809. The submitter considers that the provision of adequate and appropriate infrastructure is critical to land development; stating that infrastructure has particular design characteristics that are required to be adhered to and poor infrastructure provision will lead to medium to long term costs that are borne by the community either through lack of efficiency in terms of price paid per household unit, or greater than anticipated operational and maintenance costs. The submitter also states the design life of infrastructure is normally measured in the tens of years, therefore there is adequate scope for mitigation measures to be applied that enable adequate and appropriate infrastructure to be provided and for effects on landscape,

character or ecological values to be remedied and/or mitigated and to enable social, economic, community and health and safety benefits to be enabled.

810. I consider the requested amendment unnecessary. The objective is enabling of transport and roads, as is the policy framework. Construction of new roads will require a subdivision development resource consent or a Notice of Requirement, and allow for the assessment of short-term construction effects being able to be mitigated and long term benefits of the road to be realised. I recommend rejecting Ian McAlley [368.14].

48.2 Recommendations

811. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part FENZ [378.3] and [FS1035.108] Pareoranga Te Kata, Anna Noakes [524.38], Powerco [836.60], FFNZ [680.106], WEL Networks [692.37] and [FS1273.40] Auckland Transport, and POAL [578.108] and [FS1273.39] Auckland Transport
 - b. Accept KiwiRail [986.40] and [FS1273.38] Auckland Transport
 - c. Accept Waikato District Council [697.566] and [FS1273.35] Auckland Transport
 - d. Accept in part NZTA [742.57] and [FS1273.34] Auckland Transport
 - e. Accept Waikato DHB [923.127]
 - f. Reject Counties Manukau Police [297.43]
 - g. Reject Counties Power [405.5] and [FS1211.29] First Gas, accept [FS1273.36] Auckland Transport
 - h. Reject Ian McAlley [368.14].

48.3 Recommended amendments

812. Amend Policy 6.5.2 as follows, in relation to maintenance and upgrading, safety and accessibility, and enabling public transport:

6.5.2 Policy – Construction, maintenance, upgrading²³ and operation of the land transport network

- (a) Promote the construction, maintenance, upgrading²⁴ and operation of an efficient, effective, integrated, safe, resilient, accessible²⁵ and sustainable transport network through:
- (i) Corridor, carriageway and intersection design which is appropriate to the road function as specified in the road hierarchy and in accordance with relevant guidelines;
 - (ii) The appropriate design and location of sites accesses;
 - (iii) Traffic signage, road marking, lighting, rest areas and parking as appropriate;
 - (iv) Safe and accessible provision for pedestrians and cyclists to maximise accessibility that addresses accessibility, including off-road facilities and connections.²⁶
 - (v) Corridor and carriageway design which ~~is sufficient to enable~~ enables²⁷ provision of public transport

²³ 742.57 NZTA

²⁴ 742.57 NZTA

²⁵ 923.127 Waikato DHB

²⁶ 923.127 Waikato DHB

²⁷ 742.57 NZTA

- (vi) Provision for other infrastructure, including where suitable low impact design stormwater facilities;
- (vii) Provision for stock underpasses where suitable access is not readily available;
- (viii) Discouraging the installation of new at grade road and pedestrian rail level crossings:
 - A. Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings; and
 - B. Railway crossing design in accordance with the requirements of the rail operator.
- (ix) A.²⁸ Protect and promote the development of the regional rail network for the transportation of freight;
- (x) B.²⁹ Develop efficient processes and freight routes for the movement of high productivity motor vehicles through the region.³⁰

48.4 Section 32AA evaluation

813. The amendments clarify and fine-tune the policy, to include elements of maintenance, upgrading and accessibility.

Other reasonably-practicable options

814. Retaining the policy as notified is the principal option. However, I agree with the need to recognise that maintenance and upgrading are part of the operation of the land transport network, and that alternative modes of walking, cycling and public transport require safety, accessibility and enabling. This is also required to give effect to the RPS transport objectives and policy framework.

Effectiveness and efficiency

815. The policy is required to be the most appropriate, in efficiently and effectively achieving the Land transport objective. The amended policy is a more appropriate way to achieve that objective, including its identified sub-parts of accessibility and safety.

Costs and benefits

816. I do not consider there are significant costs if the policy is amended, as it amounts to clarification rather than substantive change.

Risk of acting or not acting

817. There is sufficient information to avoid risks of acting or not acting to amend the policy. .

Decision about most appropriate option

818. The amended policy gives effect to the RPS. It is considered to be the most appropriate, in efficiently and effectively achieving the objective (6.5.1) of the land transport network.

²⁸ 986.40 KiwiRail; 697.566 Waikato District Council

²⁹ 986.40 KiwiRail; 697.566 Waikato District Council

³⁰ 81.223 Waikato Regional Council

49 6.5.3 Policy – Road hierarchy and function

Submission point	Submitter	Decision requested
680.107	FFNZ	Retain Policy 6.5.3 Road hierarchy and function, as notified.
836.61	Powerco	Retain Policy 6.5.3-Road hierarchy and function as notified.
742.58	NZTA	Retain Policy 6.5.3 Road hierarchy and function, except for the amendments sought below AND Amend Policy 6.5.3 Road hierarchy and function, as follows: Provide a hierarchy of roads for different functions and modes of land transport while recognising the nature of the surrounding land use within the district. <u>(a) Establish a road hierarchy and categorise roads in the district in accordance with their function.</u> AND Add a new clause (b) to Policy 6.5.3 Road hierarchy and function as follows: <u>(b) Protect the function of roads as identified in the road hierarchy from the adverse effects of subdivision use and development.</u>
<i>FS1273.41</i>	<i>Auckland Transport</i>	<i>Supports 742.58</i>
297.44	Counties Manukau Police	Amend Policy 6.5.3(a) Road hierarchy and function as follows: Provide a hierarchy of roads for different functions and modes of land transport while recognising the nature of the surrounding land use within the district <u>ensuring access by all emergency services vehicles.</u>
<i>FS1114.10</i>	<i>FENZ</i>	<i>Supports 297.44</i>
<i>FS1004.2</i>	<i>Tamahere Eventide Retirement Village</i>	<i>Opposes 297.44</i>
<i>FS1005.5</i>	<i>Atawhai Assisi Retirement Village</i>	<i>Opposes 297.44</i>

49.1 Analysis

819. **FFNZ** [680.107] and **Powerco** [836.61]: both seek to retain Policy 6.5.3 - Road hierarchy and function as notified.
820. Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district.

821. I recommend accepting in part FFNZ [680.107]; Powerco [836.61], to the extent that the policy is retained in a modified form in response to a submission from NZTA. The value of the policy is in provision of a road hierarchy to recognise different functions of roads and modes of land transport.
822. **NZTA** [742.58]: seeks to amend Policy 6.5.3 Road hierarchy and function, to establish a road hierarchy and categorise roads by function, and also to protect the functions of those roads from the adverse effects of subdivision, use and development.
823. The submitter supports the intent of Policy 6.5.3; and considers there should be a framework within the plan that recognises and establishes the road hierarchy (consistent with the Regional Policy Statement), and manages the effects of activities with respect to the relative function of the road within the hierarchy. As written, the submitter considers that Policy 6.5.3 relates only to the provision of different types of roads; and states it is important to recognise that roads perform different functions and that these functions should influence how they are approached and in particular, how adjacent land uses are managed. The submitter considers that this would give effect to Regional Policy Statement Method 6.3.1.
824. *[FS1273.41] Auckland Transport supports [742.58]: the establishment of a road hierarchy that is consistent with the Regional Policy Statement, and concurs that this will assist in managing the potential effects of activities on the road network with respect to the function of the road and by extension the relative consequence of the effect.*
825. For the reasons provided by NZTA and Auckland Transport, I recommend accepting NZTA [742.58] and *[FS1273.41] Auckland Transport.*
826. **Counties Manukau Police** [297.44]: seeks to Amend Policy 6.5.3(a) Road hierarchy and function to explicitly ensure access by all emergency services vehicles.
827. The submitter wishes to ensure that there is an obligation to consider access by emergency services and consequently any other service vehicles especially when other vehicles are parked on the road side; this is of specific concern and has been problematic in some new developments under the authority of Auckland Council.
828. *[FS1114.10] FENZ supports [297.44]: FENZ supports the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
829. *[FS1004.2] Tamahere Eventide Retirement Village opposes [297.44]: the amendments sought that require outdoor living areas to 'conform' with the national guidelines for CPTED. This approach is too onerous. An applicant should only be required to 'consider' the CPTED guidelines where practicable. [This further submission is misdirected as it is not relevant to the road hierarchy] [FS1005.5] Atawhai Assisi Retirement Village opposes [297.44]: the amendments sought that require outdoor living areas to 'conform' with the national guidelines for CPTED. This approach is too onerous. An applicant should only be required to 'consider' the CPTED guidelines where practicable. [This further submission is misdirected as it is not relevant to the road hierarchy]*

830. I support the provision of access for emergency service vehicles, but disagree with the requested amendment to the Policy. In my opinion the requested amendment would refocus a road hierarchy policy as an emergency services policy. Establishing a road hierarchy and categorising roads in the district in accordance with their function will provide for the different types of access for all transport modes, with a higher priority for movement at the upper end of the hierarchy and a role emphasising access at the lower end (local roads), as described in the PWDP Table 14.12.5.5. I recommend rejecting Counties Manukau Police [297.44] and [FS1114.10] FENZ. I recommend rejecting [FS1004.2] Tamahere Eventide Retirement Village and [FS1005.5] Atawhai Assisi Retirement Village as they are not relevant to access for emergency services vehicles.

49.2 Recommendations

831. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part FFNZ [680.107] and Powerco [836.61]
 - b. Accept NZTA [742.58] and [FS1273.41] Auckland Transport
 - c. Reject Counties Manukau Police [297.44] and [FS1114.10] FENZ. Reject [FS1004.2] Tamahere Eventide Retirement Village and [FS1005.5] Atawhai Assisi Retirement Village.

49.3 Recommended amendments

832. Amend Policy 6.5.3 as follows:
- (a) ~~Provide a hierarchy of roads for different functions and modes of land transport while recognising the nature of the surrounding land use within the district. Establish a road hierarchy and categorise roads in the district in accordance with their function.~~ [742.58 NZTA]
 - (b) Protect the function of roads as identified in the road hierarchy from the adverse effects of subdivision, use and development. [742.58 NZTA]

49.4 Section 32AA evaluation

833. Amendments clarify the policy approach, in relation to a road hierarchy.

Other reasonably-practicable options

834. Retaining the policy as notified is the principal option. However, I agree with the need to focus the road hierarchy method on the function of the roads, which will also include responding to the nature of surrounding land uses, for example by through routes or property access, and for movement or 'place'. I also agree that the road hierarchy method involves managing adverse effects on the network.

Effectiveness and efficiency

835. The policy is required to be the most appropriate, in efficiently and effectively achieving the Land transport objective. The amended policy is a more appropriate way to achieve that objective, including its identified sub-part of managing adverse effects of the transport network.

Costs and benefits

836. I do not consider there are significant costs if the policy is amended, as it amounts to clarification rather than substantive change.

Risk of acting or not acting

837. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

838. The amended policy gives effect to the RPS transport objective and policy framework. It is considered to be the most appropriate, in efficiently and effectively achieving the objective (6.5.1) of the land transport network.

50 6.5.4 Policy – Road standards

Submission point	Submitter	Decision requested
836.62	Powerco	Retain Policy 6.5.4- Road standards as notified.
680.108	FFNZ	Add to Policy 6.5.4 Road standards, a new clause (b) as follows: <u>(b) Ensure that in rural areas, the safe and efficient functioning of roads also takes into account safe sight distances, vehicle entranceways, pavement design and construction, road geometry and speed environments.</u>

50.1 Analysis

839. **Powerco** [836.62]: seeks to Retain Policy 6.5.4- Road standards as notified.

840. Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district.

841. For the reason provided by Powerco, I recommend accepting Powerco [836.62].

842. **FFNZ** [680.108] conditionally supports Policy 6.5.4 and submits that the policy should be expanded to recognise that in rural areas, the safe and efficient functioning of roads also takes into account safe sight distances, vehicle entranceways, pavement design, construction and geometry and speed environments. FFNZ states that rural roads are often longer roads with higher speed environments than urban roads, and that safe and efficient roads are important for farming communities.

843. I do not agree with the requested amendment, as Objective 6.5.1 and Policies 6.5.2, 6.5.3, 6.5.4, 6.5.5 and 6.5.7 already provide for these matters, and they are implemented in the Chapter 14 provisions. I recommend rejecting FFNZ [680.108].

50.2 Recommendations

844. No changes are recommended to this policy. For the reasons above I recommend that the Hearings Panel:

- a. Accept Powerco [836.62]
- b. Reject FFNZ [680.108].

51 6.5.5 Policy - Road safety

Submission point	Submitter	Decision requested
836.63	Powerco	Retain Policy 6.5.5- Road safety as notified.
742.59	NZTA	Retain Policy 6.5.5 Road safety as notified.
405.6	Counties Power	Retain Policy 6.5.5 (a) Road safety.
680.109	FFNZ	Add to Policy 6.5.5 Road safety, a new clause (b) as follows: (b) <u>To recognise that in rural areas, there may be agreements with landowners to utilise road berms for grazing or hay making, and that changes to road design to accommodate new access for subdivision need to consider the effect of subdivision and site access on the safe and efficient functioning of the road network in light of such arrangements.</u>
297.45	Counties Manukau Police	Add to Policy 6.5.5 Road safety clause (b) as follows: (b) <u>Ensure that all road design, structures, lighting, signage and vegetation conform to national guidelines for CPTED, including access by emergency services and their vehicles.</u>
<i>FS1114.11</i>	<i>FENZ</i>	<i>Supports 297.45</i>
986.41	KiwiRail	Amend Policy 6.5.5 Road safety as follows (or similar amendments to achieve the requested relief): 6.5.5 Policy - Road <u>Land transport</u> safety (a) Ensure that structures, <u>vehicle access</u> , lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers.

51.1 Analysis

845. **Powerco** [836.63], **NZTA** [742.59] and **Counties Power** [405.6]: seek to Retain Policy 6.5.5 (a) Road safety as notified.
846. Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognise the role they play in social, economic, cultural and environmental well-being of the district. Road safety is a key priority for NZTA. Counties Power wishes to ensure structures, lighting, signage and vegetation do not compromise the safe and efficient operation of the transport network or the electricity network located in the transport corridors.
847. I agree and recommend accepting in part the ‘Retain’ submissions, with the Policy modified in response to the KiwiRail submission below for clarity.

848. **FFNZ [680.109]**: seeks to add to Policy 6.5.5 Road safety, a new clause (b) to recognise that in rural areas landowners may have arrangements to utilise road berms for grazing or hay making, and that new access for subdivision need to consider safe and efficient functioning of the road where that occurs.
849. The submitter conditionally supports this policy and submits that the policy be expanded to recognise that in rural areas, there may be agreements with landowners to utilise road berms for grazing or hay making, and that changes to road design to accommodate new access for subdivision need to consider the effect of subdivision and site access on the safe and efficient functioning of the road network in light of such arrangements.
850. I consider this requested amendment is not necessary. Changes to road design, to accommodate new access for subdivisions, needs to be done as part of the subdivision and development consenting process, and which includes requirements for safe sightlines and access separation distances. I accept that agreements with landowners, to utilise road berms for grazing or hay making, may be amended to accommodate new access. I recommend rejecting FFNZ [680.109].
851. **Counties Manukau Police [297.45]**: seeks the addition of a new clause to ensure that all road design, structures, lighting, signage and vegetation conform to national guidelines for CPTED, including access by emergency services and their vehicles.
852. The submitter wants to ensure that there is an obligation to consider safety and CPTED, reducing victimisation, making people safe and feel safe; to ensure that there is an obligation to consider access by emergency services and other service vehicles; this is of specific concern and has been problematic in some new developments under the authority of Auckland Council.
853. *[FS1114.11] FENZ supports [297.45]: the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
854. I consider that the additional policy points are not necessary. Infrastructure providers including road controlling authorities are aware of the need for CPTED principles to be applied to the design and construction, maintenance and operation of the land transport network, including road design, structures, lighting, signage and vegetation management. If it were added to the policy, it would need a resource consent assessment in every case, for whether conforming with the guidelines had been achieved. The resource consent would be required for discretionary and non-complying resource consents, but the activity status of otherwise permitted activities would need to be revised to restricted discretionary, as the CPTED compliance assessment is a qualitative assessment. The intent of the Road Safety policy is to not compromise the safe and efficient operation of the land transport network, and in my opinion that would already include CPTED and access by emergency services and other service vehicles. Note that I also recommend the addition of "vehicle access" in response to the KiwiRail submission below. I recommend rejecting Counties Manukau Police [297.45]; *[FS1114.11] FENZ*, as the additional policy points are not necessary.

855. **KiwiRail** [986.41] seeks to widen Policy to apply to land transport networks which include road and rail; including ‘vehicle access’ provides further policy support for KiwiRail level crossing standard.
856. I accept that the PWDP repeatedly refers to “roads” rather than the “land transport network”, which includes the rail network, and that this should be amended. I also agree with the requested addition of “vehicle access” as a road safety matter, in relation to road intersections, property frontages, sight lines and rail level crossings. I recommend accepting KiwiRail [986.41].

51.2 Recommendations

857. For the reasons above I recommend that the Hearings Panel:
- Accept in part Powerco [836.63], NZTA [742.59] and Counties Power [405.6]
 - Reject FFNZ [680.109]
 - Reject Counties Manukau Police [297.45]; [FS1114.11] FENZ
 - Accept KiwiRail [986.41].

51.3 Recommended amendments

858. Amend Policy 6.5.5 as follows:
- 6.5.5 Policy - ~~Road~~Land transport safety [986.41 KiwiRail]
- Ensure that structures, vehicle access, lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers. [986.41 KiwiRail]

51.4 Section 32AA evaluation

859. The amendments clarify the land transport broader focus, and control of vehicle access, and are not substantive changes. As fine-tuning, they will more appropriately achieve the purpose of the land transport objective.

52 6.5.6 Policy – Network utility location

Submission point	Submitter	Decision requested
680.110	FFNZ	Retain Policy 6.5.6 (a) Network utility location, as notified.
<i>FS1211.31</i>	<i>First Gas</i>	<i>Supports 680.110</i>
836.64	Powerco	Retain Policy 6.5.6- Network utility location as notified.
<i>FS1211.30</i>	<i>First Gas</i>	<i>Supports 836.64</i>
692.38	WEL Networks	Amend Policy 6.5.6 Network utility location, as follows (or other amendments to give effect to the concerns raised): Encourage the location of network utility infrastructure within transport corridors where <u>provided any adverse effect on the function, safety and efficiency of the transport network-will not be compromised is avoided, remedied, or mitigated.</u>

405.7	Counties Power	Amend Policy 6.5.6 (a) Network utility location, to give protection to existing network utility assets.
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52.1 Analysis

860. **FFNZ** [680.110] and **Powerco** [836.64]: seek retention of Policy 6.5.6 (a) Network utility location, as notified.
861. Powerco considers that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district.
862. *[FS1211.31] First Gas supports [680.110] and [FS1211.30] First Gas supports [836.64]: which seeks the retention of Policy 6.5.6 (network utility location) which seeks to ensure network utility infrastructure is provided within the transport corridors where the function, safety and efficiency of the transport network will not be compromised.*
863. I recommend, as the appropriate policy provision, that encourages the location of network utility infrastructure in the road where the road function is protected, and for the reasons provided by Powerco, accepting FFNZ [680.110], *[FS1211.31] First Gas*, Powerco [836.64] and *[FS1211.30] First Gas*.
864. **WEL Networks** [692.38] seeks to amend Policy 6.5.6 as set out in the table above. The submitter considers that the policy as worded is open to interpretation, which may result in excessive restrictions on infrastructure providers.
865. The submitter considers that the policy as worded is open to interpretation, which may result in excessive restrictions on infrastructure providers.
866. I disagree with the requested amendment, and prefer the original wording as notified. WEL is requesting an approach that would require resource consents to assess effects, in addition to the Corridor Access Request process, which already has part of that function, in conjunction with the activity specific conditions for each activity. Whether the road function is compromised is more important than whether adverse effects can be reduced by mitigation measures. I recommend rejecting WEL Networks [692.38].
867. **Counties Power** [405.7]: seeks to Amend Policy 6.5.6 (a) Network utility location, to give protection to existing network utility assets.
868. Counties Power considers this would enable them to install and maintain new and existing Counties Power network utility assets.
869. The Policy is to encourage new network utility infrastructure to prefer a transport corridor location. In some cases that could compromise the function, safety and/or efficiency of the transport network, for example where a large installation would occupy too much of the berm and constrain pedestrian access and safety. Network utility operators must protect their existing assets, for example by maintenance, asset management, and participation in beforeUdig and information for Corridor Access Requests. I recommend rejecting Counties Power [405.7].

52.2 Recommendations

870. For the reasons above I recommend that the Hearings Panel:

- Accept FFNZ [680.110], [FS1211.31] First Gas, Powerco [836.64] and [FS1211.30] First Gas
- Reject WEL Networks [692.38]
- Reject Counties Power [405.7].

53 6.5.7 Policy – Vehicle access

Submission point and Submitter		Decision requested
836.65 Powerco 578.109 POAL 680.111 FFNZ 986.42 KiwiRail		Retain Policy 6.5.7- Vehicle access as notified.
FS1114.35 FENZ		(not stated) (supports) 986.42
Submission point	Submitter	Decision requested
297.46	Counties Manukau Police	Amend Policy 6.5.7(a) Vehicle access as follows: Control the location of new vehicle accesses to sites adjacent to other accesses and rail level crossings to improve the safety and efficiency of the land transport network <u>ensuring that all roads are accessible to emergency services vehicles.</u>
FS1114.12	FENZ	Supports 297.46
742.60	NZTA	Amend Policy 6.5.7 Vehicle access as follows: Control the location of new vehicle accesses to sites adjacent <u>relative</u> to other accesses, <u>intersections</u> and rail level crossings to <u>maintain and</u> improve the safety and efficiency of the land transport network.

53.1 Analysis

871. **Powerco** [836.65], **FFNZ** [680.111], **KiwiRail** [986.42] and **POAL** [578.109]: seek to retain Policy 6.5.7- Vehicle access as notified.
872. The submitters consider that the Policy provides for the development, operation and maintenance of infrastructure and recognises the role they play in social, economic, cultural and environmental well-being of the district. The policy is supported by KiwiRail in that it provides support for Plan rules restricting new access ways near level crossings.
873. [FS1114.35] FENZ (not stated) (supports) [986.42]: the retention of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a firefighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for firefighting access are

set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015). FENZ however requests that the submission be amended to maintain consistency with other similar provisions submitted on by FENZ to read as follows: Amend Policy 6.5.7(a) Vehicle access as follows: Control the location of new vehicle accesses to sites adjacent to other accesses and rail level crossings to improve the safety and efficiency of the land transport network ensuring that all roads are accessible to emergency services vehicles. This ensures that there is an obligation to consider access by emergency services and other service vehicles. A further submission can only support or oppose an original submission and cannot extend the scope of relief sought in the original submission.

874. This policy already supports FENZ's and the Police requirements of adequate accessibility to sites for the efficient operation of Police and emergency services. As this is the most appropriate policy and for the reasons provided by the submitters, I recommend accepting in part the 'Retain' submissions and further submissions, to the extent that the Policy remains largely intact, as amended in response to the NZTA submission below.
875. **Counties Manukau Police [297.46]:** seeks to amend Policy 6.5.7(a) Vehicle access to ensure that all roads are accessible to emergency services vehicles.
876. *[FS1114.12] FENZ supports [297.46]: the amendment of this policy provision as it supports FENZ's requirements of adequate accessibility to both the source of a fire and a fire-fighting water supply for the efficient operation of FENZ. For fire appliances to access an emergency, adequate access width, height and gradient is necessary. The requirements for fire-fighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015).*
877. I support the provision of access for emergency service vehicles, but disagree with the requested amendment to the Policy. In my opinion the requested amendment would refocus the policy as an emergency services access policy. The policy is concerned with the location of access to sites and not width / configurations of accesses or design of roads. I recommend rejecting Counties Manukau Police [297.46]; *[FS1114.12] FENZ.*
878. **NZTA [742.60]:** Amend Policy 6.5.7 Vehicle access to include relationships between access locations and intersections, and to ensure safety and efficiency of the land transport network is not diminished.
879. The submitter supports the intent of Policy 6.5.7, however seeks that it is broadened to recognise all accesses and intersections.
880. I agree with the requested amendments, as the policy is intended to control vehicle access relative to other accesses and intersections, as shown in PWDP Tables and figures 14.12.5.1 to 14.12.5.4, relative to rail level crossings (sight line Figures to be added in response to a KiwiRail submission), and to maintain as well as improve the safety of the land transport network. I recommend accepting NZTA [742.60].

53.2 Recommendations

881. For the reasons above I recommend that the Hearings Panel:
- a. Accept in part Powerco [836.65], FFNZ [680.111], KiwiRail [986.42] and POAL [578.109]
 - b. Reject Counties Manukau Police [297.46]; *[FS1114.12] FENZ*

- c. Accept NZTA [742.60].

53.3 Recommended amendments

882. Amend Policy 6.5.7 as follows:

- (a) Control the location of new vehicle accesses ~~to sites adjacent~~ relative to other accesses, intersections and rail level crossings to maintain and improve the safety and efficiency of the land transport network. [742.60 NZTA]

53.4 Section 32AA evaluation

883. The amendment clarifies a more extensive policy issue in relation to major intersections and rail level crossings, which cascade to the vehicle access and level crossing sightline rules.

Other reasonably-practicable options

884. Retaining the policy as notified is the principal option. However, I agree with the need to focus on the relationships between vehicle accesses (“to sites” is not necessary), intersections and rail crossings, and to maintain as well as improve the safety of the land transport network.

Effectiveness and efficiency

885. The policy is required to be the most appropriate, in efficiently and effectively achieving the Land transport objective. The amended policy is a more appropriate way to achieve that objective, including its focus on the control of location of vehicle accesses to managing adverse effects of and on the transport network.

Costs and benefits

886. I do not consider there are significant costs if the policy is amended, as it amounts to clarification rather than substantive change.

Risk of acting or not acting

887. There is sufficient information to avoid risks of acting or not acting to amend the policy.

Decision about most appropriate option

888. The amended policy gives effect to the RPS transport objective and policy framework. It is considered to be the most appropriate, in efficiently and effectively achieving the objective (6.5.1) of the land transport network.