

## **Before the Hearing Panel – Proposed Waikato District Plan**

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Under                      The Resource Management Act 1991 (the Act)

In the matter of        Proposed Waikato District Plan  
-    Hearing 22: Infrastructure

Between                 Waikato District Council  
  
*Local Authority*

And                      Transpower New Zealand Limited  
  
*Submitter S576 and Further Submitter FS1350*

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### **Statement of evidence of Pauline Mary Whitney**

Dated 29 September 2020

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## Qualifications and Experience

- 1 My full name is Pauline Mary Whitney.
- 2 I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 23 years' experience as a resource management planner.
- 3 I have been a planning consultant based in Wellington for the past 18 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
  - Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
  - Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 4 Specific to Transpower New Zealand Limited ('Transpower'), I have been involved with preparing submissions/ hearing evidence on numerous planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 8 years.
- 5 My evidence is given in support of Transpower's submission on the Proposed Waikato District Plan ("PWDP").
- 6 In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PWDP. I have previously provided evidence at Hearing 15: Designations.
- 7 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014), and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in

this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

- 8 My evidence covers all the submission points lodged by Transpower to Hearing 22: Infrastructure of the PWDP.

### **Scope of Evidence**

- 9 My evidence will address the following:
  - 9.1 The planning background for Transpower's submission, and an outline of the need to provide sufficient recognition of the national significance of the National Grid, particularly in the context of the National Policy Statement on Electricity Transmission 2008 ("NPSET");
  - 9.2 An overview of Transpower's submission on the PWDP;
  - 9.3 Key issues in the PWDP in relation to relief sought by Transpower;
  - 9.4 My responses to the recommendations within the Section 42A Report on Transpower's submission points; and
  - 9.5 Issues raised by other submitters relating to the National Grid.

### **Summary of Evidence**

- 10 Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Within the Waikato Region, Transpower's assets include a number of transmission lines and associated infrastructure such as substations.
- 11 The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ("**NPSET**"). This significance applies universally across the country regardless of the nature of the specific National Grid asset. There are three broad aspects to the NPSET which must be given effect to in local authority plans, as below.

- 11.1 **Enabling the National Grid:** Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising the national benefits. In terms of its existing assets, Transpower undertakes a wide range of maintenance activities across its entire asset base. Typical maintenance activities include earthworks, vegetation trimming and clearance, and support structure maintenance activities.
- 11.2 **Managing the effects of the National Grid:** Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.
- 11.3 **Managing the effects on the National Grid:** A significant resource management issue in the district and across New Zealand is inappropriate development, land use and subdivision in close proximity to the National Grid, which can compromise its operation, maintenance, development and upgrade. Under the NPSET, policies and plans must include provisions to protect the National Grid from other activities. Specifically, the NPSET requires that district plans include a buffer corridor around National Grid lines within which “sensitive” activities should not be given resource consent and other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed. The three primary reasons for restricting activities within the buffer corridor are electrical risk; annoyance caused by transmission lines and reverse sensitivity; and restrictions on the ability for Transpower to access, maintain, upgrade and develop the lines, as well as compromising the assets themselves.
- 12 Transpower’s submission to the PWDP was largely in support of the proposed provisions with specific refinements sought, as opposed to seeking wholesale changes. In particular, Transpower supported the inclusion of provisions specific to the National Grid.
- 13 I have reviewed the s42A Report recommendations where they are relevant to Transpower and I am largely in agreement with the recommendations. However,

nine recommendations (relating to eight original submissions and one further submission point) are opposed (some in part), as follows:

- 13.1 **National Grid specific Policy 6.2.5.** The officer recommendations on Policy 6.2.5 are largely supported. However, amendments are sought to clarify the application and relationship of the policy to other PWDP provisions.
- 13.2 **Activity status for new National Grid substations/switching stations within Identified Areas.** I oppose the officer recommendation to retain the proposed non-complying activity status for new National Grid substations/switching stations within Identified Areas. Instead I support a discretionary activity status.
- 13.3 **National Grid specific Earthworks Rules 14.4.2. RD3 and 14.4.4. NC11.** The officer recommendations on earthworks rules within the National Grid Yard are largely supported. However, two minor amendments are sought to clarify the application and relationship of the rules. A consequential amendment is also suggested depending on how the PWDP amends the definition of Earthworks to reflect the National Planning Standards definition.
- 13.4 **National Grid Yard Rules 14.4.1.2 P2 and 14.4.4.** The officer recommendations on the National Grid Yard rules are largely supported.
  - However, an amendment is sought to Permitted Rule 14.4.1.2 P2 to delete the officer recommended (clause (g)) prescriptive list of permitted farming related activities (on the basis such activities are already permitted under other rules).
  - An amendment is also sought to non-complying rules 14.4.4.NC5 and NC9 to clarify the relationship to the permitted rules and to reflect the relief recommended by the supporting officer but not shown in the tracked changes version of s42A Report Appendix 2.
  - Lastly the insertion of a 'catch all' non-complying rule to capture

buildings and structures not captured within the permitted rules is sought.

13.5 **Advice Notes for 14.1 Introduction.** The officer recommendation to include two advice notes (relating to compliance with NZECP and the Tree Regulations) is supported. However, I also support the provision of an advice note relating to notification in order to provide clarity that Transpower will be considered an affected party should the National Grid corridor rules not be complied with.

14 Overall, I consider the provisions recommended in the s42A Report, as modified by my recommended changes, would give effect to the NPSET. In my view, they provide an effective policy and regulatory framework in which to recognise and provide for the operation, maintenance, upgrade, and development of the National Grid.

15 My evidence should be read together with the evidence of Mr Dougall Campbell who addresses the nature of Transpower's assets in the region, and Mr Andrew Renton who provides technical evidence on the works Transpower undertakes to operate, maintain, upgrade and develop the National Grid.

## **The National Grid and Transpower's Assets in the Waikato District**

### **Assets within the Waikato District**

16 Transpower owns and operates a wide range of infrastructure assets associated with the National Grid within the Waikato District. Details of the existing assets and current asset upgrades and developments, including a plan of the specific existing National Grid assets within the district, are provided in the evidence of Mr Campbell.

17 As outlined in the evidence of Mr Renton, typical maintenance activities required to ensure the ongoing operation and maintenance of National Grid assets include foundation refurbishment; tower refurbishment including abrasive blasting and painting; conductor and insulation maintenance or replacement; and vegetation and tree control.

## Higher Level Planning Policy Documents

### National Policy Statements

- 18 National policy statements are at the top of the hierarchy of planning instruments under the RMA. Of particular relevance to the PWDP and Transpower's submission is the National Policy Statement on Electricity Transmission 2008 ("NPSET") and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA"), the New Zealand Coastal Policy Statement 2010 ("NZCPS"), the National Policy Statement on Urban Development 2020 ("NPS-UD"), and to a lesser extent the National Policy Statement for Freshwater Management 2020 ("NPSFM"). Addressing the interface between these various policy statements and how they are read together is a key aspect of the relief sought by Transpower, noting the PWDP will require revision to give effect to the NPSFM and NPS-UD.

### National Policy Statement Relationship

- 19 Developed at a national level, I understand all the national policy statements ("NPS's") sit at the top of the RMA plan hierarchy with no document having supremacy over the other. It is noted the NPS's do not themselves stipulate or provide direction on the relationship or standing between the various NPS's and on this basis and in the absence of any explicit direction, the council is then challenged in how to give effect to the multiple NPS's. In my experience to date (in reconciling the NPSET and NZCPS) the relationship between the directives contained within the various NPS's needs to be carefully assessed and a policy framework developed to address the tensions in such a way that gives effect to all the policy statements (where they are relevant). Key to reconciling the tensions is looking at the specific directives and their wording and providing a policy framework to guide decision makers.
- 20 An overview of the respective NPS's and relevance to the NPSET is provided as follows:

### The National Policy Statement on Electricity Transmission 2008

- 21 The NPSET directs the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to my evidence as **Appendix A**.

- 22 Section 75(3) of the Resource Management Act (“RMA”) requires that a district plan must ‘give effect’ to the NPSET which is a strong statutory directive. Therefore, the NPSET must be implemented when drafting district policy and plan provisions and must be considered in making decisions on submissions, resource consent applications and designations.
- 23 The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 24 The Preamble to the NPSET includes useful background, or rationale, for the NPSET. It states that “the efficient transmission of electricity on the National Grid plays a vital role in the well-being of New Zealand, its people and the environment”. It notes that the National Grid has particular physical characteristics and operational/security requirements that have been challenging to manage under the RMA and acknowledges the potential significance of some effects of transmission lines (including the inability for these effects to be avoided or mitigated), along with the significant constraints that others’ activities and development can place on the network. It also notes that the adverse effects of the National Grid are experienced at a local level, while the benefits are primarily regional or national, requiring a balanced consideration of effects.
- 25 The NPSET is comprised of one objective and 14 policies, all of which address the environmental effects of transmission and the management of adverse effects on the National Grid. There are three broad aspects to the NPSET which must be given effect to in local authority policies and plans, as follows:
1. Enabling the National Grid: Policies and plans must provide for the effective operation, maintenance, upgrading and development of the National Grid. This includes recognising its national benefits.
  2. Managing the effects of the National Grid: Policies, plans and decision makers must take in to account the characteristics of the National Grid, its technical and operational constraints, and the route, site and method selection process when considering the adverse effects of new National Grid infrastructure on the environment.



3. Managing the effects on the National Grid: Policies and plans must include provisions to protect the National Grid from other activities. The NPSET requires that district plans include a buffer corridor around National Grid lines within which “sensitive” activities including residential buildings, hospitals and schools should not be given resource consent, and other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed.

26 The sole objective of the NPSET is as follows:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

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

27 This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.

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

29 Policy 1 specifies that decision-makers **must recognise and provide** for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and facilitating the use and development of new electricity generation, including renewable generation in the management of the effects of climate change.

30 Policies 2 to 9 relate to management of the environmental effects of electricity transmission. In particular, Policy 2 states:

*In achieving the purpose of the Act, decision-makers must recognise and provide*

*for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

- 31 Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards.
- 32 Policies 2 to 9 are particularly relevant to the PWDP as they provide the policy framework for managing the environmental effects of electricity transmission in recognising and providing for the ongoing operation and development of the National Grid.
- 33 As outlined in the evidence of Mr Campbell, Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect to and reliably distribute new forms of electricity generation. In my opinion, it is important that, in context of the NPSET, the Waikato District Plan provides an appropriate and enabling framework for the ongoing operation, maintenance, upgrading and, also importantly, the development of the National Grid. Such a framework would in my opinion, give due effect to the NPSET.
- 34 Policies 10 and 11 of the NPSET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network, and act as the primary guide to inform how adverse effects on the National Grid are to be managed through planning provisions. The policies are directive in nature.
- 35 Policies 10 and 11 are therefore critical matters for a District Plan to address. Policy 10 is as follows:

*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.*

- 36 Policy 11 relates to the development of buffer corridors, and is as follows:

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

### **New Zealand Coastal Policy Statement 2010**

- 37 The statutory purpose of the NZCPS is to state objectives and policies “in order to achieve the purpose of [the RMA] in relation to the coastal environment of New Zealand”.
- 38 The policies in the NZCPS establish a comprehensive regime for managing the effects of activities on the coastal environment (noting the coastal marine area is not governed by the PWDP). Policy 6 specifically addresses activities in the coastal environment, with some marine activities addressed more explicitly in Policies 8 and 9. Policy 7 addresses the need for a strategic planning approach. Policies 11, 13 and 15 address high value natural areas. Critically, those policies require adverse effects of activities on the ‘highest value’ natural areas to be avoided.

### **National Policy Statement on Urban Development 2020**

- 39 Under the National Policy Statement on Urban Development 2020 (“NPS-UD”), Waikato District Council is identified as a Tier 1 council. Numerous actions will be required on the part of the council to give effect to the NPS-UD, many of which in my opinion are beyond the scope of this PWDP process.
- 40 In terms of the relationship between the NPS-UD and the NPSET, consideration needs to be given to the explicit wording within the two NPS’s. While the NPS-UD provides a clear ‘enabling’ policy directive for intensification, the NPSET in my opinion provides a more directive policy framework through Policy 10 and 11 which require a buffer corridor to be provided within which sensitive activities will generally not be provided for (Policy 11), and to avoid reverse sensitivity effects on the National Grid network and ensure it is not compromised (Policy 10). I further note the NPS-UD identifies the National Grid and the NPSET as ‘qualifying matters’ in relation to the Policy 3 NPS-UD directive, thereby recognising the national significance of the National Grid.

- 41 In my opinion the National Grid corridor approach provided for in the PWDP (as sought to be amended through Transpower's submission and through this evidence) provides a clear framework and policy directive in respect of the National Grid that reconciles these two NPS's.

### **National Policy Statement for Freshwater Management 2020**

- 42 The National Policy Statement for Freshwater Management 2020 ("NPSFM") and National Environmental Standards for Freshwater Management 2020 ("NES Freshwater") form part of a wider 'Action for Healthy Waterways' package. The one objective and 15 policies of the NPSFM form a clear policy directive to enhance water quality and the ecological health of water bodies. The relevance of the NPSFM and NES Freshwater to Transpower in context of the PWDP is limited to earthworks and vegetation clearance within proximity of a wetland. In my opinion, no direct conflict exists at a NPS level noting that the National Grid is afforded a discretionary activity status for such works under the NES Freshwater and, although it would be applied at a regional level, NPSFM Subpart 3 Specific Requirement 3.22 recognises the National Grid as an exception from the policy's 'avoid' requirement.

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

- 43 The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations). The relationship between the NESETA and the district plan is such that the NESETA prevails. However, for some activities (including earthworks and vegetation removal), the NESETA defers to the district plan provisions.

### **Waikato Regional Policy Statement 2016**

- 44 The Waikato Regional Policy Statement ("RPS") was made operative in 2016. Section 75(3)(c) of the RMA requires that a District Plan must give effect to any Regional Policy Statement. Relevant provisions from the RPS are attached as **Appendix C**, with brief commentary on these provisions provided in the following paragraphs.
- 45 Energy, and specifically electricity transmission, is addressed within Objective 3.5.

This objective provides for the operation, maintenance, upgrade and development of transmission that recognises and provides for the national significance and benefits, constraints, and the future needs and security of supply, of electricity transmission.

- 46 Objective 3.12 provides for development of the built environment in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes. Reference is made within the objective to protecting natural character and outstanding landscapes from inappropriate activities; ensuring development does not compromise infrastructure corridors; recognising and protecting the value and long-term benefits of regionally significant infrastructure; minimising land use conflicts, including minimising potential for reverse sensitivity; and providing for the development, operation, maintenance and upgrading of new and existing electricity transmission.
- 47 Policy 6.3 further expands on the relationship of the built environment with infrastructure by directing that new development maintains the operational effectiveness, viability and safety of existing and planned infrastructure, and that investment in existing infrastructure is protected. Clause c) requires that the efficient and effective functioning of infrastructure is maintained, as well as the ability to maintain and upgrade that infrastructure.
- 48 Policy 6.6 also relates to management of the built environment with a focus on regionally significant infrastructure. As with Policy 6.3, there is a clear policy directive to manage the built environment having particular regard to ensuring the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected, the benefits of Regionally significant infrastructure (“**RSI**”) and electricity transmission, and the technical and operational constraints of the electricity transmission network.
- 49 The provision of a “Transmission corridor management approach” is identified within Section 6.6.2 as a specific implementation method, with reference to the NPSET.
- 50 In my opinion, the above objectives and policies provide a clear policy directive to ensure the development of the built environment does not comprise the National Grid, and that electricity transmission is appropriately recognised and provided for. In my opinion, the RPS provisions give effect to the NPSET, and the provisions provided in the PWDP (subject to the amendments by Transpower in its submission and refined through this evidence) give effect to the RPS.

## Transpower Submission on the Proposed Waikato District Plan

- 51 Given the number of submissions and the breadth of points within Transpower's submission, I consider it helpful to briefly summarise the general nature of Transpower's submission on the PWDP, noting that Transpower sought to retain a large number of the notified provisions, with the PWDP broadly supported by Transpower. Specifically, Transpower supported the provision of a framework of objectives, policies and rules that recognises and appropriately provides for the National Grid. In particular, the inclusion of provisions specific to the National Grid and the provision of a buffer corridor management approach are supported. I note that the summary provided below also addresses those submission points that have been raised at other PWDP hearings on the basis the Transpower submission should be read as a whole and seeks an integrated package of provisions for the National Grid within the PWDP.
- 52 In terms of amendments sought, the two main themes within Transpower's submission were that:
- The policy framework for the National Grid requires refinement to better reflect the NPSET; and
  - Amendments are required to the rule framework, specifically to the rules relating to buildings, structures, sensitive land uses, earthworks and subdivision in the National Grid Yard and Corridor; and to change the activity status of new above ground transmission lines and substations/switching stations (associated with the National Grid) to a discretionary activity (at worst).
- 53 The specific submission points made by Transpower related to the following chapters and provisions of the PWDP:
- 53.1 **Definitions:** While the majority of the definitions (within Chapter 13) were supported, specific amendments were sought to the definition of "National Grid Corridor" and "National Grid Yard" to transpose the definitions as the corridor essentially manages subdivision and the yard manages land use.
- 53.2 **Introduction:** Retention of the introduction section of the PWDP with

minor amendments to acknowledge that some activities are required to be located in the Rural Zone, and recognition within Section 1.5.5(f) to recognise the benefits of the National Grid and the environmental effects of transmission. These submission points were addressed at Hearing 1: Chapter 1 Introduction (and were largely supported by the reporting officer).

- 53.3 **Chapter 3 Natural Environment:** Five submission points were made in relation to specific objectives and policies within Chapter 3. The one amendment sought was to Policy 3.2.6 to expand the policy to recognise vegetation associated with the operation, maintenance and upgrading of infrastructure. Transpower understands that these submission points will be addressed at the Landscapes and Significant Natural Areas hearings.
- 53.4 **Chapter 4 Urban Environment:** One submission point was made to Policy 4.7.11 seeking recognition of the reverse sensitivity effects of locating new dwellings in the vicinity of infrastructure. This point was addressed at Hearing 3: Strategic Objectives.
- 53.5 **Chapter 5 Rural Environment:** Three submission points were made to Chapter 5. These points seek recognition of infrastructure within the Rural Zone, including with the Urban Expansion Area. These submission points are to be addressed at Hearing 18 (scheduled for September).
- 53.6 **Chapter 6 Infrastructure:** 17 submission points were made to the objectives and policies within the Infrastructure chapter, some of which are specific to the National Grid. The general Infrastructure objectives and policies were largely supported with changes sought to recognise regional and national benefits, and refinements to the policy headings 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 National Grid specific objectives and policies were largely supported with amendments sought to provide for the significance of the National Grid, to include reference to operation and maintenance, and to ensure recognition of the adverse effects on

infrastructure. The main changes sought were refinements to Policy 6.2.5 to more accurately reflect the NPSET.

53.7 **Chapter 8 Reserves:** One submission point was made seeking to delete Policy 8.2.2 on the basis the matters within the policy are better addressed under other plan chapters. This matter is to be addressed at the Reserves hearing, with Transpower supporting the reporting officer's recommendation.

53.8 **Chapter 14 Infrastructure:** 34 submission points were made to the Infrastructure rules, many of which were in support. The general Infrastructure rules were predominantly supported with the amendments sought confined to providing for trimming, maintenance and removal of vegetation associated with the National Grid including associated access tracks. The provision of specific National Grid rules within Section 14.4. was supported, with amendments sought to:

- Clarify the application of the rules for buildings, structures, sensitive land use, earthworks and subdivision in the National Grid Yard and Corridor; and
- Amend the activity status of new above ground transmission lines and substations (associated with the National Grid) to a discretionary activity (at worst).

53.9 **Planning maps:** One submission point was made in support of the identification of the National Grid on the planning maps.

53.10 **Section E Designations:** Three submission points were made in relation to the Transpower designations. These were heard at the Designations hearing held in April.

### **Transpower further submission**

54 In addition to its original submission, Transpower lodged a further submission on the PWDP. Of specific note are the numerous further submissions made on the Waikato District Council submission points which sought substantial changes to the layout and location of National Grid provisions to the effect that these provisions are provided within/duplicated across each of the specific zone chapters. Transpower opposed the Waikato District Council submission, preferring to retain the plan's



structure as notified, acknowledging that the plan will require reformatting to implement the National Planning Standards. I expand on the matter of plan structure in paragraph 59 of my evidence.

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

- 55 The following section responds to the Infrastructure and Energy s42A Report recommendations on Transpower's submission points.
- 56 The majority of the officer recommendations are supported/accepted with full details of the 57 officer recommendations I support or accept provided in **Appendix B**. For the avoidance of doubt, the officer recommendations on Transpower's further submissions are accepted or supported unless otherwise stated in this evidence.
- 57 Nine recommendations (eight original and one further submission)<sup>1</sup> are opposed (some in part) and relate to the following provisions:
- **National Grid specific Policy 6.2.5.** The officer recommendations on Policy 6.2.5 are largely supported. However, amendments are sought to clarify the application and relationship of the policy to other PWDP provisions.
  - **Activity status for new National Grid substations/switching stations within Identified Areas.** I oppose the officer recommendation to retain the proposed non-complying activity status for new National Grid substations/switching stations within Identified Areas. Instead I support a discretionary activity status.
  - **National Grid specific Earthworks Rules 14.4.2. RD3 and 14.4.4. NC11.** The officer recommendations on earthworks rules within the National Grid Yard are largely supported. However, two minor amendments are sought to clarify the application and relationship of the rules. A consequential amendment is also suggested which is dependent on how the PWDP definition of Earthworks is amended to reflect the definition provided in the National Planning Standards.
  - **National Grid Yard Rules 14.4.1.2 P2 and 14.4.4.** The officer recommendations on the National Grid Yard rules are largely supported.

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<sup>1</sup> Submission points 576.20, 576.61, 576.62, 576.58, 576.63, 576.64, 576.67, 576.68 and FS1350.65.

- However, an amendment is sought to Permitted Rule 14.4.1.2 P2 to delete the officer recommended (clause (g)) prescriptive list of permitted farming related activities (on the basis such activities are already permitted under other rules);
  - Amendment is also sought to the non-complying rules 14.4.4.NC5 and NC9 to clarify the relationship to the permitted rules and reflect the relief recommended by the supporting officer but not shown in the tracked changes version of s42A Report Appendix 2.
  - Lastly, insertion of a new ‘catch all’ non-complying rule to capture buildings and structures not captured within the permitted rules is sought.
  - **Advice Notes for 14.1 Introduction.** The officer recommendation to include two advice notes (relating to compliance with NZECP and the Tree Regulation’s) is supported. However, I also support the insertion of an advice note relating to notification to provide clarity that Transpower will be considered an affected party should the National Grid corridor rules not be complied with.
- 58 For ease of reference, the submission points are addressed under topic headings as follows:
- Plan Structure
  - Definitions
  - General Infrastructure objectives, policies and rules
  - National Grid specific objectives, policies and rules.

## **Plan Structure**

- 59 As noted in paragraph 54, Transpower opposed the submission by Waikato District Council seeking duplication of the National Grid provisions within each of the respective zone chapters of the plan as opposed to being standalone provisions contained within Chapters 6 (objective and policies) and Chapter 14 (rules).

- 60 The officer recommendation<sup>2</sup> is that the “National Grid Yard rules remain as a comprehensive set within the Infrastructure and Energy Chapter 14”. I support this recommendation.
- 61 Transpower understands the structure of the PWDP and its alignment with the National Planning Standards is a matter that is to be reviewed towards the end of the hearing process.<sup>3</sup> Notwithstanding the decision to defer the matter of the plan’s structure to the end of the hearing process, Transpower notes that officer recommendations on the location of National Grid specific provisions have been made to Hearing 6 Village Zone, Hearing 7 Industrial Zone and Heavy Industrial Zone, Hearing 9 Business and Business Town Centre Zone, Hearing 12 Country Living Zone, Hearing 18 Rural Zone and Hearing 24 Reserves Zone. In Hearing 6 the officer recommended that the National Grid Yard rules for the Village zone be retained in the National Grid Chapter 14, but that the rules for subdivision in the National Grid Corridor be provided in Chapter 24 Village Zone. A similar recommendation was made in Hearing 9 for the Business Zones, Hearing 12 for the Country Living Zone, and Hearing 18 for the Rural Zone. It is unclear from the recommendations if the National Grid rules would be duplicated across both chapters or solely appear in the zone chapters. In Hearing 24 for the Reserves Zone the officer recommended retention of the National Grid rule provisions within Chapter 14. In Hearing 7 the officer recommended that the “duplication of earthworks rules relating to the National Grid from Chapter 14 into Chapter 21 as unnecessary”.
- 62 Transpower prefers a standalone set of National Grid provisions as it avoids duplication and provides a coherent set of rules which applicants can refer to, noting that the planning maps clearly identify land that is subject to National Grid provisions. A stand-alone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective of the fact that the proposed plan has not been drafted to align with the National Planning Standards, in my opinion it would be counterproductive to amend the structure in a manner that is contrary to the intent of the Standards. Standard 7, the District-wide Matters Standard provides, as a mandatory direction, that ‘provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones

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<sup>2</sup> Section 42A Report, Infrastructure Section D4, paragraph 47 paragraphs 190-197

<sup>3</sup> Commissioners Directions re Implementation of the National Planning Standards, 20 February 2020

chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.

- 63 The panel may find it helpful to consider how the plan is structured in other proposed plans that have been prepared under the National Planning Standards. For example, within the proposed New Plymouth District Plan 2019, specific National Grid provisions (including associated subdivision provisions) are contained in the Energy, Infrastructure and Transpower section of the plan, under the Network Utilities 'chapter'.

## Definitions

- 64 Of the nine submission points on definitions relevant to this hearing, eight have been accepted by the reporting officer. For the reasons outlined in Appendix B, I support/accept all the recommendations, including the one recommendation to reject the relief sought for a definition for *Regionally significant infrastructure*.

## General Infrastructure objectives, policies and rules

- 65 Of the 18 submission points on the general Infrastructure objectives, policies and rules provided in Chapters 6 and 14 respectively, all have been accepted or accepted in part by the reporting officer. For the reason outlined in Appendix B, I support/accept all the recommendations.
- 66 It is noted in Hearing 3 (Strategic Objectives), the officer recommended the relocation of Objective 6.1.1(a) to Section '1.13.4 Strategic Objectives'. In its hearing statement<sup>4</sup> Transpower stated it "*does not support the relocation of Objective 6.1.1(a) from Chapter 6 into new Section '1.13.4 Strategic objectives for the district' and is concerned that Transpower's submission point 576.73 on Objective 6.1.1(a) and the relief sought<sup>5</sup> has not been addressed as part of the consideration and recommendations made on this objective.*" It appears from document D13 of the s42A Reports to Hearing 22, objective 6.1.1 is to be retained within Chapter 6. I support this retention.

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<sup>4</sup> Hearing 3 – Strategic Objectives, Hearing Statement by Transpower NZ Ltd, dated 10 October 2019

<sup>5</sup> Submission point sought amendments to refer to the 'upgrade' of infrastructure and to the recognition of the regional and national benefits of infrastructure (in addition to benefits to the district).

## National Grid specific objectives, policies and rules

67 As outlined in its submission, Transpower is supportive of a set of provisions specific to the National Grid on the basis such provisions enable and provide for the NPSET to be given effect to. Given the PWDP does not distinguish between infrastructure generally and regionally significant infrastructure or infrastructure that is of national importance, specific policy and rule recognition of the National Grid is supported.

### Objectives and Policies

68 Of the seven Transpower submission points on the National Grid specific objectives and policies provided in Chapter 6, four have been accepted by the reporting officer, two have been rejected and one is accepted in part. As outlined in Appendix B, I support or accept six of the seven recommendations. The only **recommendation opposed (in part)** within Section 6.2 of the s42A Report is in relation to Policy 6.2.5.

### **S42A Report recommendation opposed in part: Policy 6.2.5**

69 The s42A Report recommends a number of amendments to Policy 6.2.5<sup>6</sup>, all of which I largely support. The amendments to clauses (i), (ii), (iii) and (iv) reflect the relief sought in Transpower's submission and in my opinion give appropriate effect to the NPSET. In respect of amendment to clause (v), while this was not sought in Transpower's submission, I support the recommendation for the following reasons:

69.1 The intent of the amendment gives effect to Policies 6 and 7 of the NPSET.

69.2 The policy would have limited application in that it only applies to upgrades (excluding minor upgrades) and new development of the

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<sup>6</sup> 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 for 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;

(iii) Seeking to reduce 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, addressing the adverse effects on any heritage values, cultural 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.

(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.

National Grid within urban environments. In terms of the application of the policy to the *urban environment*, I note the inclusion of reference to '*outstanding natural landscapes, and areas of high natural character*' may have limited application to the urban environment, but I accept there may be some instances where such features are within the urban environment and on that basis I am not opposed to the references being included within the policy. However, this is dependent on the relationship of this policy to other policies in the plan, as discussed in paragraph 71 below.

- 69.3 Adverse effects are to be 'addressed', with the requirement for avoidance 'where practicable'. In my opinion the terms 'addressed' infers some form of mitigation or remediation as opposed to avoidance. Such measures could include design and specific site location measures.
- 69.4 The requirement for avoidance of adverse effects is "where practicable". I support the recognition that absolute avoidance is not required. The qualifier (by default) recognises the locational and operational constraints associated with the National Grid and that its location is often determined by matters outside its control (such as customer connections or the location of energy generation activities).
- 70 While Policy 6.2.5 (as amended by the officer recommendations) is largely supported, I note that the adequacy of the final wording of the policy will be dependent on the final form of other provisions within the PWDP and the relationship between chapters. From my reading of the PWDP, no high level/up front guidance is provided on the relationship between the various Objective and Policy chapters. However, the introduction to Chapter 14 provides some clarity as follows (emphasis added):
- 14.(1) The provisions within this Infrastructure and Energy chapter of the district plan shall apply across the district in all the zones and overlays in the district plan. **The zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within this Infrastructure and Energy chapter.***
- 71 Based on the above, my understanding is the National Grid objectives and policies

within Chapter 6.2 are stand alone and cross reference is not required to other objectives and policies. However, if this is not the case (or if amendments are proposed to the above relationship statement in Chapter 14 and/or to the objectives and policies in the other chapters), I seek amendment to Policy 6.2.5 as follows: (changes recommended by the s42A Report are identified in red, and changes sought in this evidence identified in green):

<sup>1</sup> 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 for 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;

(iii) Seeking to r~~R~~educe 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, a~~A~~ddressing the adverse effects on any heritage values, cultural 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.

(vi) Within rural environments, seeking to avoid adverse effects on identified heritage values, cultural values, outstanding natural landscapes, outstanding natural features, significant natural areas, significant amenity landscapes, areas of outstanding or high natural character, areas of high recreation value and existing sensitive activities.

In the event of any conflict with any other objectives and policies in the plan relating to the values, features and areas listed above, Policy 6.2.5 takes precedence.

72 Specific to the green text above, the above amendments sought and their specific reasoning are as follows:

- 72.1 **Amendment to clause (v)** to remove reference to outstanding natural landscapes and areas of high natural character recognising that clause (v) applies to urban environments where I would not anticipate such features to be located.
- 72.2 **Amendment to clause (vi)** to include reference to Outstanding natural features, Outstanding natural character, Significant amenity landscapes and Significant natural areas. In my opinion the above matters are appropriate for inclusion in this clause that relates to rural environments as they give effect to the enabling policies of the NPSET, their inclusion provides clarity as to how such areas are to be treated, and it imposes a rigorous policy framework in which to assess the effects of the upgrade and development of the National Grid. As required under clause (ii) of the policy, Transpower will be required to demonstrate the extent to which adverse effects have been avoided, remedied or mitigated through the route, site and method selection process.
- 72.3 The NPSET is a higher order policy document that has passed through the process and is deemed to give effect to Part 2 of the RMA. Transpower considers that the NPSET provides a comprehensive management framework for the use and development of the National Grid and with respect to RMA Section 6(a) and (b) matters, applies them in a consistent manner. Applying the same 'seek to avoid' approach (as required by the NPSET) is consistent with the use of "inappropriate" in Part 2. The amendments to clause (vi) are sought in order to give appropriate effect to Policy 8 of the NPSET.
- 72.4 **Inclusion of an advisory note** to clarify the relationship of Policy 6.2.5 to other policies within the plan. This may not be required if it is clear Chapter 6.2 is standalone. However, in the absence of an explicit reference to this effect, the insertion of an advisory note as sought would allow other objectives and policies to be considered but not prevail.
- 73 As already stated, I am also conscious the PWDP will require reframing to give effect to the National Planning Standards, and in particular for any required Coastal Environment chapter. Such reframing may have consequences for the National Grid



provisions and on that basis, this provides another reason in my opinion to amend Policy 6.2.5 as outlined above to provide a stand-alone set of provisions for the National Grid.

### **Rules**

- 74 Of the 17 Transpower submission points on the National Grid specific rules provided in Chapter 14, 10 have been accepted by the reporting officer, one has been rejected and six have been accepted in part. As outlined in Appendix B, I support or accept 10 of the recommendations made in relation to the National Grid specific rules. Eight of the recommendations are opposed (some in part) as follows:

#### ***S42A Report recommendation opposed: Discretionary Activity status for new Substations and Switching Stations***

- 75 In its submission<sup>7</sup> Transpower sought a discretionary activity status for new National Grid substations/switching stations and transformers within an Identified Area (as opposed to the non-complying status in the notified PWDP). The s42A Report recommends rejecting the submission point on the basis that “*generally the Identified Areas could be impacted by visual and landscape effects, vegetation clearance and land disturbance (site of value) effects, and effects on culturally significant sites and areas*”<sup>8</sup>.
- 76 For the reasons outlined in Transpower’s submission and below, I do not accept the officer’s recommendation or reasoning in relation to the National Grid.
- 77 While I appreciate some Identified Areas<sup>9</sup> may be more sensitive than others to effects associated with a new switching station or substation, I do not accept that such concerns warrant a non-complying activity status given the national significance of the National Grid (as set out in the NPSET), and the locational and operational constraints of the Grid in that the location of assets are often constrained and strongly influenced by other factors such as the location of electricity generation

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<sup>7</sup> Submission point 576.61 and 576.62

<sup>8</sup> Section 42A Report, D4, paragraph 133.

<sup>9</sup> Identified Areas within Chapter 14 include: 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

and local electricity distribution networks.

- 78 In terms of the relevant PWDP policy framework, Objective 6.2.1 and 6.2.3 refer to “provide for” in the context of the development of the National Grid. Policy 6.2.5 adopts an ‘avoidance where practicable’ approach within urban environment and a ‘seek to avoid’ approach within rural environments. A discretionary activity status in my opinion would reflect this policy framework.
- 79 In my opinion, the provision of a non-complying activity status infers such activities are inappropriate. As provided on the Quality Planning Website, “*non-complying activities are those that the RMA, regulations (including a national environmental standard), or a plan describes as non-complying. This activity status is often reserved for those activities where the potential adverse effects are great but do not necessarily warrant prohibition*”. Given the national significance of the National Grid as outlined in the NPSET, the enabling policies within the NPSET, and relevant objectives and policies of the Waikato Regional Policy Statement (appended as **Appendix C**), the National Grid is not the type of activity which is one level below prohibition, and a non-complying activity status would not give effect to the NPSET. Conversely, in my opinion a discretionary activity status applies to those activities which may not be suitable in all locations but may be suitable in some locations. As also outlined on the Quality Planning Website, “*Other reasons that may give rise to an activity being classed as discretionary in a plan: where it is not suitable in all locations in a zone, where the effects of the activity are so variable that it is not possible to prescribe standards to control them in advance; where an activity defaults to discretionary because it cannot meet all the standards for a permitted activity, where activities are not suitable in most locations in a zone or part of a zone but may be suitable in a few locations*”.
- 80 As noted in Transpower’s submission, a further issue with the non-complying activity status for substations and switching stations is the inconsistency with the PWDP activity status for similar activities provided in Section 14.5 relating to electricity distribution (essentially local line companies). The most restrictive activity status for new substations under these rules is discretionary. There are no non-complying activities. As such, a new substation associated with electricity distribution within an Identified Area would be a discretionary activity under Rule 14.5.3. In contrast, a new substation that is associated with the National Grid would be a non-complying activity under Rule 14.4.4. The differing activity status does not reflect the national

significance of the National Grid or the requirement to give effect to the NPSET, and provides an inconsistent consenting framework for similar activities with similar visual, construction (including earthworks and vegetation disturbance) and ongoing operational effects.

- 81 As a discretionary activity, a full assessment of the effects of substations/switching stations within Identified Areas would be required, as well as a robust route, site and method selection process (the process of which is outlined in the evidence of Mr Renton) (as required by Policy 4, NPSET), appropriate conditions imposed, and the application would be able to be granted or declined.
- 82 A discretionary activity status is also consistent with that provided in more recent district plans such as the Queenstown Lakes Proposed District Plan<sup>10</sup> (as settled at the Environment Court with a consent order pending), the Hamilton City District Plan 2017<sup>11</sup>, and the Invercargill City District Plan 2019<sup>12</sup>.
- 83 Based on the above, in my opinion to give appropriate effect to the NPSET, I recommend a new discretionary rule specific to the National Grid be inserted as follows:

14.4.3 Discretionary Activities

(a) The activities listed below are discretionary activities.

D3 Substations and switching stations associated with the National Grid located within Identified Areas

**S42A Report recommendation opposed in part: Earthworks in the National Grid**

- 84 In its submission<sup>13</sup> Transpower sought amendment to the permitted earthworks rule 14.4.1.3 P3 and the related restricted discretionary rule 14.4.2 RD3<sup>14</sup>, as well as the provisions of the non-complying earthworks rule 14.4.4 NC1<sup>15</sup>. All three points have been either accepted or accepted in part by the s42a reporting officer. I largely accept the recommendations (and in particular the resulting activity status) but

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<sup>10</sup> Rule 30.5.3.5

<sup>11</sup> Rule 25.7.3 (i) and (j)

<sup>12</sup> Rule UTIL-R16

<sup>13</sup> Submission point 576.55, addressed in the s42A Report D4 in paragraphs 61–83.

<sup>14</sup> Submission point 576.58

<sup>15</sup> Submission point 576.66

would support two minor amendments to clarify the application of the rules, as follows:

- 84.1 Amendment to the restricted discretionary activity rule 14.4.2 RD3 to clarify its application (noting that it may be the temporary re-numbering of the recommended rule provisions which may makes the rule application unclear). The amendments sought are to clarify that it is non-compliance with the depth standards within Rule 14.4.1.3 P3 (1) (a) that trigger a restricted discretionary activity status and that compliance is required with the stability, access and conductor clearance standards. Non-complying rule 14.4.4 NC1 (as recommended) correctly captures non-complying activities which are those earthworks or vertical holes which either compromise the stability of a support structure, restrict access, or do not achieve required conductor clearance distances.
- 84.2 Deletion of the s42A officer recommended new Rule 14.4.4 NC11 as the matter is addressed under the officer recommended non-complying rule 14.4.4 NC1, and therefore appears to be an unnecessary duplication.
- 85 One further matter related to the National Grid earthworks rules is the potential amendment to the definition of 'Earthworks' within the PWDP to reflect the definition provided in the National Planning Standards. The National Planning Standards definition excludes fence post holes. While I understand the restructuring of the PWDP to reflect the National Planning Standards is to occur post hearings, in my opinion it would be efficient to 'future proof' the National Grid Yard earthworks rule provisions to accommodate any change in the definition. This could readily be achieved by inserting reference to 'vertical holes' where earthworks are referenced within rules 14.4.1 P3, 14.4.2 RD3, and 14.4.4 NC1.
- 86 The specific amendments sought to rule 14.4.2 RD3 (including the insertion of reference to 'vertical holes') and the deletion of rule 14.4.4 NC11 are as follows: (changes recommended by the s42A Report are identified in red, and changes sought in this evidence identified in green):

**14.4.2 Restricted Discretionary Activities**

RD3 Earthworks or vertical holes within the National Grid Yard that does not

comply with ~~one or more of the~~ conditions (a) of Rule 14.4.1.3(1) ~~or and Rule 14.4.1.3(2)~~ but complies with conditions ~~(b)~~ (c) (d) and (e) of Rule 14.4.1.3(1~~2~~)

#### **14.4.4 Non-Complying Activities**

~~NC11 Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3~~

### **S42A Report recommendation opposed in part: National Grid Yard Rules 14.4.1.2 P2 and 14.4.4**

87 In its submission Transpower sought a number of amendments to the National Grid Yard rules, predominantly in the form of refinements. The majority of the submission points have been accepted or accepted in part by the s42A Report, the majority of which I support (as outlined in **Appendix B** of my evidence). However, notwithstanding the support for the recommendations, I seek refinement to the following matters so as to clarify the application of the rules. The amendments are summarised as follows:

87.1 Permitted Rule 14.4.1.2 P2 – Amendment is sought to the permitted activity rule to delete the officer recommended (clause (g)) prescriptive list of permitted farming related activities (on the basis that such activities are already permitted under other rules)<sup>16</sup>;

87.2 Non complying Rule 14.4.4 – Amendment is sought to NC5<sup>17</sup> to provide additional clarity that extensions to existing building for sensitive activities are a non-complying activity; amendment is sought to NC9<sup>18</sup> to clarify milking/dairy shed accessory structures and yards are not captured as a non-complying activity; and the insertion of a catch all non-complying rule<sup>19</sup> to capture buildings and structures such as a warehouse or factory that are non-farming or non-sensitive activity related. **I note that the officer recommendation within D4 is to accept the Transpower sought relief on NC5 and NC9, but such**

<sup>16</sup> Transpower further submission FS1350.75

<sup>17</sup> Transpower submission point 576.63

<sup>18</sup> Transpower submission point 576.64

<sup>19</sup> Transpower submission point 576.67

**amendments have not been inserted into Appendix 2. As such for the avoidance of doubt I have sought relief on these two points.**

- 88 By way of background, and as outlined in paragraph 11.3, a significant resource management issue in the district and across New Zealand is inappropriate development, land use and subdivision in close proximity to the National Grid. The evidence of Mr Renton outlines how activities can compromise its operation, maintenance, development and upgrade, with the three primary reasons for restricting activities being:
- (i) Electrical risk;
  - (ii) Annoyance caused by transmission lines and reverse sensitivity; and
  - (iii) Restrictions on the ability for Transpower to access, maintain, upgrade and develop the lines, as well as compromising the assets themselves.
- 89 From a planning perspective, in order to manage subdivision and other land uses that have the potential to compromise the operation, maintenance, upgrading and development of the National Grid, Transpower supports the provision of a corridor management approach that revolves around a National Grid Yard and National Grid Substation Corridor. This yard and corridor are spatially defined (as outlined in the evidence of Mr Renton) and are supported by a framework of objectives, policies, definitions, and rules and standards relating to land use, subdivision, and earthworks. This approach has been consistently sought by Transpower across New Zealand and recent examples include the Hurunui, Invercargill, South Taranaki, Queenstown Lakes, Hamilton City, Christchurch, and Opotiki district plans, as well as the Auckland Unitary Plan.
- 90 The National Grid Corridor is intended to allow for the reasonable use of land inside the transmission line corridor, with several standards and rules imposed to ensure that any subdivision, land use and development that might compromise the Grid is either managed or avoided. The sought rule framework has been developed as Transpower is satisfied that there are some activities that are appropriate within the National Grid Yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. Certain structures (such as rural hay barns, pump sheds and implement sheds) are less problematic within 12m of the line (noting that they will still need to be set back

12m from National Grid support structures and meet mandatory safety clearances stipulated in other regulations) on the basis they are unlikely to “build out” a transmission line. The access or use of these structures can be restricted without causing animal welfare or business disruption issues, and they do not introduce intensive uses or heavily frequented workplaces with long durations of exposure to risk. The provisions proposed by Transpower would allow for paddocks, fencing (as high as deer fences), landscaping and small sheds, and larger farm buildings not used for intensive farming purposes in proximity to conductors. Grazing, cropping, and car parking are further examples of activities not restricted by Transpower’s sought rule framework.

- 91 Conversely, examples of development that should be avoided within the National Grid Yard include sensitive activities, commercial buildings and intensive uses/development, dairy sheds, piggeries, poultry sheds, and commercial greenhouses. In particular, sensitive activities are a significant risk given the increased exposure. Land disturbance also requires careful management as land disturbance can undermine support structures or reduce conductor to ground clearance distances to unsafe levels.

**Permitted Rule 14.4.1.2 P2**

- 92 Specific to Rule 14.4.1.2 P2, the s42A Report has recommended the insertion of clause (g) in response to submission 680.282, noting that the submitter sought for activities be ‘allowed’ within 6-12m of a tower support structure. The officer has amended the setback to apply 12m from a tower and presumably 10m from a pole support structure (noting the amendments refer to a tower). While I note that Transpower’s further submission supported in part the listing of activities (but opposed the sought 6-12m setback), in my opinion this listing of activities is not necessary as the activities are permitted under clause (c) of the rule as follows “*Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds)*”. I understand the intent of the original submission 680.282 was to allow the above activities within 6-12m of support structures. For the reasons outlined in the evidence of Mr Renton, in my opinion a 12m setback is appropriate so as to ensure the operation and maintenance of the National Grid is not compromised, and the listing of the above activities is not required as they are already captured under

clause (c). I note that fences would be permitted within 5m of support structures under Rule 14.4.1.2 P2 (2)(b)(ii).

- 93 Based on the above, my preference is for the clause (g) to be deleted. However, should it be retained, the reference to “10m of the outer visible foundation of a National Grid tower” should be removed from the wording of the clause as notwithstanding the reference should be to a pole, the Transpower further submission point was incorrect in its reference to a 10m setback from poles. Instead, the setback from all support structures should be 12m, consistent with the definition of National Grid Yard.
- 94 The specific amendments sought are provided below (changes recommended by the s42A Report are identified in red, and changes sought in this evidence identified in green):

**Permitted Rule 14.4.1.2 P2**

*14.4.1.2 Permitted Activities*

*(1) Within National Grid Yard in the Business, Industrial, Country Living, Heavy Industrial, Rural, ~~Town-Centre-Business, Hampton-Downs-Motorsport-and-Recreation, Tamahere-Business~~, Te Kowhai Zone 59 Airpark, ~~or~~ Reserves Zone or Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area:*

.....

*(g) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid support structure tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.*

**Non-complying Rule 14.4.4**

- 95 Specific to the non-complying Rule 14.4.4, three amendments are sought by Transpower. An explanation and the associated reasoning for the three amendments sought is provided as follows:

- 95.1 **Amendment to rule NC5** to provide additional clarity that additions to an existing building that involves an increase in the building envelope or



height for a sensitive land use is a non-complying activity. In my opinion, such an addition to the rule provides clarification of the intent and application of the rules, including stronger linkage to the permitted activity rules. I note the relief sought has been accepted by the reporting officer (refer D4, Paragraph 170-171) but the wording has not been inserted into the s42A Report Appendix 2.

95.2 **Amendment to rule NC9** to provide additional clarity that structures and buildings accessory to dairy/milking sheds are excluded from the non-complying rule and that commercial greenhouses (not glass) or PSA structures, are non-complying activities. In my opinion, such an addition provides clarification of the intent and application of the rule, including stronger linkage to the permitted activity rules. I note that as with rule NC5 above, the relief sought has been accepted by the reporting officer (refer D4, Paragraph 172-175) but the wording has not been inserted into the s42A Report Appendix 2.

95.3 **Insertion of a new non-complying rule NC11** to act as a default catch all rule to provide a linkage to the other rules within Section 14.4.1 relating to the National Grid. As outlined in paragraphs 88 - 91 of my evidence, there are a range of activities to be managed within the National Grid Yard. The activities prescribed in permitted activity Rules 14.4.1.1 and 14.4.1.2 are extensive in my opinion. However, by default, there is a rule gap for commercial and large-scale buildings and structures such as a warehouse or factory that are non-farming or non-sensitive activity related. As outlined in the evidence of Mr Renton, such buildings and structures can compromise the operation, maintenance and upgrade of the National Grid. The s42A reporting officer has commented<sup>20</sup> that the RMA default status for activities not specified in the plan, is discretionary (s.87B(1)) and that this activity status is appropriate. I do not share this opinion and I consider it would:

a) be more efficient and effective to provide a specific plan rule rather than rely on s.87B(1) of the RMA; and

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<sup>20</sup> S42A Report, Infrastructure D4, paragraph 149

b) Policy 10 of the NPSET requires an 'avoid' approach "to the extent reasonably practicable" to avoid reverse sensitivity effects and to ensure the National Grid is not compromised.

In my opinion, a discretionary activity status does not give effect to the NPS directive and the insertion of a specific non-complying rule would provide the necessary clarity to plan users.

- 95.4 The specific amendments sought are provided below (changes recommended by the s42A Report are identified in **red**, and changes sought in this evidence identified in **green**):

***Non-complying Rule 14.4.4***

*14.4.4 Non-Complying Activities*

*(a) The activities listed below are non-complying activities.*

....

*NC5 Any new building for a sensitive land use, or any addition to an existing building that involves an increase in the building envelope or height for a sensitive land use within the National Grid Yard*

....

*NC9 Dairy/milking sheds (excluding accessory structures and buildings), commercial green houses, PSA structures or buildings for intensive farming within the National Grid Yard*

....

*NC11 Any building or structure within the National Grid Yard that is not a permitted activity under Rule 14.4.1, a Restricted discretionary activity under Rule 14.4.2 or a Discretionary activity under Rule 14.4.3.*

***S42A Report recommendation opposed in part: Advice Notes***

- 96 In its submission<sup>21</sup> Transpower sought inclusion of three advice notes. The s42A Report recommendation<sup>22</sup> to include two advice notes (relating to compliance with

<sup>21</sup> Submission point 576.68

<sup>22</sup> S42A Report D4, paragraph 179

NZECP and the Tree Regulations) is supported. The third advice note relating to notification to Transpower has not been recommended for inclusion. I do not support the s42A recommendation for the following reasons:

96.1 While I appreciate the sought advice note is not a rule, its primary purpose and benefit in my opinion would be to alert to plan users to the need for Transpower to be considered an affected party given Transpower is the 'owner' of the affected assets and the organisation best placed to advise on the actual effects of the proposed activity. I am aware of instances where Transpower has not been advised or notified of proposals which trigger the National Grid corridor rules and the matter has had to be resolved retrospectively. This is not only inefficient but also poses safety and operational risks, including to security of supply to the network. An advice note in my opinion would appropriately highlight the need to identify Transpower as an affected party.

96.2 In response to the concerns raised by the reporting officer as to Transpower not being the only affected party, particularly if the site is within an Identified Area, I acknowledge these concerns but in my opinion the wording sought by the submission "*Where an activity requires resource consent solely because it is within the National Grid Yard and/or Corridor public notification of the application is precluded*" applies the consideration to infringement of the National Grid rules only. However, to provide further clarity, I suggest some additional wording as outlined below in paragraph 97 (identified as double underline green text).

97 Based on the above, I support the two advice notes recommended by the reporting officer but I also seek the inclusion of a third advice note relating to notification to Transpower as follows: (changes recommended by the s42A Report are identified in red, and changes sought in this evidence identified in green):

**Advice Notes for 14.1 Introduction:**

**(10) Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP**

34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

(11) The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the National Grid Corridor or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the National Grid Yard as shown on the District Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the National Grid Yard, contact the relevant network utility operator.

(12) An activity, including buildings and structures, earthworks, and quarrying within the National Grid Corridor or National Grid Yard may require resource consent. Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Where an activity requires resource consent solely because it is within the National Grid Yard and/or Corridor, public notification of the application is precluded. However, limited notification will be given to Transpower unless the written approval from Transpower is provided at the time the application is lodged. Notification to other parties is not precluded if resource consent is required for any other matters in the District Plan.

## **Response to Submissions**

- 98 In this section of my evidence, I will comment on those submissions which have submitted on the provisions relating to the National Grid which I have discussed above. By way of summary, 14 submitters further submitted on the Transpower submission points.
- 99 Of the 14 further submissions, those made by Fire and Emergency NZ, First Gas Ltd, Auckland Transport, Genesis Energy Ltd, WEL Networks Ltd, Counties Power Ltd, and Ohinewhai Area Committee were in support of Transpower's submission.
- 100 The further submitters who supported in part (or opposed in part) Transpower's submission are outlined in the table below, with a brief description of the issue raised and Transpower's response.

Table 1. Further Submission in support or oppose in part Transpower's submission

<b>Further Submitter</b>	<b>Issue raised</b>	<b>Transpower response</b>
TaTa Valley Limited	Supports the sought amendment to policy 5.3.9 in principle subject to appropriate drafting.	Transpower remains supportive of the relief sought in its submission to policy 5.3.9 seeking acknowledgment that some activities require a rural location.
Holcim	Supports the relief sought by Transpower in so far as transposing the definitions of National Grid Yard and National Grid Corridor.	Transpower supports amendment to the definitions as sought in its submission and as recommended by the reporting officer. Such relief is consistent with the relief sought by Holcim.
Watercare Services Ltd	Watercare submitted on 20 Transpower submission points, either in support or support in part. No provisions are specific to the National Grid provisions, rather they relate to the general Infrastructure provisions.	Transpower is not specifically opposed to the relief sought by Watercare Services Ltd.
Meridian Energy Ltd	Meridian Energy Ltd submitted on three Transpower submission points. In terms of Policy 6.1.7, Meridian wishes to be involved in any rewording. In terms of the provision for a definition of RSI, Meridian support in so far as is consistent with its submission. The submission on 576.11 was in support.	The relief sought by Meridian is largely aligned with that sought by Transpower and on this basis and the relief sought can be reconciled.
Blue Wallace Surveyors Limited	Blue Wallace Surveyors Limited lodged one submission for support in part, Transpower submission point 576.49 on Section 1.4.3.2(b).	Transpower agrees with the further submitters as to the absolute nature of the wording within Section 1.4.3.2(b). The decision sought by the further submitter is not clear. Transpower remains supportive of its original submission point.
Heritage NZ Ltd	Heritage New Zealand Pouhere Taonga submitted on two Transpower submission points, the first opposing	The amendments to Policy 6.2.5 are supported for the reasons outlined in this evidence, and to

	submission point 576.20 for amendment to the National Grid effects Policy 6.2.5, and the second opposing in part a new term “Regionally significant infrastructure”.	give effect to the NPSET. Transpower supports a definition of “Regionally significant infrastructure” that reflects that in the RPS. It is not clear from the further submission how such a term would inadvertently cause adverse effects to historic heritage.
Mercury Energy Ltd	Mercury Energy lodged eight submission points, six in support and two in opposition to the Transpower submissions (on the Urban Expansion Zone).	The specific reasoning for opposition to Transpower’s two submission points on the Urban Expansion Zone is not clear in the Meridian submission. Issues raised in the Meridian submission relate to flood risk and the lack of consideration of natural hazard risk in the Stage 1 PWDP. While Transpower understands the further submitters concerns, the relief sought by Transpower is not considered contrary to the issues raised by Meridian.

- 101 The remaining three further submissions by Housing NZ Ltd (now Kāinga Ora), Federated Farmers, and Horticulture NZ are more substantive in nature. It is noted that while not lodging a further submission, Tainui Group Holdings Ltd lodged a submission on the National Grid specific provisions within the PWDP, as did Holcim and Envirowaste.
- 102 Tainui Group Holdings Ltd lodged a submission opposing the National Grid provisions within Section 14.4, and the Transpower designation ‘K4 Meremere Switching Station’. In response to these concerns, I note that designation K4 was addressed at the Designation hearing. In response to the opposition to the Section 14.4 provisions, for the reasons outlined in this evidence I consider the inclusion of provisions specific to the National Grid to be appropriate given the National Grid is identified as a matter of national significance, and the framework within the PWDP gives effect to the NPSET.

- 103 In its original submission Holcim (New Zealand) Limited raised concerns with the width of the National Grid “Yard” (noting the PWDP as notified appeared to confuse the National Grid Yard and National Grid Corridor definitions). EnviroWaste NZ Ltd in its submission raised similar concerns. The amendment to the National Grid provisions as sought by Transpower and recommended by the reporting officer would appear to address the submitter’s concerns.
- 104 The submission by the former Housing New Zealand Corporation (now Kāinga Ora) seeks deletion of the “full package” of National Grid provisions on the basis they are “overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid”. While the submission acknowledges the need for the PWDP to give effect to the NPSET, the submission provides no specific relief in terms of how this would be achieved if all the provisions as drafted were to be deleted. The further submission by the former Housing New Zealand Corporation opposed the relief sought by Transpower in relation to Sections 6.2 and 14.4, Objective 6.1.6 and Policy 6.1.7, and the National Grid notation on the planning maps. In my opinion, for the reasons outlined in my evidence, the provisions as provided in the PWDP and as sought to be refined by Transpower’s submission and my evidence, give appropriate effect to the NPSET. Policy 11 of the NPSET requires that councils must identify an appropriate buffer corridor in which sensitive activities will generally not be provided for. Policy 10 of the NPSET further requires avoidance of reverse sensitivity effects and compromising of the transmission network. In my opinion, deletion of the National Grid provisions as sought by the submitter would be contrary to the NPSET, and in the absence of any specific or constructive relief sought, I do not see how the relief can be granted. Based on the above, I support the s42A Report recommendations on the Kāinga Ora relief sought.
- 105 The submissions by Federated Farmers and Horticulture New Zealand Ltd raise a number of points. In my opinion, the provisions within the PWDP subject to the amendments as sought in Transpower’s submission, my evidence, and the officer recommendations, give effect to the NPSET and are appropriate.

## **Part 2 of the RMA**

- 106 The purpose of the RMA is to achieve the sustainable management of natural and physical resources, with corresponding obligations relating to the use, development and protection of resources while providing for the wellbeing and health and safety

of people and communities.

107 In the context of the National Grid and regionally significant infrastructure, I consider that the amendments sought through my evidence (and for those recommendations I support within the s42A Report) more appropriately reflect the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, having particular regard to:

107.1 The role of, and reliance on, electricity within our society and the increasing demand for it; and

107.2 The need to operate, maintain, upgrade and develop the National Grid.

108 In relation to section 5(2)(c), I am satisfied that the amendments sought by Transpower would enable the effects of activities on electricity transmission lines to be appropriately managed.

109 Section 6 “Matters of National Importance” of the RMA states:

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.”*

110 The matters under Section 6 that are considered relevant are:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Any proposal for works for activities would have to take into account the above matters.

111 The Section 7 “Other Matters” of the RMA states:



*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—”*

- 112 Section 7 includes a number of matters that are of potential relevance and as with Section 6, any proposal for works for activities would have to take into account the relevant matters.
- 113 Section 8 requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account when considering proposals.
- 114 Having considered the officers’ recommended changes to the PWDP, I am of the opinion that the recommendations proposed in the Infrastructure and Energy s42A Report in conjunction with the changes outlined in my evidence accord with the provisions of Part 2 of the RMA and will enable the sustainable management of natural and physical resources to be achieved in the Waikato District.

### **Section 32AA Evaluation**

- 115 Section 32AA(1)(c) of the RMA requires a further evaluation to be undertaken at a level of detail that corresponds to the scale and significance of the change. The nature of the changes sought in my evidence are of a relatively discrete nature with no substantive policy changes proposed. I concur with Section 32AA evaluations provided within the s42A Report(s).
- 116 On the basis that the majority of the s42A Report recommendations are supported, the only provision which I will evaluate further is the sought discretionary activity status (as opposed to non-complying) for new National Grid Substations/Switching stations within Identified Areas. The following evaluation addresses the sought activity status change.

#### **Relationship to the Objective**

- 117 In my opinion, PWDP Objective 6.2.1 and policies 6.2.2, 6.2.3 and 6.2.5 are the primary policy provisions in considering the appropriate activity status for new National Grid substation/switching stations. In my opinion, the objective (and related policies) give effect to the higher order policy documents, including the NPSET and the RPS. Of specific relevance, Objective 6.2.1 and Policy 6.2.3 refer to “provide for” in context of the development of the National Grid. Policy 6.2.5 adopts an ‘avoidance

where practicable' approach within urban environments and a 'seek to avoid' approach within rural environments. In my opinion, Transpower's sought discretionary activity status would give effect to Objective 6.2.1 and the corresponding policies.

### **Costs and Benefits, Efficiency and Effectiveness**

- 118 In considering the sought discretionary activity status, it is also important to consider the costs and benefits, efficiency and effectiveness. As with any regulation there are benefits and costs associated with the different options.
- 119 In terms of benefits, there is a major economic benefit to the district, region and nation in having a secure electricity supply, and a National Grid that is able to be effectively operated, managed, upgraded and developed. There are also environmental benefits from a climate change perspective in enabling development of the National Grid to further support electrification of the energy sector.
- 120 Aside from the costs to Transpower, the impact on other RSI providers and the general public of having a compromised electricity transmission system which is dependent on the operation, maintenance and development of the National Grid are significant.
- 121 Any social, environmental or cultural costs of better recognising and providing for the National Grid through a discretionary activity status are, in my opinion, minimal given the overall environmental framework provided in the PWDP. In addition, a robust consenting evaluation is provided by a discretionary activity status.
- 122 In terms of the amendments and refinements sought in this evidence, I am of the opinion that these are the most efficient and effective method in which to achieve the objective of recognising, protecting and providing for the national significance of the National Grid.

### **Conclusion**

- 123 The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.
- 124 As the Hearing Panel will be aware, Section 75(3) of the RMA obliges Councils to

'give effect' to the NPSET in their plans and proposed plans. The requirement to 'give effect' is a strong directive to Councils and requires positive, demonstrable implementation.

- 125 I therefore consider it important and appropriate to ensure that the PWDP makes appropriate allowance for the development of new transmission assets as well as the operation, maintenance and upgrade of existing assets in with the policy direction provided in the NPSET. The activity status and associated policy framework relating to Transpower's activities are therefore of importance, and consideration is required as to the specific effect of the PWDP provisions on the National Grid, identified as a matter of national significance through a national policy statement.
- 126 I am largely supportive of the reporting officer's recommendations and the consideration given to the relief sought in Transpower's submissions. However, nine recommendations are opposed and these relate to the following provisions:
- 126.1 **National Grid specific Policy 6.2.5.** The officer recommendations on Policy 6.2.5 are largely supported. However, amendments are sought to clarify the application and relationship of the policy to other PWDP provisions.
- 126.2 **Activity status for new National Grid substations/switching stations within Identified Areas.** I oppose the officer recommendation to retain the proposed non-complying activity status for new National Grid substations/switching stations within Identified Areas. Instead I support a discretionary activity status.
- 126.3 **National Grid specific Earthworks Rules 14.4.2. RD3 and 14.4.4. NC11.** The officer recommendations on earthworks rules within the National Grid Yard are largely supported. However, two minor amendments are sought to clarify the application and relationship of the rules. A consequential amendment is also suggested depending on how the PWDP amends the definition of 'Earthworks' to reflect the definition provided in the National Planning Standards.
- 126.4 **National Grid Yard Rules 14.4.1.2 P2 and 14.4.4.** The officer recommendations on the National Grid Yard rules are largely

supported.

- However, an amendment is sought to Permitted Rule 14.4.1.2 P2 to delete the officer recommended (clause (g)) prescriptive list of permitted farming related activities (on the basis such activities are already permitted under other rules).
- An amendment is sought to non-complying rules 14.4.4.NC5 and NC9 to clarify the relationship to the permitted rules and reflect the relief recommended by the supporting officer but not shown in the tracked changes version of s42A Report Appendix 2.
- Lastly, the insertion of a 'catch all' non-complying rule to capture buildings and structures not captured within the permitted rules is sought.

126.5 **Advice Notes for 14.1 Introduction.** The officer recommendation to include two advice notes (relating to compliance with NZECP and the Tree Regulations) is supported. However, I also support the provision of an additional advice note relating to notification to provide clarity that Transpower will be considered an affected party should the National Grid corridor rules not be complied with.

127 The amendments I have outlined in this evidence will, in my opinion, ensure that the PWDP gives appropriate effect to the NPSET.

128 In my opinion, the relief sought through this evidence would appropriately recognise and provide for the significance of the National Grid for both the Waikato District and for New Zealand as a whole.

Pauline Mary Whitney

29 September 2020

## **Appendix A - National Policy Statement on Electricity Transmission 2008**

## NATIONAL POLICY STATEMENT

# on Electricity Transmission

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

### CONTENTS

Preamble

1. Title
2. Commencement
3. Interpretation
4. Matter of national significance
5. Objective
6. Recognition of the national benefits of transmission
7. Managing the environment effects of transmission
8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

## Preamble

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

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

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

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

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

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

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

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

## 1. Title

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

## 2. Commencement

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

## 3. Interpretation

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

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

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

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

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

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

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

## 4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

## 5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

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

## 6. Recognition of the national benefits of transmission

### POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

## 7. Managing the environmental effects of transmission

### POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

### POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

### POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

### POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.



#### POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

#### POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

#### POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

#### POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

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

#### POLICY 10

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

#### POLICY 11

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

## 9. Maps

#### POLICY 12

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

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

#### POLICY 13

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

#### POLICY 14

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

#### Explanatory note

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

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

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

## **Appendix B – Response to s42A Report Officer Recommendations**

Officer recommendations opposed (or opposed in part are identified as [blue](#) text).

Sub Ref	PWDP Reference	Relief Sought in Transpower Submission	s42A Report Recommendation	Response to s42A Report Recommendations
576.14	Section 6.1 General Infrastructure	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 objective and policies apply, unless otherwise stated.	Accept	Support the recommendation on the basis it reflects that sought in Transpower's submission and provides clarity as to which objectives and policies apply.
576.15	Section 6.2 National Grid	Retain Section 6.2 National Grid, except for the amendments sought to particular provisions addressed elsewhere in the submission.	Accept	Support the recommendation. The relief reflects that sought by Transpower in its submission and gives effect to the NPSET.
576.16	Objective 6.2.1 National grid	Retain Objective 6.2.1 National grid, except for the amendments sought below AND Amend Objective 6.2.1 National grid, as follows:  <i>6.2.1 Objective – National <del>G</del>grid</i>  <i>(a) The national significance of the National Grid is recognised, <del>and</del> protected <u>and provided for</u>.</i>	Accept	Support the recommendation on the basis the relief reflects that sought by Transpower in its submission and gives effect to the NPSET.
576.17	Policy 6.2.2 Recognise the national grid	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:  <i>6.2.2 Policy – Recognise the <u>needs and constraints of the #National g</u>Grid</i>  <i>(a) Recognise the operational, functional and technical <u>needs and</u> constraints of the National Grid,</i>  <i>and the interconnectedness of networks.</i>	Accept	Support the recommendation on the basis the relief reflects that sought by Transpower in its submission and gives effect to the NPSET and the RPS Policy 6.6(c). The changes to the wording title better reflects the policy content.
576.18	Policy 6.2.3 Operation and development of the National Grid,	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:  <i>(a) Provide for the operation, <u>maintenance</u>, upgrading and development of the National Grid</i>	Reject	Accept the recommendation  The submission point is rejected on the basis 'maintenance' is referenced within Policy 6.2.4, and therefore does not require duplication within Policy 6.2.3.  While my preference would be to have the term 'maintenance' included within Policy 6.2.3, I

				accept the term is included within Policy 6.2.4 which provides a clear policy mandate and directive for enabling the maintenance of the National Grid. As such on the basis of the policy framework for the National Grid as a whole, the submission point is accepted.
576.19	Policy 6.2.4 (a) Maintenance and minor upgrade the National Grid	Amend Policy 6.2.4 (a) Maintenance and minor upgrade the National Grid, as follows: <i>(a) Enable the <u>operation</u>, repair, maintenance, replacement and minor upgrade of the National Grid.</i>	Reject	Accept the recommendation  The submission point is rejected on the basis Policy 6.2.3 contains 'operation' and therefore does not require duplication within Policy 6.2.4.  While my preference would be to have the term 'operation' included within Policy 6.2.4, I accept the term is included within Policy 6.2.3 which provides a clear policy mandate and directive for providing for the operation of the National Grid. As such on the basis of the policy framework for the National Grid as a whole, the submission point is accepted.
576.20	Policy 6.2.5 Environmental effects	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>6.2.5 Policy – Environmental effects</i> <i>(a) Manage the environmental effects of the development or upgrades (other than minor upgrades) of the National Grid, by:</i> <i>(i) Recognising <u>and providing for</u> the national, regional and local benefits of sustainable, secure and efficient electricity transmission;</i> <i>(ii) <del>Considering the extent to which any Avoiding, remedying or mitigating</del> adverse effects <u>through consideration of have been avoided, remedied or mitigated by the</u> route, site and method selection;</i> <i>(iii) <u>Seeking to r</u>Reduce, the existing adverse effects as part of any substantial upgrade;</i> <i>(iv) Considering the effects on urban amenity (including town centres), areas of high recreational or amenity value and existing sensitive land uses; and</i>	Accept in part	<b>Oppose the recommendation in part</b>  The recommendation is largely supported but an amendment is sought to include a note to the policy clarifying the relationship to other plan provisions and refinement to renumbered clause (vi) to include other features.  Refer paragraph 68 of my evidence.

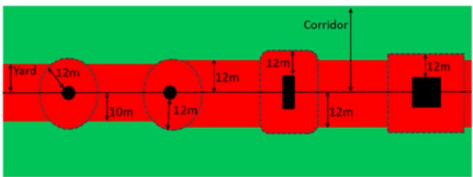
		<i>(v) <del>Within rural environments, seeking to avoid</del> Addressing the adverse effects on <del>any identified</del> heritage values, outstanding natural landscapes, areas of high natural character, <del>town centres</del>, areas of high recreation value and existing sensitive activities, <del>including seeking to the avoidance of adverse effects where practicable.</del></i>		
576.21	Policy 6.2.6 Reverse sensitivity and the National Grid	<p>Retain Policy 6.2.6 Reverse sensitivity and the National Grid, except for the amendments sought below.</p> <p>AND</p> <p>Amend Policy 6.2.6 Reverse sensitivity and the National Grid, as follows:</p> <p><i>6.2.6 Policy – Reverse sensitivity, <del>Adverse effects on Infrastructure</del>, and the National Grid</i></p> <p><i>(a) Manage subdivision, use and development so that the operation, maintenance, upgrading and development of the National Grid is not compromised by ensuring that:</i></p> <p><i>(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;</i></p> <p><i>(ii) <del>Sensitive</del> Land uses <del>(including sensitive activities)</del> and buildings and structures that may compromise the National Grid, including intensive farming activities, are excluded from establishing within the National Grid Yard;</i></p> <p><i>(iii) Subdivision is managed within the National Grid Corridor to avoid subsequent land use from compromising the operation, maintenance, upgrading and development of the National Grid; and</i></p> <p><i>(iv) Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.</i></p>	Accept	<p>Support the recommendation on the basis the relief reflects that sought by Transpower in its submission and gives effect to the NPSET.</p> <p>In response to the recommended amendment to insert “to the extent reasonably possible” (In response to submission point 419.75), I am comfortable with the insertion on the basis it reflects Policy 10 of the NPSET.</p>
576.23	Section 14.1 (1) Introduction	Retain Section 14.1 (1) Introduction as notified.	Accept	Support the recommendation. The amendment recommended for changes to the introduction are acceptable from the perspective of the National Grid.
576.24	Retain Section 14.1 (6) Introduction	Retain Section 14.1 (6) Introduction, as notified.	Accept	Support the recommendation. The amendment recommended for changes to the introduction are acceptable from the perspective of the National Grid.

576.25	Section 14.3.1 Permitted Activities.	Retain Section 14.3.1 Permitted Activities. AND Amend to clarify the relationship between the rules within Section 14.3 and those in the subsequent sections.	Accept in part	Support the recommendation. The amendment recommended provides clarification as to the relationship between the rules within Section 14.3 and the subsequent sections. This would be beneficial to assist plan users and is consistent with the relief sought in Transpower's submission.
576.26	Rule 14.3.1 P1 Permitted Activities	Retain Rule 14.3.1 P1 Permitted Activities, as notified.	Accept	Support the recommendation.  Specific to the National Grid, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA") provides prevailing provisions for reconductoring, increasing voltage, structure addition or replacement, for the National Grid, and on this basis, P1 is of limited relevance to Transpower in respect of rule application.
576.27	Rule 14.3.1 P2 Permitted Activities	Rule 14.3.1 P2 Permitted Activities, as notified.	Accept in part	Support the recommendation.  Specific to the National Grid, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA") provides prevailing provisions for reconductoring, increasing voltage, structure addition or replacement, for the National Grid, and on this basis, the rule for minor upgrading is of limited relevance to Transpower in respect of rule application.
576.28	Rule 14.3.1 P3 Permitted Activities	Retain Rule 14.3.1 P3 Permitted Activities, as notified.	Accept	Support the recommendation on the basis it is consistent with the relief sought in Transpower's submission and noting the NESETA regulates temporary structure and temporary line deviations associated with existing National Grid assets.

576.29	Rule 14.3.1.3 P4 Permitted Activities	<p>Retain Rule 14.3.1.3 P4 Permitted Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Activity specific condition 14.3.1.3 P4 Permitted Activities, as follows:  <i>P4 Earthworks activities associated with infrastructure</i></p> <p><i>14.3.1.3</i>  <i>(1) Any earthworks associated with infrastructure, <u>including formation and maintenance of access tracks</u>, must comply with all of the following conditions:</i></p>	Accept	<p>Support the recommendation.</p> <p>Specific to the National Grid, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) provides prevailing provisions for earthwork for the National Grid within ‘natural areas’, and on this basis, P4 is of limited relevance to Transpower in respect of rule application. However, it is applicable to works not covered by the NESETA, and on this basis is supported.</p>
576.30	Rule 14.3.1.3 P4 Permitted Activities	<p>Retain Rule 14.3.1.4 P5 Permitted Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Activity Specific Condition 14.3.1.4 P5 Permitted Activities, as follows:  <i>P5 Trimming, maintenance or removal of vegetation or trees associated with infrastructure 14.3.1.4</i></p> <p><i>(1) Any trimming, maintenance or removal of vegetation or trees associated with infrastructure, <u>including access tracks</u>, that meet all of the following conditions:</i>  ...  <i>(2) Any trimming, maintenance or removal of vegetation where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid</i></p>	Accept	<p>Support the recommendation.</p> <p>Works to trees are regulated under the NESETA and on this basis Rule 14.3.1.4P5 is of relevance to Transpower.</p> <p>The s42A Report recommendation is supported on the basis it reflects the relief sought by Transpower in its submission and recognises the importance of undertaking tree works to protect the National Grid and for safety reasons.</p> <p>However, it is noted the rule as shown in D13 of the s42A Report requires re-ordering.</p>
576.31	Rule 14.3.3 RD1 Restricted Discretionary Activities	Retain Rule 14.3.3 RD1 Restricted Discretionary Activities, as notified.	Accept in part	<p>Support the recommendation.</p> <p>Specific to the National Grid, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) provides prevailing provisions for reconductoring, increasing voltage, structure addition or replacement, for the National Grid, and on this basis, RDI is of limited relevance to Transpower in respect of rule application.</p>

576.33	Definition: Building	Delete the definition for "Energy Corridor" from Chapter 13; or clarify its application.	Accept	The recommendation is supported. While the definition is not deleted, it is amended to provide clarity as to what it relates to, and a notation is shown on the planning maps legend to assist plan users.
576.35	Definition: Infrastructure	Retain the definition for "Infrastructure" in Chapter 13 Definitions, as notified.	Accept	The recommendation is supported as the definition is retained as notified.
576.36	New Definition: Regionally significant infrastructure	Add a new definition for "Regionally Significant Infrastructure" as provided in the Waikato Regional Policy Statement.  AND  Amend the Proposed District Plan to use the term "Regionally Significant Infrastructure".	Reject	The recommendation is accepted. While the relief sought by Transpower has been rejected, I acknowledge the definition provided in the RPS would apply regardless.
576.37	Definition: Minor upgrading of existing infrastructure"	Retain the definition for "Minor upgrading of existing infrastructure" in Chapter 13 Definitions as notified.	Accept	The recommendation is supported as the definition is retained as notified.
576.38	Definition: National Grid	Amend the definition for "National grid" in Chapter 13 Definitions, as follows:  <i>National <del>g</del>Grid</i>	Accept	The recommendation is supported as the definition is amended as sought in the Transpower submission.
576.39	Definition: National Grid Yard	Retain the definition for "National Grid yard" in Chapter 13 Definitions, except for the amendments sought below  AND  Amend the definition for "National Grid yard" in Chapter 13 Definitions, as follows: <i>National <del>G</del>grid <del>Subdivision Corridor</del> <del>yard</del></i> <i>Means the area measured either side of the centre line of any above-ground electricity transmission line as follows:</i> <i>(a) 14m for the 110kV national grid lines on single poles;</i> <i><del>(b) 16m for the 110kV national grid lines on pi poles;</del></i> <i><del>(be)</del> 32m for 110kV national grid lines on towers; and</i> <i><del>(c#)</del> 37m for the 220kV transmission lines.</i>  <i><u>The National Grid Yard and National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure.</u></i>	Accept	The recommendation is supported as the definition is amended as sought in the Transpower submission. In particular I support correction of the definition title as this clarifies the correct application of the National Grid definitions.



		<u><i>The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</i></u>		
576.40	Definition: National Grid Corridor	<p>Retain the definition for "National Grid Corridor" in Chapter 13 Definitions, except for the amendments sought below</p> <p>AND</p> <p>Amend the definition for "National Grid corridor" in Chapter 13 Definitions, as follows (see submission for diagram):</p> <p><u><i>National Grid Corridor Yard</i></u>  <i>Means the area located within:</i></p> <p><i>(a) 12 metres in any direction from the outer <u>visible</u> edge of a national grid support structure <u>foundation</u>; and</i></p> <p><i>(b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and</i></p> <p><i>(c) 12 metres either side of the centre line of any above-ground national grid line on towers.</i></p>  <p>The diagram illustrates the National Grid Corridor Yard. It shows a central red corridor with a green background. A red line represents the 'Corridor' and a red circle represents the 'Yard'. A red line represents the 'Centreline'. A black dot represents a 'Single Pole', a black rectangle represents a 'PI Pole', and a black square represents a 'Tower'. Distances are marked: 12m from the outer edge of a support structure foundation to the corridor edge, 10m from the centreline of a single pole to the corridor edge, and 12m from the centreline of a tower to the corridor edge. A legend at the bottom identifies the symbols: Centreline (red line), Single Pole (black dot), PI Pole (black rectangle), and Tower (black square). The text 'Not to scale' is also present.</p> <p><u><i>The National Grid Yard and National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</i></u></p>	Accept	The recommendation is supported as the definition is amended as sought in the Transpower submission. In particular I support correction of the definition title as this clarifies the correct application of the National Grid definitions.
576.41	Definition: Operational need	Retain the definition for "Operational need" in Chapter 13 Definitions, as notified.	Accept	The recommendation is supported as the definition is retained as notified.
576.48	Definition: Temporary Infrastructure	Retain the definition for "Temporary Infrastructure" in Chapter 13 Definitions, as notified.	Accept	The recommendation is supported as the definition is retained as notified.

576.50	Rule 14.3.3 RD2 Restricted Discretionary Activities	Retain Rule 14.3.3 RD2 Restricted Discretionary Activities, as notified.	Accept	The recommendation is supported noting the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) regulates earthworks.
576.51	Rule 14.3.3 RD3 Restricted Discretionary Activities	Retain Rule 14.3.3 RD3 Restricted Discretionary Activities, as notified.	Accept	The recommendation is supported noting the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) regulates tree works.
576.52	Section 14.4 National Grid	Retain Section 14.4 National Grid, subject to amendments sought elsewhere in this submission.	Accept	The recommendation is supported as Transpower supports the provision of specific National Grid rules.
576.53	Activity Specific Conditions 14.4.1.1 P1 Permitted Activities,	<p>Retain Activity Specific Conditions 14.4.1.1 P1 Permitted Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Activity Specific Conditions 14.4.1.1 P1 Permitted Activities, as follows:</p> <p>(1) ....</p> <p>(a) ....</p> <p>(b) New, <u>or additions to existing</u> buildings <del>and</del> <u>or</u> structures that are not for a sensitive land use;</p> <p>(c) <u>Infrastructure Network Utilities</u> (other than for the reticulation and storage of water for irrigation purposes <u>or any part of electricity infrastructure</u> undertaken by a network utility operator as defined in the Resource Management Act 1991.</p> <p><u>(d) New non-habitable accessory buildings or structures.</u></p> <p><u>(e) Fences less than 2.5m in height</u></p> <p>(2) ...</p> <p>(a) ....</p> <p>(b) <u>Locate a minimum of 12m from the outer visible foundation of any National Grid support structure tower and a minimum 12m from any pole and</u></p>	Accept in part	The recommendation is supported as the rule is amended as sought in the Transpower submission.

		<p>associated stay wire, unless it is one of the following:</p> <p>i. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the <u>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001</u> ISSN 0114-0663;</p> <p><del>(ii) The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid Tower. Fences less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</del></p> <p><u>iii. Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid.</u></p> <p><u>(c) Not permanently physically</u> impede existing vehicular access to a national grid support structure</p>		
576.54	Specific Condition 14.4.1.2 P2 Permitted Activities,	<p>Retain Activity Specific Condition 14.4.1.2 P2 Permitted Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Activity Specific Condition 14.4.1.2 P2 Permitted Activities, as follows:</p> <p>(1) <u>Within the National Grid Yard in the Business, Industrial, Country Living, Heavy Industrial, Rural, <del>Town Centre Business, Hampton Downs Motorsport</del> and Recreation, <del>Tamahere Business</del>, Te Kowhai Airpark, <del>or</del> Reserves Zone <u>or Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area:</u></u></p> <p>(a) <u>Building alterations and additions to an existing building or structure for sensitive activities</u> that does not involve an increase in the building height or footprint; or</p> <p>(b) <del>Infrastructure Network Utilities</del> (other than for the reticulation and storage of water for irrigation purposes) <u>or any part of electricity infrastructure</u> undertaken by a network utility operator as defined in the Resource Management Act 1991; or</p> <p>(c) Non-habitable buildings or structures for farming activities in rural zones (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds <u>(accessory structures are permitted)</u>); or</p> <p><del>(d) Yards for milking/dairy sheds; or</del></p> <p><u>(d) Non-habitable horticultural buildings; or</u></p> <p>(e) Artificial crop protection and support structures <u>(excluding commercial greenhouses and PSA structures)</u>.</p> <p><u>(f) Fences less than 2.5m in height</u></p> <p>(2) All buildings or structures permitted by Rule 14.4.1.2(1) must:</p>	Accept in part	<p>The recommendation is largely supported but deletion of the officer recommended clause (g) is sought (refer Transpower further submission point FS1350.65).</p> <p>Refer paragraph 92 of my evidence.</p>

		<p>(a) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(b) Locate a minimum 12m from the outer visible foundation of any National Grid <u>support structure foundation</u> <del>tower and locate a minimum 12m from any pole</del> and associated stay wire, unless it is:</p> <p>i. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of <del>the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001 ISSN 0114-0663</del>; or</p> <p>ii. Fences <u>less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</u>; or</p> <p>iii. <del>Artificial crop protection</del>: <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p><del>(3) The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</del></p> <p><u>(c) Not permanently physically impede existing vehicular access to a national grid support structure</u></p> <p>(4) Artificial crop protection <u>structures</u> and <u>crop</u> support structures between 8m and 12m from a <u>single pole support structure (but not a tower)</u> and any associated guy wire <del>(but not tower)</del> <u>must that:</u></p> <p>(a) <u>Meets</u> the requirements of the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001 ISSN 0114-0663</del> for separation distances from the conductor;</p> <p>(b) <del>Be</del> <u>Are</u> a maximum <u>of</u> 2.5m high;</p> <p>(c) <del>Be</del> <u>Are</u> removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</p> <p>(d) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</p>		
576.55	Activity Specific Conditions 14.4.1.3 P3 Permitted Activities,	<p>Retain Activity Specific Conditions 14.4.1.3 P3 Permitted Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Activity Specific Conditions 14.4.1.3 P3 Permitted Activities, as follows:</p> <p>14.4.1.3</p> <p>(1) Earthworks <u>within the National Grid Yard for National Grid support poles and any stay-wires</u> that comply with the following conditions:</p>	Accept	The recommendation is supported as the rule is amended as sought in the Transpower submission.

		<p>(a) Do not exceed a depth (<u>measured vertically</u>) of 300mm within <u>12m of the outer visible edge any National Grid support structure foundation, 2.2m of the pole or stay wire; and</u></p> <p>(b) <del>Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</del></p> <p><u>(2) Earthworks for National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) that comply with all of the following conditions:</u></p> <p><u>(a) Do not exceed 300m depth within 6m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(b) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u></p> <p>(c) Do not compromise the stability of a National Grid support structure;</p> <p>(d) Do not result in the loss of access to any National Grid support structure; and</p> <p>(e) <u>Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line. Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114 0663.</u></p> <p><del>(3) The following earthworks activities are exempt from Rules 14.4.1.3(1) (a) and (2):</del></p> <p>(a) Earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991);</p> <p>(b) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;</p> <p>(c) Vertical holes not exceeding 500mm in diameter that:</p> <p>i. are more than 1.5m from the outer edge of the pole support structure or stay wire, or</p> <p>ii. are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower support structure foundation;</p> <p><del>(d) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114 0663.</del></p>		
576.56	Rule 14.4.2 RD1 Restricted Discretionary Activities	Retain Rule 14.4.2 RD1 Restricted Discretionary Activities, as notified.	Accept	The recommendation is supported in that a restricted discretionary activity is appropriate for new below ground transmission lines. The activity status gives effect to the NPSET.
576.57	Rule 14.4.2 RD2 Restricted Discretionary Activities	Retain Rule 14.4.2 RD2 Restricted Discretionary Activities, as notified.	Accept	The recommendation is supported in that a restricted discretionary activity is appropriate for transformers, substations and switching

				stations. The activity status gives effect to the NPSET.
576.58	Rule 14.4.2 RD3 Restricted Discretionary Activities,	<p>Retain Rule 14.4.2 RD3 Restricted Discretionary Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 14.4.2 RD3 Restricted Discretionary Activities, as follows:</p> <p><i>Earthworks within the National Grid Yard that <u>do</u> not comply with <del>one or more of the conditions (a)(e) or (d) of Rules 14.4.1.3(1) and 14.4.1.3(2)</del> but complies with conditions (c) (d) and (e) of Rule 14.4.1.3(1)</i></p> <p><i>Discretion is restricted to:</i></p> <p><i>(a) Impacts on the operation, maintenance, upgrading and development of the National Grid;</i></p> <p><i>(b) The risk to the structural integrity of the affected National Grid support structure(s);</i></p> <p><i>(c) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</i></p> <p><i>(d) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</i></p> <p><i>(e) Technical advice provided by the National Grid owner (Transpower);</i></p> <p><i>(f) Any effects on National Grid support structures including the creation of an unstable batter;</i></p>		<p>The recommendation is largely supported but a minor amendment is sought to the restricted discretionary activity rule 14.4.2 RD3 to clarify its application. I note it may be the temporary re-numbering of the rule provisions which may make the rule application unclear. The sought amendments are to clarify that it is non-compliance with the depth standards within Rule 14.4.1.3 P3 (1) (a) that trigger a restricted discretionary activity status and that compliance is required with the stability, access and conductor clearance standards.</p> <p>Refer paragraph 84.1 of my evidence.</p>
576.59	Rule 14.4.2.1 RD4 Restricted Discretionary Activities,	<p>Retain Rule 14.4.2.1 RD4 Restricted Discretionary Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 14.4.2.1 RD4 Restricted Discretionary Activities, as follows:</p> <p><i>14.4.2.1</i></p> <p><i>The subdivision of land in any zone within the National Grid Corridor that complies with all of the following conditions:</i></p> <p><i>(a) All <del>resulting</del> allotments <del>intended to contain a sensitive land use</del> must <del>provide</del> <u>be able to demonstrate that they are capable of accommodating</u> a building platform for the likely principal building(s) and any building(s) for a sensitive land use <del>to be located</del> outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; <del>or</del> <u>and</u></i></p>	Accept	<p>The recommendation is supported on the basis it reflects the relief sought in Transpower's submission and provides clarity for plan users.</p> <p>The recommendation on Transpower's further submission points are also accepted. The two issues addressed in Transpower further submission on Rule 14.4.2.1 relate to activity status, and location of the National Grid Corridor Subdivision rules within the PWDP. In relation to activity status, for the reasoning outlined in this evidence and in its submissions, a restricted discretionary activity status (defaulting to non-complying) is appropriate</p>

		<p><i>(b) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</i></p> <p><i>Discretion is restricted to:</i></p> <p><i>(a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of, <u>including access to</u>, the National Grid;</i></p> <p><i>(b) The ability to provide a complying building platform outside of the National Grid Yard;</i></p> <p><i>(c) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</i></p> <p><i>(d) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, <u>and the how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid;</u></i></p> <p><i><u>(e) The risk to the structural integrity of the National Grid;</u></i></p> <p><i><u>(f) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset;</u></i></p>		<p>and gives effect to the NPSET. In response the submission seeking to have the rule distributed into the zone chapters, I agree with the recommendation for the subdivision provisions to remain intact within Section 14.4 National Grid.</p>
576.60	Rule 14.4.3 D1 Discretionary Activities	<p>Amend Rule 14.4.3 D1 Discretionary Activities, as follows:</p> <p><i>New <u>above and</u> below ground transmission lines associated with the National Grid within identified areas</i></p> <p>AND</p> <p>Amend Rule 14.4.3 Discretionary Activities, to clarify what are identified areas;</p> <p>AND</p> <p>Retain Rule 14.4.3 D2 Discretionary Activities, as notified.</p>	Accept	<p>The recommendation is supported on the basis a discretionary activity status gives effect to the NPSET and recognises the National Grid is of national significance.</p>
576.61	Rule 14.4.3 Discretionary Activities	<p>Add a new rule (D3) to Rule 14.4.3 Discretionary Activities, as follows:</p> <p><i><u>D3 Substations and switching stations associated with the National Grid located within Identified Areas</u></i></p>	Accept in part	<p><a href="#">The recommendation is opposed for the reasons outlined in my evidence (refer paragraph 75).</a></p>
576.62	Rule 14.4.4 NC1 Non-Complying Activities	<p>Delete Rule 14.4.4 NC1 Non-Complying Activities.</p> <p>AND</p> <p>Delete Rule 14.4.4 NC2 Non-Complying Activities.</p>	Accept in part	<p>The recommendation (and submission point) has two components – the first relating to lines, and the second relating to substations etc.</p> <p>Related to 576.60, the recommendation to delete 14.4.4.NC1 and instead make new lines</p>

				<p>within Identified Areas as a discretionary activity is supported.</p> <p>However, the recommendation to retain substations/switching stations and transformers within an Identified Area as a non complying activity is opposed for the reasons outlined in my evidence (refer paragraph 75).</p>
576.63	Rule 14.4.4 NC5 Non-Complying Activities	<p>Retain Rule 14.4.4 NC5 Non-Complying Activities, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 14.4.4 NC5 Non-Complying Activities, as follows:</p> <p><i>NC5 Any new building for a sensitive land use, <u>or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use</u>, within the National Grid Yard</i></p> <p>AND</p> <p>Amend Rule 14.4.4 NC5 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.</p>	Accept	<p>In its submission Transpower supported Rule 14.4.4 NC5 Non-Complying Activities, new building for a sensitive land use, within the National Grid Yard, but sought amendments to include “additions to an existing building that involves an increase in the building envelope or height for a sensitive land use”; and clarification of the intent and application of the rules including better linkage to permitted activity rules.</p> <p>While paragraph 170/171 of D4 of the s42A Report recommends the point be accepted, this is not shown in Appendix 2 of the s42A Report.</p> <p>Refer paragraph 87.2 of my evidence.</p>
576.64	Rule 14.4.4 NC9 Non-Complying Activities	<p>Retain Rule 14.4.4 NC9 Non-Complying Activities, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 14.4.4 -NC9 Non-Complying Activities, as follows:</p> <p><i>NC9 Dairy/milking sheds <u>(excluding accessory structures and buildings), commercial glass houses, PSA structures</u> or buildings for intensive farming within the National Grid Yard</i></p> <p>AND</p> <p>Amend Rule 14.4.4 NC9 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.</p>		<p>In its submission Transpower supported Rule 14.4.4 NC9 Non-Complying Activities, Dairy/milking sheds or buildings for intensive farming new building, within the National Grid Yard, but sought amendments to include “(excluding accessory structures and buildings), commercial glass houses, PSA structures”; and clarification of the intent and application of the rules including better linkage to permitted activity rules.</p> <p>While paragraph 172-175 of D4 of the s42A Report recommends the point be accepted, this is not shown in Appendix 2 of the s42A Report.</p> <p>Refer paragraph 95.2 of my evidence.</p>



576.65	Rule 14.4.4 NC10 Non-Complying Activities	<p>Retain Rule 14.4.4 NC10 Non-Complying Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 14.4.4 NC10 Non-Complying Activities, as follows:</p> <p><i>NC10 Any subdivision of land in any zone within the National Grid Corridor that does not comply with <del>one or more of</del> the conditions of Rule 14.4.2.1 (RD4)</i></p>	Accept	The recommendation is supported as the rule is amended as sought in the Transpower submission.
576.66	(NC11) to Rule 14.4.4 Non-Complying Activities	<p>Add a new non-complying activity (NC11) to Rule 14.4.4 Non-Complying Activities, as follows:</p> <p><i><u>NC11 Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1.P3 or a restricted discretionary activity under Rule 14.4.2.RD3.</u></i></p>	Accept in part	The recommendation is supported as the rule is inserted as sought in the Transpower submission.
576.67	(NC12) to Rule 14.4.4 Non-Complying Activities	<p>Add a new non-complying activity (NC12) to Rule 14.4.4 Non-Complying Activities, as follows:</p> <p><i><u>NC12 Any building or structure within the National Grid Yard that is not a permitted activity under Rule 14.4.1, Restricted discretionary activity under Rule 14.4.2 or Discretionary activity under Rule 14.4.3.</u></i></p>	Reject	<p>In its submission Transpower sought the insertion of a new non-complying rule to act as a default catch all rule to provide a linkage to the other rules within Section 14.4.1 relating to the National Grid.</p> <p>For the reasons provided in paragraph 95.3 of my evidence, the recommendation on this point is opposed</p>
576.68	Advice Note	<p>Add a new advice note under Section 14.4.4 Non-Complying Activities, as follows:</p> <p><i><u>Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001.</u></i></p> <p><i><u>(1) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.</u></i></p> <p><i><u>(2) An activity, including buildings and structures, earthworks, quarrying and planting vegetation, within the National Grid Corridor or National Grid Yard may require resource consent. Transpower New Zealand limited will be considered to be an affected party where consent is required. Where an activity requires resource consent solely because it is within the National Grid Yard and/or Corridor public notification of the application is precluded.</u></i></p>	Accept in part	<p>The recommendation is accepted.</p> <p>In its submission Transpower sought the insertion of advice notes to assist plan users in understanding the National Grid and relationship with external documents, and an advice note regarding notification.</p> <p>The s42A Report recommends the insertion of advice notes relating to NZECP34 and the Hazards from Tree Regulations.</p> <p>In relation to notification, I oppose the recommendation. While I accept that notification provisions under the RMA would apply and the advice note would not have the status of the rule, the purpose of the note is to</p>

		<p><u>However, limited notification will be given to Transpower unless the written approval from Transpower is provided at the time the application is lodged.</u></p> <p><u>(3) The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the National Grid Corridor or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the National Grid Yard as shown on the District Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the National Grid Yard, contact the relevant network utility operator.</u></p> <p>OR</p> <p>Add a new advice note into the Introduction to Chapter 14 Infrastructure and Energy, as above.</p>		<p>make it clear to plan users that Transpower will be an affected party if resource consent is required. There have been instances in other districts where Transpower has not been involved in the notification process despite the National Grid yard rules not being complied with.</p> <p>Refer paragraph 96 - 97 of my evidence.</p>
567.69	Planning Maps	Retain the identification of the National Grid on the planning maps as notified.	Accept	The recommendation is supported as the National Grid is retained on the planning maps.
567.73	Objective 6.1.1 (a) Development, operation and maintenance of infrastructure	<p>Retain Objective 6.1.1 (a) Development, operation and maintenance of infrastructure, except for the amendments sought below</p> <p>AND</p> <p>Amend Objective 6.1.1 (a) Development, operation and maintenance of infrastructure, as follows:</p> <p><i>(a) Infrastructure is developed, operated and maintained <u>and upgraded</u> to benefit the social, economic, cultural and environmental wellbeing of the district <u>region and nation.</u></i></p>	Accept in part	<p>The submission is supported.</p> <p>While the relief sought by Transpower in its submission has not be accepted, on the basis of the retention of Policy 6.2.5 (i) which is specific to the benefits of the National Grid, the recommendation on Objective 6.1.1 is accepted.</p>
567.74	Policy 6.1.2 Development, operation and maintenance	Retain Policy 6.1.2 Development, operation and maintenance, as notified.	Accept in part	<p>The submission is supported.</p> <p>While the relief sought by Transpower in its submission has not be accepted, on the basis of the retention of Policy 6.2.5 (i) which is specific to the benefits of the National Grid, the recommendation on Objective 6.1.1 is accepted.</p>
567.75	Policy 6.1.3 Technological advances,	Retain Policy 6.1.3 Technological advances, as notified	Accept in part	The submission is supported on the basis the policy is largely retained as notified, and the changes recommended are of limited relevance to the National Grid.

567.76	Policy 6.1.4 Infrastructure benefits	Retain Policy 6.1.4 Infrastructure benefits, as notified.	Accept in part	The submission is supported on the basis the policy is retained as notified.
567.77	Objective 6.1.6 Reverse sensitivity	Retain Objective 6.1.6 Reverse sensitivity, except for the amendments sought below AND Amend Objective 6.1.6 Reverse sensitivity, as follows: <i>6.1.6 Objective – <del>Reverse sensitivity</del> Adverse Effects on Infrastructure</i> <i>(a) Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.</i>	Accept	The submission is supported on the basis the policy title is amended as sought by Transpower. Other recommended changes are acceptable, noting Policy 6.2.6 is specific to the National Grid.
567.78	Policy 6.1.7 Reverse sensitivity and infrastructure	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: <i>6.1.7 Policy – <del>Reverse sensitivity</del> Adverse Effects on <del>and</del> infrastructure</i> <i>(a) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, <del>and ensure so that</del> the ongoing and efficient operation of infrastructure is not compromised.</i>	Accept	The submission is supported on the basis the policy title is amended as sought by Transpower. Other recommended changes are acceptable, noting Policy 6.2.6 is specific to the National Grid.
567.79	Policy 6.1.9 - Environmental effects	Retain Policy 6.1.9 - Environmental effects, community health, safety and amenity on the basis that Policy 6.2.5 is retained (with amendments).	Accept in part	The submission is supported on the basis the policy is retained as notified.
567.81	Policy 6.1.11 Undergrounding new infrastructure	Retain Policy 6.1.11 Undergrounding new infrastructure, as notified.	Accept in part	The submission is supported on the basis the policy is (largely) retained as notified.
567.82	Rule 14.4.4 NC3 Non-Complying Activities	Retain Rule 14.4.4 NC3 Non-Complying Activities, except for the amendment sought below AND Amend Rule 14.4.4 NC3 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.	Reject	While the recommendation is to reject the submission point, the rule is retained as notified and is therefore accepted.

567.83	Rule 14.4.4 NC4 Non-Complying Activities	<p>Retain Rule 14.4.4 NC4 Non-Complying Activities, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 14.4.4 NC4 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.</p>	Reject	While the recommendation is to reject the submission point, the rule is retained as notified and is therefore accepted.
567.84	Rule 14.4.4 NC6, NC7, NC8 Non-Complying Activities	<p>Retain Rule 14.4.4 NC6 Non-Complying Activities, as notified;</p> <p>AND</p> <p>Retain Rule 14.4.4 NC7 Non-Complying Activities, as notified;</p> <p>AND</p> <p>Retain Rule 14.4.4 NC8 Non-Complying Activities, as notified.</p>	Accept in part	The submission is supported on the basis the rules are retained as notified.

## **Appendix C – Relevant provisions from the Waikato Regional Policy Statement 2016**

### **Objective 3.5 Energy**

*Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:*

- a) increases efficiency;*
- b) recognises any increasing demand for energy;*
- c) seeks opportunities to minimise demand for energy;*
- d) recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;*
- e) recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;*
- f) reduces reliance on fossil fuels over time;*
- g) addresses adverse effects on natural and physical resources;*
- h) recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and*
- i) recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.*

### **Objective 3.12 Built environment**

*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;*
- d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
- e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
- f) protecting access to identified significant mineral resources;*
- 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;*
- i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- k) providing for a range of commercial development to support the social and economic wellbeing of the region.*

### **Policy 6.3 Co-ordinating growth and infrastructure**

*Management of the built environment ensures:*

- a) the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:*
  - i) optimise the efficient and affordable provision of both the development and the infrastructure;*
  - ii) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
  - iii) protect investment in existing infrastructure; and*
  - iv) ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;*
- b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a*

minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;

- c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and
- d) a co-ordinated and integrated approach across regional and district boundaries and between agencies; and
- e) that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.

#### **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**

##### **6.6.2 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 which:

- a) recognises the benefits of the national electricity grid;
- b) identifies key transmission corridors in district plans, and:
  - i) protects the corridor and electricity transmission network from inappropriate activities (including “sensitive activities”, as defined in the National Policy Statement on Electricity Transmission); and
  - ii) manages the adverse effects (including reverse sensitivity effects) of subdivision, use and development on the operation, maintenance, upgrading and development of the electricity transmission network.
- c) identifies and addresses potential effects on people and communities and natural and physical resources from new transmission infrastructure;
- d) seeks opportunities for alignment with other infrastructure corridors;
- e) recognises that energy companies may be affected parties with respect to land use change, including subdivision and development; and
- f) seeks to manage the effects of third parties on the safe and efficient operation of the transmission network.

##### **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.

#### **Explanation**

Regionally significant infrastructure and energy resources support the wellbeing 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. 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. 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 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.*