

**Before the Proposed Plan Change 38 and Proposed Plan Change 42:  
Hearings Panel**

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Under the Resource Management Act 1991 (the Act)

In the matter of Taupō District Council Proposed Plan Change 38 –  
**Strategic Directions**

Taupō District Council Proposed Plan Change 42 –  
**General Rural and Rural Lifestyle Environments**

Between **Taupō District Council**  
Local authority

And **Transpower New Zealand Limited**  
Submitter 110 and Further Submitter FS225

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

Dated 9 August 2023

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## 1 Executive Summary

- 1.1. Transpower New Zealand Limited ("**Transpower**") owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower has a variety of assets within the Taupō District comprising predominantly 220kV transmission lines on towers and 13 substations.
- 1.2. Transpower lodged a joint submission to Proposed Plan Change 38 ("PC38") and Proposed Plan Change 42 ("PC42") raising a number of concerns with the proposed structure and content of the proposed Plan Changes, the primary one being the inclusion of very limited National Grid provisions only in the General Rural and Rural Lifestyle Environments chapter, and therefore an inconsistent and inadequate approach to managing the effects of and on the National Grid in the District Plan.
- 1.3. In addition to submission points on specific provisions, Transpower proposed that the most effective and effective way in to address the disjointed approach to managing effects of and on infrastructure, and particularly the National Grid, across the various zones, is through prioritising the development of an energy and/or infrastructure chapter that specifically gives effect to the National Policy Statement on Electricity Transmission 2008 ("**NPSET**").
- 1.4. Transpower will be appearing at both the PC38 and PC42 hearings. Given the inter-related nature of PC38 and PC42, the appointment of one hearing panel for both plan changes, and that Transpower's evidence relates to matters relevant to both plan changes, Transpower considers it more efficient and effective to provide one set of evidence. However, to assist the panel, contained within my evidence are separate sections and appendices to address submission points on the respective plan changes.
- 1.5. My evidence should be read with the Transpower evidence of Ms Rebecca Eng and technical engineering evidence of Mr Hein Pretorius.
- 1.6. The need to operate, maintain, upgrade and develop the electricity transmission network is recognised as a matter of national significance through the NPSET. There are three broad aspects to the NPSET which must be given effect to in local authority plans:

- a. **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, regional, and local benefits.
  - b. **Managing the effects of the National Grid:** Policies, plans and decision makers must take into 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.
  - c. **Managing the effects on the National Grid:** A significant resource management issue across New Zealand is managing 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 this area “sensitive” activities should not be allowed, while any other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are to be appropriately managed or avoided.
- 1.7. The scope of PC38 and 42 are confined and in its submission Transpower did not seek provisions enabling of the National Grid (beyond a broad policy).
- 1.8. Specific to PC38, Transpower lodged seven original and nine further submission points. Three of the original submission points sought new specific definitions, and the four remaining points related to strategic objectives and policies. I largely accept the officer recommendations on the above, with the only outstanding matter relating to amendment to policy 2.5.3.3. to refer to “not compromise”<sup>1</sup>.
- 1.9. Specific to PC42, Transpower lodged 18 original and 17 further submission points. I accept/support some of the officer recommendations but the majority remain outstanding, including rules for land use, earthworks and subdivision within proximity of the National Grid. While I accept an interim rule based on the operative plan approach would align with the operative plan approach and that a future plan change is intended, I do not accept this to be an adequate planning response. In response to reasoning in the S42A Report Appendix 1 that “the (Transpower) sought framework is overly complex and doesn’t reflect the relevant risk of the occurrence of this within

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<sup>1</sup> Submission point OS110.07

Taupō District”, I do not consider complexity and plan ‘fit’ a relevant planning reason and the evidence of Ms Eng and Mr Pretorius demonstrates the importance of the assets to the electricity transmission network and the consequences for both individuals and the network itself with activities within the National Grid Yard. Arguably this risk increases through rezoning of properties to Rural Lifestyle zone.

1.10. The outstanding submission points on PC42 relate to:

- Amendment to the recommended definitions of National Grid Yard, and National Grid Subdivision Corridor
- Duplication of General Rural Environment Objective 3b.2.5, to the Rural Lifestyle Environment
- Inclusion of a National Grid specific policy within the rural environment provisions
- Replacement of the National Grid Yard land use rules 4b.1.7 and 4b.3.7 with a more detailed rule
- Amendment to the officer recommended National Grid Yard earthworks rule
- Replacement of the National Grid subdivision assessment matters with a specific subdivision rule

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## 2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 26 years' experience as a resource management planner.
- 2.3. I have been a planning consultant based in Wellington for the past 22 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and energy sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
  - a. Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
  - b. Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 2.4. Specific to Transpower New Zealand Limited ("**Transpower**"), I have 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 12 years.
- 2.5. My evidence is given in support of Transpower's submission on Proposed Plan Change 38: Strategic Directions to the Taupō District Plan ("**PC38**") and Proposed Plan Change 42: General Rural and Rural Lifestyle Environments to the Taupō District Plan ("**PC42**").
- 2.6. 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 PC38 and PC42.
- 2.7. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice Note (2023), and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed

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

- 2.8. My evidence covers all the submission points lodged by Transpower on PC38 and PC42.

### 3. Scope of Evidence

- 3.1. Transpower lodged a joint submission on PC38 and PC42, with the overall intent to ensure the district plan gives effect to the National Policy Statement on Electricity Transmission 2008.
- 3.2. Transpower will be appearing at both the PC38 and PC42 hearings. Given the inter-related nature of PC38 and PC42, the appointment of one hearing panel for both plan changes, and that Transpower's evidence relates to matters relevant to both plan changes, Transpower considers it more efficient and effective to provide one set of evidence. However, to assist the panel, contained within my evidence are separate sections and appendices to address submission points on the respective plan changes.
- 3.3. On this basis my evidence will address the following:
- a. The planning background to Transpower's submission, and an outline of the need to provide sufficient recognition of the national significance of the National Grid, particularly in the context of the National Policy Statement on Electricity Transmission 2008 ("**NPSET**");
  - b. An overview of Transpower's submission on the PC38 and PC42; and
  - c. My responses to the recommendations within the respective Section 42A Reports on Transpower's submission points.
- 3.4. My evidence should be read together with the evidence of Ms Rebecca Eng who describes Transpower and the role and importance of the National Grid and addresses the nature of Transpower's assets within the Taupō District, and the technical engineering evidence of Mr Hein Pretorius.

#### 4. Transpower's Assets with Taupō District

- 4.1. Transpower owns and operates a significant number of National Grid infrastructure assets within the Taupō District. Details of the existing assets and current asset upgrades and developments, including a plan of the existing National Grid assets within the district, are provided in the evidence of Ms Eng.

#### 5. National Direction under the RMA

##### National Policy Statements

- 5.1. National policy statements are at the top of the hierarchy of planning instruments under the Resource Management Act 1991 ("**RMA**"). Of particular relevance to PC38 and PC42 and Transpower's submission, is the National Policy Statement on Electricity Transmission 2008 ("**NPSET**") and the supporting Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**").

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

- 5.2. 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**.
- 5.3. The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 5.4. 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:
  - a. **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.
  - b. **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.

- c. **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. Other activities that have the potential to compromise the National Grid or generate reverse sensitivity issues are managed to avoid those outcomes ‘to the extent reasonably possible’.

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

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

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

5.6. 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.

5.7. The NPSET policies give direction on how to achieve the objective, including recognising and providing for the benefits of electricity transmission and managing the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers and Transpower itself.

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

5.9. Of specific relevance to PC38 and PC42, Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use

and development activities on the transmission network, including informing how adverse effects on the National Grid are to be managed through planning provisions.

- 5.10. These, in turn, are crucial matters that need to be given effect to in District Plans, and of particular relevance to PC38 and PC42. 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.*

- 5.11. Policy 11 relates to the development of buffer corridors, and is as follows (emphasis added):

*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).*

## 6. Regional Direction under the RMA

### *Regional Policy Statements*

- 6.1. There are four regional policy statements<sup>2</sup> (“**RPS’s**”) for the Taupō District. Section 75(3)(c) of the RMA requires that a District Plan must give effect to any Regional Policy Statement (as well as any NPS). Relevant provisions from the RPS’s from the three regions that feature existing National Grid Assets within the Taupō District are attached as **Appendix B** (noting there are no Transpower assets within the Horizons region within Taupō district).
- 6.2. All three RPS’s (albeit to varying degrees) recognise infrastructure and the effects of activities. Of the three RPS’s, the Waikato RPS is the most specific as it relates to electricity transmission with method EIT-M2 directing the regional council to work with territorial authorities and energy companies and other relevant industry organisations

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<sup>2</sup> The Regional Resource Management Plan (RRMP) for the Hawkes Bay,

to develop a transmission corridor management approach, with specific recognition of the National Grid and NPSET.

## 7. Operative District Plan approach to Electricity Transmission

- 7.1. Before I outline the specifics of the Transpower submission, I think it is helpful to outline how the NPSET is currently given effect to in the District Plan. This is relevant as the operative plan provisions in context of the scope of PC38 and PC42 have informed Transpower's submission, and this evidence. The review demonstrates there is also an inconsistent approach between the Environments (zones) in how effects of the National Grid are managed.
- 7.2. As the Taupō District Plan (Operative 2007) does not reflect the structure of the National Planning Standards, provisions relevant to the National Grid are contained within the Network Utilities Chapters (3n and 4e.14) and the specific zone chapters which feature existing National Grid assets (being Rural Environment (3b and 4b) and the Taupō Industrial Environment and Centennial Industrial Environment (3t and 4h)).
- 7.3. The Network Utilities chapter 3n provides objectives and policies<sup>3</sup> for Network Utilities generally, with no specific National Grid/electricity transmission provisions. The provisions are generic in nature and address both the effects of and on network utilities. At a high level, the Rules for network utilities are provided with a default restricted discretionary activity (noting the NESETA applies for existing electricity transmission assets apart from the Brownhill-Whakamaru A 400kV capable transmission line that is

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<sup>3</sup> **Network Utilities chapter OBJECTIVE 3n.2.1**

To enable the operation, maintenance and upgrading of existing Network Utilities and the provision of new Network Utilities.  
POLICIES

- i. Avoid, remedy or mitigate the adverse effects of new development and buildings on the operation of existing Network Utilities.
- ii. Provide for the establishment of new Network Utilities in a way that, as far as practicable, recognises the characteristics and amenity of the different Environment areas.
- iii. Have regard for the technical and operational requirements of Network Utilities and the contribution they make to the functioning and well being of the community.

**Network Utilities chapter OBJECTIVE 3n.2.2**

Network Utilities are designed and located to avoid, remedy or mitigate adverse effects on the environment and protect the health and safety of the community.

POLICIES

- i. The establishment, operation, maintenance or upgrading of Network Utilities does not compromise the health and safety of the community
- ii. Avoid, remedy or mitigate the potential adverse effects of the location and siting of new Network Utilities on significant landscape features and the amenity and character of the District.
- iii. Encourage, in urban areas, the underground siting of those components of Network Utilities (e.g. pipes, lines, cables) that have the potential to result in adverse visual effects while having regard to the best practicable option for the location of these components.
- iv. Encourage Network Utilities to avoid, remedy or mitigate adverse effects on the environment by co-siting or sharing facilities where this is technically practical and feasible while having regard to the best practicable option for the siting or sharing of facilities.
- v. Recognise that Network Utility services can maintain and enhance the social and economic well-being of communities

designated). In my opinion there is a strong argument the operative Network Utility provisions do not give effect to the NPSET.

7.4. The specific Environment Chapters also address Network Utilities, with varying degrees of specificity to electricity transmission.

7.5. The Rural Environment chapter provides one policy<sup>4</sup> specific to Network Utilities, and two general policies<sup>5</sup> relating to reverse sensitivity and ensuring existing activities are not compromised. There are no provisions specific to electricity transmission. Chapter 4b contains a specific rule for managing effects on the National Grid:

#### *Rule 4b.2.6*

*Any activity involving a Building within 20m from the centre line of a high voltage transmission line (as shown on the planning maps) that is not associated with electricity generation is a restricted discretionary activity.*

*The Council restricts the exercise of its discretion to the following matters:*

- a. The degree to which the design or building development and location of building platforms enables the existing line to be efficiently used, operated and accessed;*
- b. Building orientation and the location and the visual impacts of the transmission lines;*
- c. Measures necessary to ensure the security of the transmission line;*
- d. The degree of compliance with New Zealand Electrical Code of Practice for Electrical Safety Distances: NZECP:34;*
- e. The outcome of any consultation with the owners of the transmission lines;*
- f. The degree to which adverse effects associated with the concept of reverse sensitivity are avoided, remedied or mitigated.*

7.6. There are no subdivision or earthworks rules relating to electricity transmission lines.

7.7. In contrast to the Rural Environment, the Taupō Industrial Environment and Centennial Industrial Environment has a more comprehensive package of provisions relating to electricity transmission. Objective 3t.2.7 and policies<sup>6</sup> are specific to electricity

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<sup>4</sup> **Rural Environment Policy** 3b.2.1 vii. Recognise and provide for Infrastructure and Network Utilities in the Rural Environment, while ensuring any adverse effects on or arising from them are avoided, remedied or mitigated as far as practicable.

<sup>5</sup> **Rural Environment Policy** 3b.2.4 i. Control activities which may potentially restrict or compromise the operation of existing activities of the Rural Environment including the creation of new rural allotments that may lead to conflict between residential and rural activity.

**Rural Environment Policy** 3b.2.4 ii. Require potentially sensitive activities to provide mitigation methods to protect them from the effects of existing activities within the Rural Environment, in order to avoid the potential effects of reverse sensitivity.

<sup>6</sup> **Taupō Industrial Environment and Centennial Industrial Environment** OBJECTIVE

3t.2.7 The national significance of the electricity transmission network and facilities associated with geothermal electricity generation is recognised through: facilitating the operation, maintenance, upgrade and establishment of activities associated with electricity transmission network and geothermal electricity generation facilities to meet the needs of present and future generations, whilst: managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network and facilities.

**Taupō Industrial Environment and Centennial Industrial Environment** POLICIES

i. To recognise and provide for the specialised character of the electricity transmission network and geothermal electricity generation facilities, in contrast to other land uses in the Industrial Environment generally.

transmission and geothermal electricity generation with directive policies provided. Specific land use and subdivision rules are provided. While no earthworks rule is provided, earthworks within a 'high voltage transmission corridor' are a matter of discretion under 4h.4.8.j.

*Rule 4h.2.14*

*Any building (except network utilities) located within 0 – 12m of a high-voltage transmission line is a discretionary activity*

*Rule 4h.2.15*

*Any building (except network utilities) located within 12 – 32m of a high-voltage transmission line is a restricted discretionary activity, with discretion being restricted to the following:*

- i. Extent of compliance with the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001)*
- ii. The location, height, scale, orientation and use of buildings and structures to ensure effects on the following are addressed:*
- iii. The risk to the structural integrity of the transmission line;*
- iv. The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;*
- v. The risk of electrical hazards affecting public or individual safety, and risk of property damage;*
- vi. The extent of earthworks required, and use of mobile machinery near transmission line which may put the line at risk;*
- vii. Minimising the visual effects from transmission line.*

*Rule 4h.3.4*

*Any subdivision within 32m of a high voltage transmission line is a restricted discretionary activity with discretion restricted to the following matters:*

- a. The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and building platforms;*
- b. The ability for maintenance and inspection of transmission lines, including ensuring access;*
- c. The extent to which the design and development will minimise the risk or injury and/or property damage from such lines;*
- d. The ability to provide a complying building (platform);*

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ii. To ensure that activities associated with electricity transmission network and existing or consented geothermal electricity generation facilities are subject to controls to avoid, remedy or mitigate adverse effects, and that adjoining development is also subject to controls so that it does not compromise their operations.

iii. Ensure that any development within a transmission corridor is appropriately managed to ensure that the on-going operation, maintenance and upgrading of the line is not compromised and to ensure that any reverse sensitivity effects can be appropriately avoided.

iv. Ensure that any development within the boundaries of the Wairakei-Tauhara Geothermal System as defined by the Waikato Regional Plan, is subject to controls to ensure that the ongoing use of the geothermal resource including the ongoing operation, maintenance and upgrading of existing or consented geothermal electricity generation activities is not compromised and to ensure that any reverse sensitivity effects of such development can be appropriately avoided

e. *Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).*

- 7.8. The above demonstrates the varied and fragmented (and arguably inadequate) approach in how the district plan gives effect to the NPSET. National Grid corridor rules vary in width and activity status across the zones as well as the activities managed, the policies for managing the effects of third parties activities vary with more specific and directive objective and policies provided in the Taupō Industrial Environment and Centennial Industrial Environment (3t.2.7) . In contrast, the only Rural Environment policy specific to infrastructure (3b.2.1 vii.) is lacking in its directiveness and does not give effect to the NPSET, specifically policies 10 and 11: *Recognise and provide for Infrastructure and Network Utilities in the Rural Environment, while ensuring any adverse effects on or arising from them are avoided, remedied or mitigated as far as practicable,*
- 7.9. Table 1. Comparison table of summarises the relevant policies and rules both within the operative plan and proposed under PC38 and PC42.

## **8. Transpower Submission on PC38 and PC42**

- 8.1. Given this is the first hearing appearance by Transpower, and the interconnected nature and breadth of all Transpower's submission points across the two plan changes, I consider it helpful to briefly summarise the general nature of Transpower's submission on PC38 and PC42, as follows:

### *Proposed Plan Change 38 – Strategic Directions*

- Transpower supports the Strategic Objectives but seeks the provision of a new Strategic Objective specific to the National Grid.
- The policies within 2.5.3 are largely supported with an amendment sought to clause 3. to reflect that activities should not compromise the National Grid.
- Transpower seeks insertion of new definitions for National Grid, Regionally Significant Infrastructure and Nationally Significant Infrastructure into the plan.

### *Proposed Plan Change 42 – General Rural and Rural Lifestyle Environments*

- The Proposed Plan Change does not give effect to the NPSET, and seeks a new framework to do this. Transpower has proposed objectives, policies and rules to manage effects on the National Grid (noting the confined nature of the plan changes). Transpower's preference is that a new energy or infrastructure chapter

is developed so that these effects are managed consistently across all zones (industrial and rural).

- Notwithstanding the future provision of an Energy/Infrastructure Chapter, as part of PC42 Transpower seeks a new suite of provisions that specifically address effects on the National Grid and give effect to the requirements of the NPSET. This includes new objectives and policies, and rules that manage activities within the National Grid Yard, and National Grid Subdivision Corridor.
- New definitions are sought to support the proposed new provisions.

Table 1. Comparison table of operative and proposed provisions relating to the National Grid/high voltage electricity transmission network

	Operative Network Utility Environment Policies	Operative Network Utility Environment Rules	Operative Rural Environment Policies	Operative Rural Environment Rules	Operative Taupō and Centennial Industrial Environments policies	Operative Taupō and Centennial Industrial Environments Rules	PC38 Objectives and policies	PC42 Rural environment Policies	PC42 Rural environment Rules
<b>Land use</b>	3n.2.1.i.	4.e.14.8	3b.2.1.vii. 3.b.2.4.i and ii.	4b.2.6 Any Building within <b>20m</b> from the centre line of a high voltage transmission line – Restricted Discretionary	3t.2.7 Objective  Policies 3t.2.7.i, ii, and iii.	4h.2.14 Any Building within <b>0-12m</b> from the centre – Discretionary  4h.2.15 Any Building within <b>12-32m</b> from the centre – Restricted Discretionary	Objectives 2.5.2. 1., 2., and 3.  Policies 2.5.3.1, and 3.	Objective 3b.2.5 and 3b.2.6  Policy 3b.2.13  Objective 3b.3.2	4b.1.7 Any Building within 0-12m from the centre – Restricted Discretionary  4b.3.7 Any Building within 0-12m from the centre – Restricted Discretionary
<b>Subdivision</b>	Nothing specific	Nothing specific	Nothing specific	No rule	Nothing specific	4h.3.4 Any subdivision within <b>32m</b> from the centre – Restricted Discretionary	Policy 2.5.3.3	Objective 3b.2.6	No rule
<b>Earthworks</b>	Nothing specific	Nothing specific	Nothing specific	No rule	Nothing specific	No earthworks rule but is an assessment matter	Nothing specific	Nothing specific	No rule



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## *PC38: Strategic Directions*

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### 9. Response to the PC38 Section 42A Report Recommendations

9.1. The following section responds to the PC38 Hearing s42A Report recommendations on Transpower's submission points. I broadly categorise Transpower's submission points under two topics:

- Definitions<sup>7</sup>
- Strategic Direction Objectives and Policies <sup>8</sup>

9.2. Attached as **Appendix C** is a summary table of all the Transpower submission points relating to PC38 and whether the s42A Report recommendations are accepted, supported or opposed. I largely accept the officer recommendations on the above, with the only outstanding matter relating to amendment to policy 2.5.3.3<sup>9</sup>. to refer to "not compromise". Specific responses to the submission point are addressed below.

#### ***Definitions***

9.3. The recommendation for definitions for *Nationally Significant Infrastructure*, *Regionally Significant Infrastructure* and *National Grid* are supported and reflect that sought in the Transpower submission.

#### ***Objective and Policies – Section 2.5 Strategic Direction 5 – Nationally and Regionally Significant Infrastructure***

9.4. Transpower submitted in support of Policy 2.5.3.1<sup>10</sup> and 2.5.3.2<sup>11</sup> and their retention is supported. The recommended amendments are minor and are supported.

9.5. In addition to the above support, Transpower sought<sup>12</sup> a new objective specific to the National Grid, on the basis of the national significance of the National Grid and to give effect to the NPSET. *The national significance of the National Grid and sustainable, secure and efficient electricity transmission is recognised and provided through and within the District.* The reporting officer has rejected the relief sought on the basis of

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<sup>7</sup> OS110.1, OS110.2, OS110.3

<sup>8</sup> OS110.4, OS110.5, OS110.6, OS110.7. FS225.7, FS225.8, FS225.14, FS225.13, FS225.12, FS225.24, FS225.25, FS225.22, FS225.23.

<sup>9</sup> As sought in submission point OS110.07

<sup>10</sup> OS110.5

<sup>11</sup> OS110.6

<sup>12</sup> OS110.4

proposed objective 2.5.2.2 *The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and encouraged provided for.*

- 9.6. On the basis of the recommended amendment to Objective 2.5.2.2 that the benefits be recognised and ‘provided for’, and the provided definition of ‘Nationally Significant Infrastructure’, I am comfortable with the recommendation to not include a National Grid specific objective.
- 9.7. Transpower also submitted on policy 2.5.3.3 seeking reference to ‘compromise’ within the policy. The officer has rejected the relief sought on the basis the change is not necessary given the high-level strategic nature of the policy and that ‘compromise’ would be included as those activities which ‘adversely affect’ it.
- 9.8. In my opinion an amendment to the policy as sought in the Transpower submission remains appropriate. As outlined in its submission and outlined in paragraph 7.1 of this evidence, the Taupō District Plan has a fragmented and, in my opinion, inadequate approach to giving effect to the NPSET. The National Grid corridor rules vary in width and activity status across the zones as well as the activities managed, the policies for managing the effects of third-party activities vary with more specific and directive objective and policies (3t.2.7) provided in the Taupō Industrial Environment and Centennial Industrial Environment. In contrast, PC42 introduced one objective (3b.2.6 *Impacts on infrastructure*) and one policy (3b.2.13 *Avoiding reverse sensitivity*) both of which are insufficiently directive to give effect to the NPSET. Neither clause reflects the directive language within NPSET Policy 10 to manage activities to avoid reverse sensitivity effects and ensure the electricity transmission network is not comprised. Nor do the provisions provide a clear direction to avoid sensitive activities. The strong directive within Policy 10 of the NPSET was addressed in the 2017 High Court decision on the Auckland Unitary Plan with the decision<sup>13</sup> finding at paragraph 85:

*Policy 10, though subject to the “reasonably possible” proviso, is, in my judgment, relatively prescriptive. It requires that decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network, and “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. What is sought to be protected is the*

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<sup>13</sup> Transpower vs Auckland Council, CIV-2016-404-002330 [2017] NZHC 281

*national electricity transmission grid – an asset which the NPSET recognises is of national significance. A mandatory requirement to ensure that an asset of national significance is not compromised is, in my judgment, a relatively strong directive.*

9.9. The inadequacy of the PC42 provisions is discussed further in the response to PC42. However, in relation to PC38, in my opinion, the lack of a clear policy directive within the balance of the district plan infers an even greater obligation that the strategic directions clearly articulate the strategic direction and give effect to Policies 10 and 11 of the NPSET.

9.10. Based on the above, I support an amendment to policy 2.5.3.3 as sought in the Transpower submission as follows. I note that in response to other submitters concerns, I support retention of the reference to reverse sensitivity effects: (amendments recommended in the S42A report are shown as red text. Further amendments sought through this evidence are shown as blue text):

*Policy 2.5.3.*

*3. Subdivision, land use and development will not adversely affect or compromise (including reverse sensitivity effects) the effective and safe functioning of infrastructure.*

9.11. Given the scale and nature of the above sought change. I have not provided a specific S32AA evaluation. However, I consider the sought change to be the most efficient and effective means by which to give effect to the higher order policy direction in the NPSET, particularly the second limb of Policy 10, and to give effect to PC38 Objective 2.5.2.1.

## 10. Response to the PC42 Section 42A Report Recommendations

10.1. The following section responds to the PC42 Hearing s42A Report recommendations on Transpower's submission points. I broadly categorise Transpower's submission points under three topics:

- General<sup>14</sup>
- Definitions<sup>15</sup>
- Objectives and Policies<sup>16</sup>
- Rules<sup>17</sup>

10.2. Attached as **Appendix E** is a summary table of all the Transpower submission points relating to PC42 and whether the s42A Report recommendations are accepted, supported or opposed. I accept and support some of the officer recommendations but those outstanding relate to:

- Amendment to the recommended definitions of National Grid Yard, and National Grid Subdivision Corridor
- Duplication of General Rural Environment Objective 3b.2.5, to the Rural Lifestyle Environment
- Inclusion of a National Grid specific policy within the rural environment provisions
- Replacement of the National Grid Yard land use rules 4b.1.7 and 4b.3.7 with a more detailed rule
- Amendment to the officer recommended National Grid Yard earthworks rule
- Replacement of the National Grid subdivision assessment matters with a specific subdivision rule

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<sup>14</sup> OS110.13

<sup>15</sup> OS110.14, OS110.15, OS110.16, OS110.17

<sup>16</sup> OS110.08, OS110.09, OS110.3

<sup>17</sup> OS110.18, OS110.19, OS110.20, OS110.21, OS110.22, OS110.23, OS110.24, OS110.25

## **General**

- 10.3. Submissions point OS110.13 seeks a new district wide Infrastructure/Network Utilities Chapter. One of the underlying concerns of the Transpower submission was that the operative district plan and proposed plan changes do not give effect to the NPSET.
- 10.4. I have read the S42A commentary<sup>18</sup> on giving effect to the NPSET and appreciate the issues and constraints with PC38 and PC42. Transpower fully supports the intention for a transition to the National Planning Standards in 2024 and formation of a district wide matters 'Energy, Infrastructure and Transport' chapter and would readily provide its support and input. Given the national significance of the National Grid and as noted in the evidence of Ms Eng, that the network within the Taupō District forms the 'back bone' of the electricity transmission system, the provision of a comprehensive and cohesive Energy/Infrastructure Chapter is required to both enable and protect the network.
- 10.5. Notwithstanding the support for a future Infrastructure chapter plan change, I am mindful of the requirement in S75(3) that the district plan give effect to the NPSET. I am also cognisant of the wider planning context (in the form of resource management reforms) and that any future plan changes may well be influenced by such reforms (as has occurred with the decision to not undertake a full plan review). Therefore, in my opinion a pragmatic approach is to partially give effect to the NPSET at this opportunity, through PC38 and PC42, recognising that the vast majority of the National Grid is within the Rural Environment. Council has had since 2008 to give effect to the NPSET, with the NPSET itself requiring plans give effect to the national direction within 4 years from the 2008 approval date of the NPSET.
- 10.6. In my opinion, any assertion that the provision of bespoke National Grid provisions specific to the Rural Environment would not be practical or desirable, carries limited planning weight in context of the statutory directive to give effect to the NPSET.
- 10.7. Reflecting the scope of the plan change, the relief I support through this evidence would give partial effect to the NPSET and is confined to management of the effects of activities on the National Grid through appropriate policies and rules (as opposed to seeking enabling National Grid provisions).

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<sup>18</sup> PC42 Section 42A Report, Section 5.2, paragraphs 65 to 68, and 80.

## **Definitions**

- 10.8. The recommendation for a definition for *National Grid Support Structure*, is supported and reflects that sought in the Transpower submission.
- 10.9. The officer has rejected the sought definition for *Sensitive Activities* on the basis the term is not used within the Rural Environment chapter. As outlined later in this evidence, I remain supportive of a more comprehensive National Grid Yard rule and therefore support the definition as sought in the Transpower submission.
- 10.10. Specific to the definition of *National Grid Yard*, the officer has recommended a definition partially based on that sought in the Transpower submission, but with reference to a 10m setback from poles. I do not support the reference to 10m setback from poles as:
- a. There are no National Grid pole support structures in the district and therefore the term is redundant;
  - b. The 10m setback applies only to poles on 110kV lines – as above there are no 110kV lines in the district,
  - c. Notwithstanding a. and b. above, the 10m setback has incorrectly been applied as a setback from the support structure whereas it technically relates to a 10m setback from the centreline (i.e under the conductors). Any support structure requires a 12m setback to ensure the structure is not compromised.
- 10.11. Specific to the definition of *Nationally Grid Subdivision Corridor* I am largely comfortable with the definition as recommended but understand the second bullet point (350kV) lines is incorrect. As confirmed in the evidence of Ms Eng, there are only 220kV transmission lines on towers within Taupō District. To avoid confusion, the definition should reflect this and the second bullet point is sought to be deleted. I have also deleted reference to “*and illustrated in Appendix*” as am not aware of any Appendix and am not clear why the reference is inserted. Given there is now only one bullet point, I have suggested re-arrangement of the wording.
- 10.12. Based on the above, I am supportive of a new definition for *Sensitive Activities*, and amended definition of *National Grid Yard* and *National Grid Subdivision Corridor* as follows. (amendments recommended in the S42A report are shown as red text. Further amendments sought through this evidence are shown as blue text):

Insert a new definition as follows:

Sensitive Activities (in the National Grid Yard) means:

- a. residential activity;
- b. marae;
- c. hospital;
- d. healthcare activity;
- e. educational facility and preschools;
- f. retirement village;
- g. guest or visitor accommodation activity; or
- h. place of assembly.

Amend the definition of National Grid Yard as follows:

National Grid Yard – The area located within:

12m in any direction from the visible outer edge of a National Grid tower; ~~or 10m in any direction from a National Grid single pole or pi-pole;~~ or the area located within 12m either side of the centre line of any overhead National Grid line on towers.

The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Amend the definition of National Grid Subdivision Corridor as follows:

National Grid Subdivision Corridor – means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in Appendix):

- 37 metres for 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);
- 39 metres for 350kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);

National Grid Subdivision Corridor – means the area measured 37m either side of the centreline of above ground National Grid 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers)

## **Objectives and Policies**

10.13. Transpower lodged four submission points to the objectives and policies seeking: an amendment to the introduction to recognise operational and or locational needs<sup>19</sup>; a

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<sup>19</sup> OS110.14

new policy to recognise the enabling aspect of the Grid<sup>20</sup>; two new objectives (one recognising the Grid and one ensuring the Grid is not compromised)<sup>21</sup>; and a new explicit policy relating to the effects of activities on the Grid<sup>22</sup>. The points are addressed in turn below:

10.14. **Submission Point 1.** I support the amendment to the introduction to recognise operational and or locational needs.

10.15. **Submission Point 2.** I accept the recommendation to not include a new ‘enabling’ Grid policy as sought in the Transpower submission<sup>23</sup>. This is on the basis of the context of PC38 and PC42 and that enabling provisions are best addressed as a complete and comprehensive package through a new Energy/Infrastructure chapter. In the interim I am satisfied the Strategic Direction objectives and policies would apply noting that any upgrade or new National Grid assets that require consent (and are not covered by the NESETA) would likely be a “*significant resource consent application where there is a requirement to consider District Plan policy*<sup>24</sup>” and would therefore apply.

10.16. **Submission Point 3.** I have carefully considered the Transpower submission point seeking two new objectives (one relating to significance and one ensuring the Grid is not compromised). I largely accept the officer recommendation to not include the objectives as sought, and instead rely on Objective 3b.2.4<sup>25</sup>, 3b.2.5<sup>26</sup> and 3b.3.2<sup>27</sup>, and in particular Objective 3b.2.6 which is recommended to be amended by the reporting officer as follows:

*Objective 3b.2.6 Impacts on infrastructure*

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<sup>20</sup> OS110.17

<sup>21</sup> OS110.15

<sup>22</sup> OS110.16

<sup>23</sup> Policy Sought: Recognise and provide for the effective operation, maintenance, upgrading, and development of the National Grid.

<sup>24</sup> As provided in the introduction to the Strategic Directions chapter

<sup>25</sup> *Objective 3b.2.4 Other activities*

*Māori cultural activities, tourism activities, visitor accommodation, renewable electricity generation and transmission (including sub transmission) activities, and other activities that have a locational need are enabled in the General Rural Environment.*

<sup>26</sup> *Objective 3b.2.5 Avoidance of reverse sensitivity*

*Reverse sensitivity effects on permitted, and legally established, and/or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.*

<sup>27</sup> *Objective 3b.3.2 Avoid reverse sensitivity*

*Adverse reverse sensitivity effects, including conflict with permitted, and legally established and/or consented activities in neighbouring Environments, are avoided.*



*The impacts ~~on infrastructure~~ arising from subdivision and development ~~are managed~~ do not compromise the safe and efficient function of infrastructure.*

- 10.17. However, I support the duplication of objective 3b.2.6 within the Rural Lifestyle Environment. This would give effect to the NPSET Policy 10 and Strategic Direction Objective 3 and Policy 3.
- 10.18. I would note that should the Strategic Directions within Section 2.5 under PC38 be amended to be less directive, I would support the insertion the insertion of the above objectives sought in the Transpower submission.
- 10.19. **Submission Point 4.** The final submission point on the policy approach was for a specific and directive policy<sup>28</sup> relating to effects on the National Grid from activities. The policy gives effect to NPSET Policy 10 and 11, both of which provide a strong policy directive to give effect to the objective of the NPSET. While I acknowledge the General Rural Environment policy 3b.2.13<sup>29</sup> manages effects, it is not sufficiently directive to give effect to the NPSET. It also does not provide any policy directive to ensure the Grid is not compromised in accordance with the second “limb” of NPSET Policy 10, nor does it (or any other policy) give effect to Objective 3b.2.6 Impacts on Infrastructure. The same issue applies to the Rural Lifestyle zone which does not even have the benefit of a policy similar to 3b.2.13. As such there is no policy to give effect to the objective 3b.2.6.
- 10.20. The S42A reporting officer has recommended/commented (in Appendix 1 to the S42A Report and in response to submission point OS110.15 and OS110.17) that “*Objectives and policies relating to the national grid are already included within the Strategic Directions Plan Change 38 which crosses over all zones, not just the Rural Environment. This is considered a more appropriate location for these objectives and policies until a new Energy chapter is created in the future*”. While I support the Strategic Direction objectives and policies, I am cognisant of the potentially limited application of these provisions in that the introductory text to the Strategic Directions provides “*The strategic directions will be particularly relevant for any future changes to*

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<sup>28</sup> *Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:*

*a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;*  
*b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.*

<sup>29</sup> *Policy 3b.2.13 Avoiding reverse sensitivity*

*Any adverse effects generated by an activity, including reverse sensitivity effects, must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established and/or consented neighbouring activities.*

*the Plan and any significant resource consent applications where there is a requirement to consider District Plan policy.*

- 10.21. Arguably, within context of the district as a whole and in the absence of any detail as to what is a significant resource consent application, a consent application for a dwelling within the National Grid Yard would not be a significant resource consent application. Furthermore, the provision of Strategic Direction does not negate the need to provide objectives and policies within specific district plan chapters, even if such a position is a potential 'holding pattern'.
- 10.22. To assist the panel in understanding the linkages between the provisions, the following table outlines the objective and policy linkages relevant to the matters raised in the Transpower submission being the effects of activities on the National Grid. This demonstrates the policy gaps, and that sought through this evidence to address these gaps. (Relevant Regional Policy Statement provisions are attached as **Appendix B**). The amendments recommended by the reporting officer are shown as **red** strikethrough/underline text, with amendment sought in this evidence shown as **blue** text.

<b>NPSET Objective and Policies 10 and 11</b>	
<p><b>Policy 10</b> 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.</p> <p><b>Policy 11</b> 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).</p>	
<b>Strategic Direction</b>	
<p><b>Objective 2.5.2.1</b> The wider benefits and strategic importance of Nationally and Regionally Significant Infrastructure to the District and wider, <del>including the economic, cultural and social wellbeing of people and communities and for their health and safety,</del> are recognised in decision making and land use planning.</p> <p><b>Objective 2.5.2.3</b> Land use in the District will not adversely affect the capacity and the safe and effective functioning of Nationally and Regionally Significant <del>Infrastructure</del> and local infrastructure required to service existing and future communities</p> <p><b>Policy 2.5.3.3.</b> Subdivision, land use and development will not adversely affect <u>or compromise</u> (including reverse sensitivity effects) the effective and safe functioning of infrastructure.</p>	
<b>General Rural Environment</b>	Rural Lifestyle Environment
<b>Objective 3b.2.5</b> Avoidance of reverse sensitivity	<b>Objective 3b.3.2</b> Avoid reverse sensitivity

<p>Reverse sensitivity effects on permitted, and legally established, <del>and/or consented</del> activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.</p> <p><b>Objective 3b.2.6</b> Impacts on infrastructure</p> <p>The impacts <del>on infrastructure</del> arising from subdivision and development <del>are managed do not compromise the safe and efficient function of infrastructure.</del></p>	<p>Adverse reverse sensitivity effects, including conflict with permitted, <del>and</del> legally established <del>and/or consented</del> activities in neighbouring Environments, are avoided.</p> <p><b>Sought new Objective</b></p> <p><u>Objective - Impacts on infrastructure</u></p> <p><u>The impacts on infrastructure arising from subdivision and development are managed do not compromise the safe and efficient function of infrastructure.</u></p>
<p><b>Policy 3b.2.13</b> Avoiding reverse sensitivity</p> <p>Any adverse effects generated by an activity, <u>including reverse sensitivity effects</u>, must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established <del>and/or consented</del> neighbouring activities.</p> <p><b>Evidence seeks new policy</b></p> <p><u>Policy - Effects on the National Grid</u></p> <p><u>Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:</u></p> <p><u>a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;</u></p> <p><u>b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.</u></p>	<p>No related policies to give effect to the objectives.</p> <p><b>Evidence seeks new policy</b></p> <p><u>Policy - Effects on the National Grid</u></p> <p><u>Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:</u></p> <p><u>a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;</u></p> <p><u>b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.</u></p>

10.23. Based on the above, I am supportive of the following: (amendments recommended in the S42A report are shown **as red text**. Further amendments sought through this evidence are shown as **blue text**):

Insert a duplication of objective 3b.2.6 within the Rural Lifestyle Environment as follows:

Objective 3b.2.6 Impacts on infrastructure

The impacts on infrastructure arising from subdivision and development are managed do not compromise the safe and efficient function of infrastructure.

Insert the following policy within the General Rural Environment and Rural Lifestyle Environment chapters as follows:

Policy - Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;

b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

**Rules**

10.24. Transpower lodged submission points seeking amendment of the land use rules relating to buildings and structure within proximity of the National Grid, and insertion of rules to manage earthworks and subdivision within proximity of the National Grid. The basis for the relief sought is to give effect to the NPSET (specifically policies 10 and 11) and regional policy statement direction.

10.25. By way of background for the sought rules, 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 Pretorius outlines how activities can compromise the operation, maintenance, development and upgrade of the National Grid, with the three primary reasons for restricting third party activities being:

1. Electrical risk (health and safety);
2. Annoyance caused by transmission lines and reverse sensitivity; and
3. Restrictions on the ability of Transpower to access, maintain, upgrade and develop the transmission lines, as well as third party development directly effecting and compromising the assets themselves.

10.26. In addition to the health and safety issues of activities locating within proximity of the National Grid, the National Grid can be affected by other activities that establish beneath or in close proximity to its lines and/or structures or substations. Furthermore, in directly effecting the National Grid assets, such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity,

radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines.

10.27. The location of buildings and activities, beneath or in close proximity to lines and/or structures can also compromise Transpower's ability to operate, maintain, upgrade and develop the National Grid. Additionally, the stability of National Grid lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated.

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

- Avoid sensitive activities near electricity transmission lines and infrastructure (Policy 11);
- Manage activities to avoid reverse sensitivity effects on the National Grid (Policy 10); and
- Manage activities to ensure the operation, maintenance, upgrading and development of the National Grid is not compromised (Policy 10).

10.29. The most effective and efficient way of managing the potential for adverse effects on the National Grid is to adopt a 'corridor' approach (being the defined "National Grid Yard" (which manages land use) and the "National Grid Subdivision Corridor" (which manages subdivision). Importantly, the National Grid Yard and National Grid Subdivision Corridor provide a consistent approach to managing the potential for adverse effects on the National Grid.

10.30. From a planning perspective, in order to manage subdivision and other land uses (including earthworks) 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 Subdivision Corridor. Ms Eng's evidence expands on this approach.

10.31. These activities (land use, earthworks and subdivision) are addressed in turn.

### ***Rules - Land Use***

- 10.32. Specific to land use, Transpower sought a revised land use rule to replace rules 4b.1.7 and 4b.3.7<sup>30</sup>. The reporting officer has recommended retention of the PC42 rules, with an amendment to include reference to ‘*sub transmission*’ lines. Before I delve into the specific relief sought by Transpower on the rules, in relation to sub transmission lines, I would like to note that I question the appropriateness of including sub transmission lines within the National Grid corridor approach in that the National Grid Yard rule is in direct response to giving effect to NPSET policies 10 and 11. The NPSET only applies to high voltage lines owned or operated by Transpower. I also note the width of the National Grid Yard is informed by technical engineering advice based on the swing of National Grid conductors under normal wind conditions. The distances have been assessed as they relate to National Grid assets, and therefore are not necessarily directly transferable to sub transmission lines.
- 10.33. In response to the notified rules (which reflect the operative rural environment approach) in its submission Transpower raised concerns with the blanket approach of the rule which does not reflect Transpower’s current engineering based approach. The provisions sought in relation to the National Grid Corridor approach are intended to allow for the reasonable use of land inside the transmission line corridor, with standards and rules imposed to ensure that any subdivision, land use and development that might compromise the National Grid is either managed or avoided. Specific to the 12 m ‘National Grid Yard’, Transpower is satisfied that there are some activities within the National Grid Yard that will not compromise the operation, maintenance or any upgrade of the network, due to their nature and small scale. Certain structures (such as rural hay barns, pump sheds and implement sheds) are less problematic within 12 m of the line (noting that they will still need to be set back 12 m 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. 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.

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<sup>30</sup> OS110.18, OS110.19, OS110.20 and OS110.21

10.34. The approach supported by Transpower is to manage activities within a 12m yard (either side of the centreline) with a default non complying activity status where the standards are not complied with. A restriction for land use beyond 12m does not reflect Transpower's current engineering based approach and is not supported.

10.35. The 12m 'yard' within PPC42 Rule 4b.1.7 and 4b.3.7 is supported. I have reviewed the notified rule and have the following particular concerns.

- a. The simplistic nature of the rules captures all buildings with no recognition of some buildings which could be permitted. It does not also automatically apply to structures. While I appreciate the definition of building<sup>31</sup> in the district plan is comprehensive, I note the definition does have a lot of exclusions (for example fences, pools, temporary structures and activities (which are not defined) small buildings, etc) all of which may pose an issue for the operation and maintenance of the National Grid, particularly where they are within 12m of the National Grid support structures. I also note the operative definition is not clear in that it appears to exclude buildings (refer highlighted clause below in footnote 31). Furthermore, in considering the definition in the district plan, I am also mindful of the definition for building in the National Planning Standards<sup>32</sup>. It is not clear when Council intends to amend its district plan to give effect to the mandatory directions within the National Planning Standards (to use the definitions in the Standards). Transpower would be concerned that any changes to give effect to the mandatory directions (that is not required to go through the Schedule 1 Plan change process and is a consequential amendment) would have unintended consequences and

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<sup>31</sup> *Building – means any structure, temporary or permanent, movable or immovable excluding:*

- *Fences or walls of 2m in height or less above ground level or retaining walls of 2m in depth or less below ground level;*
- *Masts and poles less than 2m in height above ground level;*
- *Radio and television aerials (excluding dish antenna greater than 1.2m in diameter), less than 2m in height*
- *Uncovered decks not more than 1m above ground level*
- *Uncovered swimming pools no higher than 1m above ground level*
- *Up to 0.6m of overhanging eaves*
- *One building per allotment not exceeding 2m in height and 6m<sup>2</sup> in GFA provided the height to boundary performance standard is met;*
- *Temporary structures associated with maintenance activities and construction works;*
- *Structures that are for the purpose of erosion control or flood protection, for example, debris dams.*
- *Building includes the construction, erection, alteration, relocation or placement on an allotment, of a building.*
- *Signs as provided for in rules, 4g.1.16, 4g.1.19 and 4h.1.10.*
- *Advertisements for national and local elections where they meet the Electoral (Advertisements of a Specified Kind) Regulations 2005.*

<sup>32</sup> *Building (means a temporary or permanent movable or immovable physical construction that is:*

- (a) partially or fully roofed; and*
  - (b) fixed or located on or in land;*
- but excludes any motorised vehicle or other mode of transport that could be moved under its own power.)*

may not capture structures and there is ongoing gap in the rule in relation to structures. Having a more detailed rule would largely address these concerns.

- b. I also note sensitive activities are not captured. Rule 4b.1.7 and 4b.3.7 capture new buildings (as existing buildings have existing use rights) and therefore Transpower has concerns that a change of use for a building to a sensitive activity would not be captured by the PC42 rule. Given the risk of locating residential activities within proximity of the Grid, Transpower wishes to manage such activities.
- c. The restricted discretionary activity status within the Appendix 2 – Officer recommended amendments to PC42 (noting the S42A Report Appendix 1 commentary refers to a discretionary activity status) does not align with or give effect to the directive policies within the NPSET, specifically policies 10 and 11. 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”*. As outlined in the evidence of Mr Petorius, the potential adverse effects of land use activities on the National Grid are great, bearing in mind the national significance of the electricity transmission network as recognised in the NPSET.

The use of Restricted Discretionary activity status is further discussed on the Quality Planning website with advice provided to: *“Avoid: making the matters over which discretion is restricted so wide as to make the restriction meaningless. Where the matters over which discretion is to be restricted are wide consider using the (unrestricted) ‘discretionary’ activity status instead using the restricted discretionary status for activities where the intent is to only grant consent in ‘exceptional circumstances’ (consider, for example, using the non-complying status with clear policy direction as to what ‘exceptional circumstances’ may be instead).”*

In my opinion, the second matter is particularly relevant. For completeness I do not support a discretionary activity status. 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". As demonstrated in evidence, activities that cannot meet the standards within the National Grid Yard are not suitable.*

- d. Transpower has worked with stakeholders to develop its National Grid Yard framework. While there are still some areas of disagreement, the approach has evolved from a blanket restriction to recognising some activities can appropriately occur within the National Grid Yard, subject to standards. Transpower has concerns the blanket rule is therefore overly restrictive in relation to some activities. For example, a hay shed or farming building.

10.36. While I accept an interim rule based on the operative plan would align with the operative plan approach and that a future plan change is intended, I do not accept this to be an adequate planning response. In response to reasoning in the S42A Report Appendix 1 that "the sought framework is overly complex and doesn't reflect the relevant risk of the occurrence of this within Taupō District", I do not consider complexity a relevant planning reason and the evidence of Ms Eng and Mr Petorius demonstrate the importance of the assets to the electricity transmission network and the consequences for both individuals and the network itself associated with activities occurring in the National Grid Yard. Arguably the risk increases through rezoning of properties to Rural Lifestyle zone.

10.37. Having reviewed the operative and PPC42 rules, Transpower considers that given the discrete nature of the National Grid rule, the rural environment chapters can be readily amended to reflect the relief sought in the Transpower submission. This is the preferred approach by Transpower and reflects the approach sought across New Zealand. Transpower has given consideration to removing clauses from the sought rule but has concerns this would not give effect to the NPSET and even as an interim measure, give rise to the potential for the Grid to be compromised and inappropriate activities located within proximity of the Grid which can pose a safety risk, and removal of some permitted activities which mean resource consent may be needlessly triggered.

10.38. Based on the above, an interim rule based on PPC42 is not preferred and I support replacement of the land use rules as follows: (amendments recommended in the S42A

report and shown as red text. Further amendments sought through this evidence are shown as blue text):

Delete the following rules:

4b.1.7 High voltage transmission lines and 4b.3.7 High voltage transmission lines

~~4b.1.7 High voltage transmission lines~~

~~a. Any building (except network utilities) located within 0-12 metres of a high voltage transmission or sub transmission line is a restricted discretionary activity.~~

~~When considering activities under Rule 4b.1.7 Council restricts the exercise of its discretion to the following matters:~~

~~a. The location of the structure in relation to high-voltage transmission or sub transmission line.~~

~~b. Any effects on the safe and efficient functioning of the transmission or sub transmission line.~~

Insert a new rule for buildings, structures and activities in the National Grid Yard for each rural zone as follows:

4b.1.x Buildings, structures and activities in the National Grid Yard

a) Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.

b) A building, structure or activity which does not comply with the performance standards in 4b.x.x or is not otherwise provided for, is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Insert new performance standards for buildings, structures and activities in the National Grid Yard for each rural zone as follows:

4b.x.x Performance standards – Buildings, structures and activities in the National Grid Yard

1. The activity, building or structure is not for a sensitive activity.

2. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:

a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.

- b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
  - c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
  - d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.
3. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.
4. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).
5. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
- a. is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
  - b. meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
  - c. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

### **Rules - Earthworks**

10.39. Specific to earthworks, Transpower sought an earthworks rule<sup>33</sup>. The reporting officer has recommended rules in each of the rural zones.

10.40. Transpower supports the provision of standards specific to earthworks on the basis such activities can compromise the National Grid and are a form of development contemplated by the NPSET. Specifically, uncontrolled earthworks can affect access, undermine the support structures or generate dust. The latter can result in the build-up of material on the National Grid lines and increase the wear on the equipment reducing its useable lifespan. As outlined in the evidence of Mr Pretorius, excavations or mounding mid-span can increase risks by reducing the clearance between the ground and conductors. Excavated areas or piles of earthworks can also restrict Transpower's ability to access and locate the heavy machinery required to maintain

<sup>33</sup> OS110.22 and OS110.23

support structures and conductors around the lines, and may lead to potential support structure failure and significant constraints on the operation of the lines, such as power outages. For these reasons, Transpower seeks controls on earthworks near the National Grid. The provision of a rule framework achieves Policies 2 and 10 of the NPSET in that it protects the integrity of the National Grid and the ability to maintain and operate it.

10.41. I largely support the rule but recommend the following amendments to clarify its application and remove references to poles (as there are none in the district):

- a. The recommended rule refers to *Earthworks within the National Grid Corridor*, and *Earthworks in and around high voltage transmission National Grid corridor*. The National Grid Corridor is not defined in the ODP or PC42 and therefore while the standards within the rule imply the rule applies within 12m of support structure and centrelines, this is not clear. The reference to 'and around' adds confusion to the application of the rules. To assist in plan interpretation, I support amending the title and rule chapeau to refer to *National Grid Yard*, which is spatially defined.
- b. References to, and standards for, poles are not needed or appropriate given there are none in the district.
- c. The standard relating to clearance distances is uncertain in its application in that it refers to a 'reduction of the existing conductor clearance distance' which is both hard to measure and does not recognise that the existing clearance may be more than sufficient and some earthwork could be undertaken which reduce the existing clearance but still comply with safety standards within NZECP.
- d. There are no standards to ensure existing vehicle access is maintained to existing support structures. As addressed below in paragraph 10.46, physical access to transmission lines is required for all maintenance and project work.
- e. The exemptions should only apply to the depth standards and not exemptions from the standards relating to clearance distances, support structure stability and vehicle access. Given the importance of these matters to the ongoing operation and maintenance, outright exemptions are not appropriate.
- f. Non-compliance with the standards should trigger a non-complying resource consent application and not restricted discretionary. Given the national

significance of the National Grid, higher order policy support (in the NPSET and RPS's) and the technical evidence of Mr Pretorius regarding the adverse effects of earthworks on the Grid, I consider a non-complying activity status appropriate.

10.42. Based on the above, I support redrafting of the earthworks rules as follows: (amendments recommended in the S42A report and shown as red text. Further amendments sought through this evidence are shown as blue text):

4b.1.X General Rural Environment and 4b.1.X Rural Lifestyle Environment  
Earthworks within the National Grid Corridor

Delete the following rules:

~~4b.1.X Earthworks within the National Grid Corridor~~

~~Earthworks in and around high voltage transmission National Grid corridor that~~

~~.....~~

And replace with the following rule (to apply to both rural environments):

4b.1.X Earthworks or vertical holes in the National Grid Yard

- i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.2.X are a permitted activity.
- ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.2.X are a non-complying activity.

4b.2.X. Performance Standards - Earthworks or vertical holes in the National Grid Yard

Earthworks or vertical hole/s must not:

- a. Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;
- b. Exceed 3 m depth where located between 6m and 12 m of the outer edge of the visible foundation of any National Grid support structure;
- c. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663;
- d. Result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and
- e. Compromise the stability of a National Grid support structure.

The following earthworks or vertical holes activities are exempt from Rule 1.a and Rule 1.b above:

- a. earthworks or vertical holes/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b. earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;

c. earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

10.43. As a note, I have recommended inclusion of 'vertical holes' above to ensure any changes to the definition of Earthworks to give effect to the National Planning Standards do not inadvertently affect the application of the rule.

### **Rules - Subdivision**

10.44. In submission point OS110.25, Transpower sought a new rule relating to subdivision within the National Grid Corridor.

10.45. As outlined in the Transpower submission, subdivision is considered the most effective point at which to ensure future reverse sensitivity effects, access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). The provision of a rule is even more important in the Rural Lifestyle Environment given the intensification potential in these rezoned areas. Figure 1 below shows the proposed Rural Lifestyle Environment zoned areas which are traversed by existing National Grid lines.

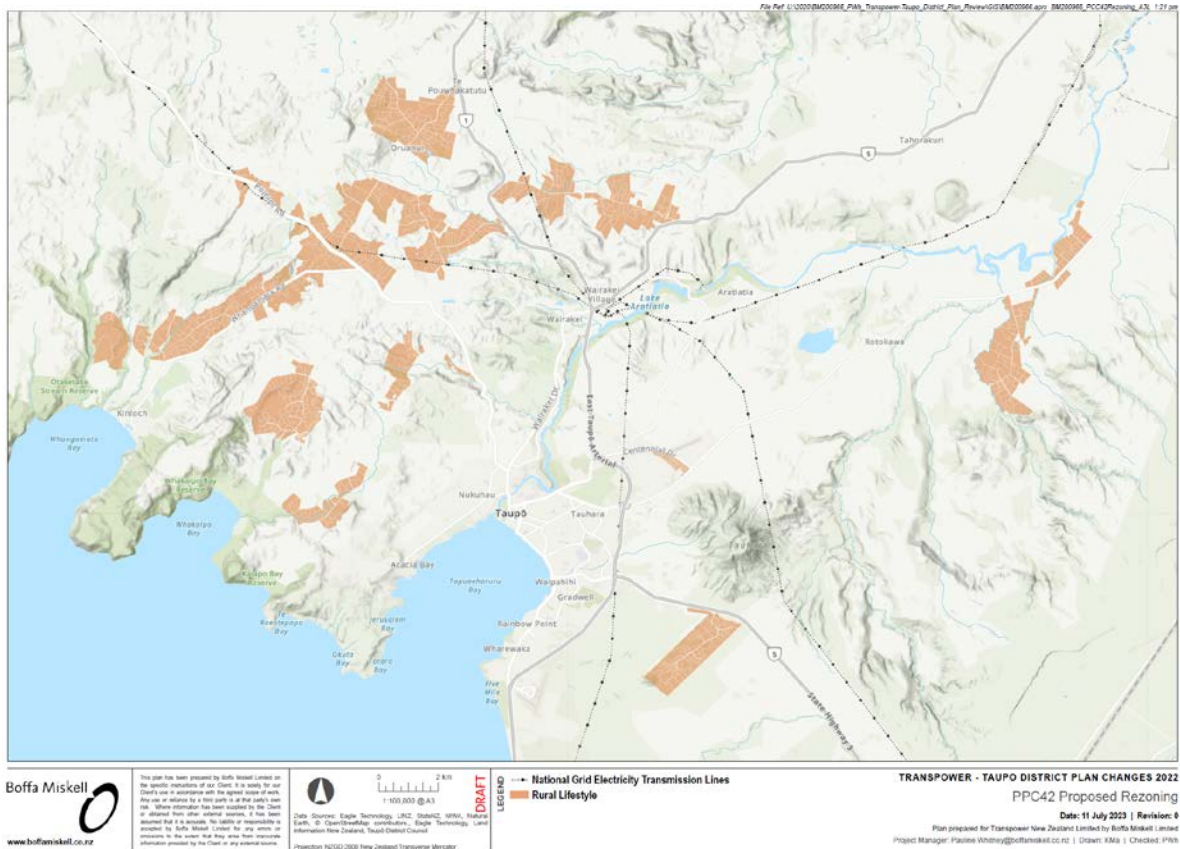


Figure 1. Proposed Rural Lifestyle Environment areas with National Grid lines

10.46. Rather than inserting a specific rule, the reporting officer recommends the insertion of matters of control for 4b.5.1.i, 4b.5.2.i, 4b.5.3.i, 4b.5.xi and 4b.5.4i. My primary concerns with the officer recommended approach are as follows:

- a. The assessment matter is not a standard and therefore only applies when consent is triggered under the specified rule for either a controlled or discretionary activity. The inability to comply with the assessment matter does not trigger a change in activity status and therefore as a controlled activity, the consent would not be able to be declined. If consent is required under another rule that is not listed, there is no consideration of the effects on the National Grid. For example a discretionary activity under rule 4b.5.2ii is not required to consider the assessment matter or any effects on the National Grid.
- b. The assessment matter refers to a building platform located entirely outside of the *National Grid Corridor* whereas it should refer to the *National Grid Yard*.
- c. There is no access standard requirement to ensure existing vehicle access to National Grid assets is maintained. Physical access to transmission lines is required for all maintenance and project work, and when a system fault occurs,

the Grid would need to be restored quickly to reduce impacts on businesses and communities throughout the district, and beyond. Restoring supply becomes challenging if transmission lines are difficult to access due to intensive developments that may be constructed under and around them. Subdivision is an appropriate time at which to ensure access is maintained. There is a risk that an alternative access may not be useable by Transpower due to gradient, width, surface, topography. The costs are significant to the district and nationally if Transpower cannot access its assets to repair faults or maintain assets and will result in loss of electricity.

- d. The assessment matter only relates to a building platform with no consideration of other matters such as risk of electrical hazards, potential for reverse sensitivity issues, and the overall design and potential impact on the National Grid. The lack of consideration of other matters provides no assistance to plan users and the issues and considerations for subdivision in proximity of the National Grid.

10.47. The rule proposed in the Transpower submission and supported through my evidence reflects the approach sought across other district plans in New Zealand, and would give effect to the NPSET, PC38 Strategic Directions Objective 2.5.2.3 and Policy 2.5.2.3., and the sought National Grid specific policy sought in this evidence. The restricted discretionary rule would apply to all subdivision within the defined National Grid Subdivision Corridor, with consent defaulting to non complying where either of the two standards cannot be achieved.

10.48. It is noted the rule sought in the Transpower submission does not contain a default activity status where the standards are not met. To address this omission, I support a non complying activity status where the standards are not met, to give effect to the directive wording in the NPSET.

10.49. Based on the above, I am supportive of the deletion of the officer recommended matter of control j.) for 4b.5.1.i, 4b.5.2.i, 4b.5.3.i, 4b.5.xi and 4b.5.4i, and insertion of a new specific rule as follows (amendments recommended in the S42A report are shown as red text. Further amendments sought through this evidence are shown as blue text):

4b.5 Subdivision Rules

Delete the following assessment matter:



~~For the purposes of Rules 4b.5.1.i, 4b.5.2.i, and 4b.5.3.i, 4b.5.Xi and 4b.5.4i, the matters over which the Council reserves control for the purpose of assessment are: ...~~

~~j) Subdivision within the National Grid Corridor is able to accommodate a building platform for any building which is located entirely outside of the National Grid Corridor.~~

Insert the following into 4b.5 Subdivision Rules

4b.5.x1 Any subdivision of land in the National Grid Subdivision Corridor is a restricted discretionary activity provided the subdivision complies with the following standards:

i. All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building platform for the likely principal building(s) and any dwelling or sensitive activity located entirely outside of the National Grid Yard.

ii. Existing vehicle access to National Grid assets is maintained.

For the purposes of Rule 4b.5.x1 the Council restricts the exercise of its discretion to the following matters:

a. The risk of electrical hazards affecting public or individual safety, and the risk of property damage, including the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.

b. The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.

c. 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.

d. The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.

e. The ability to provide a complying building platform outside of the National Grid Yard.

f. The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and the how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.

g. The outcome of any consultation with Transpower.

h. The risk to the structural integrity of the National Grid.

4b.5.x2 A subdivision that does not meet the standards within 4b.5.x1 is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

10.50. A Section 32AA evaluation for the above sought changes are attached as **Appendix G**.

## 11. Part 2 of the RMA

11.1. 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.

11.2. In the context of the National Grid, I support or accept some of the s42A Report recommendations on the basis they 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:

- a. The role of, and reliance on, electricity within our society and the increasing demand for it; and
- b. The need to operate, maintain, upgrade and develop the National Grid.

11.3. There are a number of outstanding submission points within my evidence, as outlined above, which can be readily resolved to give effect to Part 2 of the Act.

## 12. Conclusion

12.1. The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.

12.2. Transpower lodged a joint submission to Proposed Plan Change 38 ("PC38") and Proposed Plan Change 42 ("PC42") raising a number of concerns with the proposed structure and content of the proposed Plan Changes, the primary one being the inclusion of very limited National Grid provisions only in the General Rural and Rural

Lifestyle Environments chapter, and therefore an inconsistent and inadequate approach to managing the effects of and on the National Grid in the District Plan.

- 12.3. While I support or accept a number of the officer recommendations in relation to PC38 and PC42, there are a number of points outstanding, including rules for land use, earthworks and subdivision within proximity of the National Grid. While I accept an interim rule based on the operative plan would align with the operative plan approach and that a future plan change is intended, I do not accept this to be an adequate, efficient or effective planning response in giving effect to the NPSET.
- 12.4. In my opinion the above outstanding matters can be readily addressed as outlined in my evidence.

**Pauline Mary Whitney**

9 August 2023

## Appendix A

### National Policy Statement on Electricity Transmission 2008

## NATIONAL POLICY STATEMENT

# on Electricity Transmission

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

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## Preamble

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

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

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

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

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

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

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

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

## 1. Title

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

## 2. Commencement

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

## 3. Interpretation

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

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

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

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

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

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

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

## 4. Matter of national significance

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

## 5. Objective

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

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

## 6. Recognition of the national benefits of transmission

### POLICY 1

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

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

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

## 7. Managing the environmental effects of transmission

### POLICY 2

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

### POLICY 3

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

### POLICY 4

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

### POLICY 5

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

#### POLICY 6

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

#### POLICY 7

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

#### POLICY 8

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

#### POLICY 9

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

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

#### POLICY 10

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

#### POLICY 11

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

## 9. Maps

#### POLICY 12

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

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

#### POLICY 13

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

#### POLICY 14

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

#### Explanatory note

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

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

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



## Appendix B

### Regional Policy Statement Provisions

#### Relevant provisions from Regional Resource Management Plan (RRMP) for the Hawkes Bay 2006

##### 3.13 Maintenance and Enhancement of Physical Infrastructure

*OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.*

*OBJ 33 Recognition that some infrastructure which is regionally significant has specific locational requirements.*

*OBJ 33A Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.*

*OBJ 33B Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.*

*OBJ UD1 Establish compact, and strongly connected urban form throughout the Region, that:  
...b) avoids, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this plan;  
c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure.*

##### *NEW RESIDENTIAL GREENFIELD GROWTH AREA CRITERIA (HERETAUNGA PLAINS SUB-REGION) POL UD4.2*

*In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:*

*.....*

*h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.*

##### *MATTERS FOR DECISION-MAKING (REGION) POL UD12*

*In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities<sup>1f</sup> shall have regard to:*

*.....*

*l) Avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities;*

*m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;*

*The region's energy needs are met in ways that:*

- (a) improve energy efficiency and conservation;*
- (b) diversify the type and scale of renewable energy development;*
- (c) maximise the use of renewable energy resources;*
- (d) reduce dependency on fossil fuels; and*
- (e) reduce greenhouse gas emissions from transportation.*

## Relevant provisions from the Waikato Regional Policy Statement 2016

### *EIT-O1 – Energy*

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

- 1) increases efficiency;*
- 2) recognises any increasing demand for energy;*
- 3) seeks opportunities to minimise demand for energy;*
- 4) recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;*
- 5) recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;*
- 6) reduces reliance on fossil fuels over time;*
- 7) addresses adverse effects on natural and physical resources;*
- 8) recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and*
- 9) recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.*

### *EIT-P1 – Significant infrastructure and energy resources*

*Management of the built environment ensures particular regard is given to:*

- 1) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;*
- 2) 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*
- 3) the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.*

### *EIT-M2 – 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:*

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

### *EIT-M5 – 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*

## Principal reasons

### *EIT-PR1 – Significant infrastructure and energy resources*

*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. EIT-M1, EIT-M3, EIT-M4 and EIT-M5 are provided for this purpose. EIT-P1(1) 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 EIT-M1(1), (2), (3) and (4) 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. EIT-M6 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 EIT-P1.*

*The significant transport corridors identified in Maps 25 and 26 reflect the key strategic transport corridors identified in Maps 2 and 3 of the operative Regional Land Transport Plan 2021-20512015-2045, which classifies them as current and future arterial, regional, national and national high volume road corridors, and regional and national rail corridors nationally, regionally and sub-regionally significant. Significant transport corridors are equivalent to strategically important inter- and intra-regional road and rail corridors identified nationally, 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 EIT-M2.*

*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.*

## Relevant provisions from Bay of Plenty Regional Policy Statement 2014

### 2.3.3 Regionally significant energy and infrastructure issue

#### 1. Reverse sensitivity effects on infrastructure

*Inappropriate subdivision, use and development can result in reverse sensitivity effects on existing or planned infrastructure, as well as the maintenance and upgrade of infrastructure necessary to support the sustainable growth of the region. ...*

#### 3. Improving security of electricity supply

*The Bay of Plenty region and the wider New Zealand electricity generation transmission and distribution network is at risk from supply disruptions and energy shortages. This can impact on communities' ability to provide for their social, economic, and cultural wellbeing.*

#### Objective 6

*Provide for the social, economic, cultural and environmental benefits of, and the use and development of nationally and regionally significant infrastructure and renewable energy.*

### *Policy EI 3B:*

*Protecting nationally and regionally significant infrastructure.*

*Protect the ability to develop, maintain, operate and upgrade existing, consented and designated nationally and regionally significant infrastructure from incompatible subdivision, use or development. Ensure that where potentially incompatible subdivision, use or development is proposed near regionally significant infrastructure, it should be designed and located to avoid potential reverse sensitivity effects.*

### *Explanation*

*Policy EI 3B addresses incompatible subdivision, use or development that is under, over or adjacent to nationally and regionally significant infrastructure. Incompatible land uses or activities are those that adversely affect the efficient operation of infrastructure or restrict its ability to be maintained or upgraded. It may also include new land uses that are sensitive to activities associated with infrastructure.*

*Protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented.*

*Outstanding landscapes and significant environments are still required to be sufficiently recognised and protected. Activities provided for in a district or regional plan need to ensure they are compatible with the efficient operation and maintenance of regionally significant infrastructure and any effects that may be associated with that infrastructure.*

*The National Policy Statement on Electricity Transmission requires that the operation, maintenance, upgrading and development of the National Grid is not compromised. Some activities will need to be managed to achieve this. Further, city and district councils shall consult with the national grid operator to identify appropriate buffer corridors where sensitive activities will generally be avoided. Sensitive activities (as indicated by the National Policy Statement on Electricity Transmission) are educational facilities, residential buildings (including rest homes) and hospitals.*

### *Policy EI 4B:*

*Recognising the benefits from nationally and regionally significant infrastructure and the use and development of renewable energy.*

*Recognise and provide for the social, economic, cultural and environmental benefits of:*

*(a) Nationally and regionally significant infrastructure, including:*

- (i) The ability for people and goods to travel to, from and around the region efficiently;*
- (ii) Maintaining public health and safety through the provision of essential services, supply of potable water and the collection and transfer of sewage;*
- (iii) Maintaining access to energy so people can meet their energy needs;*
- (iv) Maintaining access to telecommunication services so people can meet their communication needs; and*
- (v) Maintaining reliable and resilient infrastructure for major industrial users and rural production activities to meet their needs to function effectively and efficiently.*

*(b) Energy generated from renewable energy resources including:*

- (i) Maintaining security of supply and diversifying energy sources;*
- (ii) Reducing dependency on external energy sources;*
- (iii) Reducing greenhouse gas emissions; and*
- (iv) Reducing dependency on non-renewable energy sources.*

### *Explanation*

*Regionally significant infrastructure is an important physical resource that enables people and communities to provide for their social, economic and cultural well-being, and their health and safety.*

*Section 7(j) requires persons exercising functions and powers under the Act to have particular regard to the benefits to be derived from the use and development of renewable energy.*

*Policy EI 4B provides support for national and regional plans and strategies that recognise and provide for the social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy, including national policy statements, national and regional energy and economic strategies.*

### *Objective 7*

*Provide for the appropriate management of:*

- (a) any adverse environmental effects (including effects on existing lawfully established land uses) created by the development and use of infrastructure and associated resources;*
- (b) any reverse sensitivity effects on established, consented or designated infrastructure.*

*Method 17:*

*Identify and manage potential effects on infrastructure corridors.*

*In consultation with relevant infrastructure owners and operators, identify infrastructure corridors (including associated buffers where appropriate) and establish objectives, policies and methods to manage potential effects on the long term planning of the maintenance, operation and upgrade of their infrastructure, as well as to encourage its efficient use.*

*Vegetation to be planted around electricity lines, including within electricity transmission corridors, should be selected and/or managed so that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.*

*Implementation responsibility: Regional, city and district councils.*

## Appendix C

### Summary Table: PC38 Response to s42A Report Officer Recommendations

Appendix C – Summary Table: PC38 Response to s42A Report Officer Recommendations

PC38 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.1 Transpower NZ Ltd	Strategic Directions <b>New definition – NATIONAL GRID</b>	Seek amendment	Add the following definition: <b>NATIONAL GRID</b> has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008.	<b>Officer Recommendation:</b> Accept <b>Reasoning:</b> Para 204) Transpower New Zealand (OS110.1, OS110.2, OS110.3 and OS110.6) and Radio New Zealand (OS112.1) seek the introduction into the plan of definitions of the following terms that are used in provisions: <ul style="list-style-type: none"> <li>Nationally Significant Infrastructure</li> <li>Regionally Significant Infrastructure</li> <li>National Grid</li> </ul> These terms are defined in national and / or regional planning documents and their inclusion would improve the understanding of the plan to users. On this basis, the following definitions should be added to section 10 of the TDP: <ul style="list-style-type: none"> <li>National Grid: has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008.</li> </ul>	Support the recommendation. It reflects that sought in the Transpower submission.
OS110.2 Transpower NZ Ltd	Strategic Directions <b>New definitions– REGIONALLY SIGNIFICANT INFRASTRUCTURE</b>	Seek amendment	Add new definitions for ‘regionally significant infrastructure’ and include the ‘National Grid’ within the definition. Amend the introductory text to accurately reflect each of the definitions.	<b>Officer Recommendation:</b> Accept <b>Reasoning:</b> Refer OS110.1 The following definitions should be added to section 10 of the TDP: <ul style="list-style-type: none"> <li>Regionally Significant Infrastructure: has the same meaning as in the relevant Regional Policy Statement</li> </ul>	Support the recommendation. It reflects that sought in the Transpower submission.
OS110.3 Transpower NZ Ltd FS237.3 Support, FS215.3 Support	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 <b>New definition – NATIONALLY SIGNIFICANT INFRASTRUCTURE</b>	Seek amendment	Add new definitions for ‘nationally significant infrastructure’, and include the ‘National Grid’ within the definition. Amend the introductory text to accurately reflect each of the definitions.	<b>Officer Recommendation:</b> Accept <b>Reasoning:</b> Refer OS110.1 The following definitions should be added to section 10 of the TDP: <ul style="list-style-type: none"> <li>Nationally Significant Infrastructure: has the same meaning as in the National Policy Statement on Urban Development 2020</li> </ul>	Support the recommendation. It reflects that sought in the Transpower submission.
OS110.4 Transpower NZ Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and	Seek amendment	Add a new objective in 2.5.2 Objectives as follows: <u>5. The national significance of the National Grid and sustainable, secure</u>	<b>Officer Recommendation:</b> Not accept <b>Reasoning:</b> Para 209) Transpower New Zealand Limited (OS110.4) have requested an additional objective that specifically relates to the significance of	Accept recommendation on the basis of the recommended

Appendix C – Summary Table: PC38 Response to s42A Report Officer Recommendations

PC38 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
FS223.91 Oppose	Local Infrastructure >  <b>New objective – 2.5.2 Objectives</b>		<u><i>and efficient electricity transmission is recognised and provided through and within the District.</i></u>	the national grid. Proposed Objectives 2.5.2.2, recognises and provides for the sustainable development, operation, maintenance and upgrading of electricity transmission infrastructure which include the national grid. Addition of the objective requested by the submitter would be repeating direction already in the plan and would not be efficient policy development.	amendment to Objective 2.5.2.2 that the benefits be recognised and ‘provided for’, and the provided definition of ‘Nationally Significant Infrastructure’
<b>OS110.5</b> Transpower NZ Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure >  <b>2.5.3 Policy</b>	Support	Retain this policy. <i>1. Recognise and provide for the national, regional and local benefits of renewable energy generation activities and resources, and transmission activities, in relation to climate change, security of supply, and social, and economic wellbeing of people and communities and for their health and safety.</i>	<b>Officer Recommendation:</b> Accept <b>Reasoning:</b> No specific commentary	Support the recommendation. It reflects that sought in the Transpower submission. The recommended amendment from <i>energy to electricity</i> is supported.
<b>OS110.6</b> Transpower NZ Ltd  FS233.95 Oppose, FS229.15 Support, FS215.4 Support, FS209.223 Support	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy <b>2.5.3 Policy</b>	Seek amendment	Retain this policy. <i>2. Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure.</i>	<b>Officer Recommendation:</b> Accept in part <b>Reasoning:</b> Refer OS110.1	Support the recommendation. It reflects that sought in the Transpower submission.
<b>OS110.7</b> Transpower NZ Ltd	1.1-Chapter 2 1.1.5-2.5	Seek amendment	Amend 2.5.3 Policy as follows:	<b>Officer Recommendation:</b> Not Accept <b>Reasoning:</b>	Oppose recommendation on the basis the policy



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PC38 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
FS233.9 Oppose, FS229.16 Oppose, FS220.14 Oppose, FS215.5 Support, FS209.224 Support	Strategic Direction 5 Significant and Local Infrastructure >  <b>2.5.3 Policy</b>		<i>3. Subdivision, land use and development will not adversely affect <del>(including reverse sensitivity effects) or compromise</del> the effective and safe functioning of infrastructure.</i>	Para 226) Transpower New Zealand Limited (OS110.7) is requesting specific reference, in policy 2.5.3.3, to activities which could compromise infrastructure. The change requested by Transpower is not considered necessary. The proposed policy is purposefully high-level in its wording which reflects its strategic application. The proposed policy contains reference to effects and as such it is not considered necessary to refer to a specific type of effect within the provision. Activities which compromise the effective and safe functioning of infrastructure can be included under those activities which 'adversely affect' it.	does not give effect to the NPSET. Refer evidence.

PC38 Transpower Further Submissions					
Further Sub No and Name	Plan Provision	Position	Decision Sought	S42A Response	Response to S42A Recommendation
OS557.3 Manawa  <b>FS225.7 Transpower</b>	Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Supports original submission	Transpower supports the amendments to Policy 2.4.3 as it provides clear policy recognition for renewable energy and transmission, despite their original submission for specific National Grid provisions to give effect to the NPSET.	<b>Officer Recommendation:</b> Not accept FS	The recommendation is accepted noting Transpower would support the provision of a specific Energy/Infrastructure chapter to comprehensively address the matter.
OS557.5 Manawa  <b>FS225.8 Transpower</b>	Strategic Direction 5 Significant and Local Infrastructure  1.1.5.2-2.5.3 Policy	Support	Transpower supports the amendments to Policy 2.5.3 as they give effect to the NPSET and NPSREG, even though they had originally sought relief from specific National Grid provisions to do so.	<b>Officer Recommendation:</b> Accept in Part FS	Support the recommendation on the basis the terminology is amended as sought.
OS68.10 Mercury  <b>FS225.14 Transpower</b>	Strategic Directions	Support	Transpower supports the relief sought in its original submission for specific National Grid provisions in order to give effect to the NPSET.	<b>Officer Recommendation:</b> Accept in Part FS	The recommendation is not supported. The district plan is required to give effect to higher order policy instruments. This may require bespoke policies.

Appendix C – Summary Table: PC38 Response to s42A Report Officer Recommendations

OS68.9 Mercury <a href="#">FS225.13</a> Transpower	Strategic Directions 2.5.2 Objectives	Support Transpower supports the relief sought in the original submission for specific National Grid provisions to give effect to the NPET. However, Transpower suggests using the word 'provided for' instead of 'encouraged' to better reflect the wording of Policy 1 of the NPSET.	<b>Officer Recommendation:</b> Accept in Part FS	Support the recommendation on the basis 2.5.2.2 is amended as recommended.
OS68.7 Mercury <a href="#">FS225.12</a> Transpower	Strategic Directions	Support Transpower supports the relief sought which would provide policy recognition for renewable energy and transmission, even though the original submission sought relief for specific National Grid provisions to give effect to the NPSET.	<b>Officer Recommendation:</b> Accept in Part FS	The recommendation is accepted noting Transpower would support the provision of a specific Energy/Infrastructure chapter to comprehensively address the matter.
OS91.1 Federated Farmers NZ <a href="#">FS225.24</a> Transpower	Strategic Directions	Oppose Transpower opposes the proposed clause 2 due to its lack of recognition of other activities in rural areas and its failure to comply with the National Policy Statement on Electricity Transmission.	<b>Officer Recommendation:</b> Accept in Part FS	Support the recommendation on the basis no changes are recommended to Strategic Direction 5.
OS91.6 Federated Farmers NZ <a href="#">FS225.25</a> Transpower	Strategic Direction 5 Significant and Local Infrastructure	Oppose Transpower opposes the proposed clause 6 as it does not take into account other activities in rural environments and does not give effect to the National Policy Statement on Electricity Transmission.	<b>Officer Recommendation:</b> Accept FS	Support the recommendation It is agreed the relief sought would not give effect to the NPSET.
OS115.10 Te Kotahitanga o Ngati Tuwharetoa <a href="#">FS225.22</a> Transpower	Strategic Direction 5 Significant and Local Infrastructure	Oppose Transpower opposes the relief sought as they believe it is already addressed by the Tangata Whenua Strategic Direction objectives and policies.	<b>Officer Recommendation:</b> Accept in Part FS	Support the recommendation.
OS115.12 Te Kotahitanga o Ngati Tuwharetoa <a href="#">FS225.23</a> Transpower	Strategic Direction 5 Significant and Local Infrastructure 1.1.5.2-2.5.3 Policy	Oppose Transpower opposes the relief sought as they believe the matters are already addressed within their Tangata Whenua Strategic Direction objectives and policies.	<b>Officer Recommendation:</b> Accept FS	Support the recommendation.

## Appendix D

### PC38: Amendments sought through evidence

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

Plan Change 38; Strategic Direction

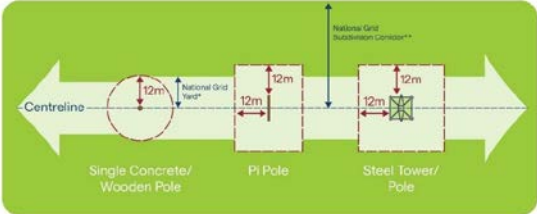
#### *2.5.3. Policy*

*3. Subdivision, land use and development will not adversely affect or compromise (including reverse sensitivity effects) the effective and safe functioning of infrastructure.*

## Appendix E

### Summary Table: PC42 Response to s42A Report Officer Recommendations

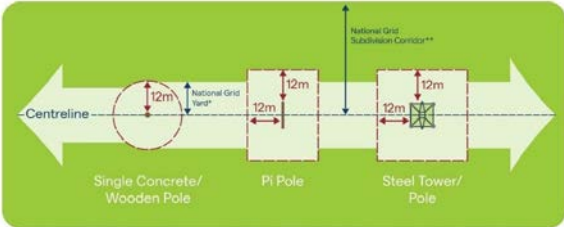
Appendix E – Summary Table: PC42 Response to s42A Report Officer Recommendations

PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.08 Transpower NZ Ltd	General comment	Seek amendment	Amend definitions so that they are consistent with the National Planning Standards, including 'Intensive indoor primary production' and 'rural industry'.	Accept in part. A definition for "National Grid" has been added to Section 10 of the District Plan through Plan Change 38.	Support the provision of a definition for National Grid.
OS110.09 Transpower NZ Ltd	New definition – NATIONAL GRID SUBDIVISION CORRIDOR	Seek amendment	<p>Insert a new definition as follows:</p> <p><b><u>NATIONAL GRID SUBDIVISION CORRIDOR means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in dark green below):</u></b></p> <ul style="list-style-type: none"> <li><b><u>37 metres for 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);</u></b></li> <li><b><u>39 metres for 350kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers).</u></b></li> </ul>  <p>* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types                  ** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage</p>	Accept. It is acknowledged there is an obligation to respond to the NPS-ET. Although this term is not used within Plan Change 42 there is a future process for transitioning the ODP into national planning standards format where these terms will be included within their own 'Energy' chapter. Including the current definition ahead of this transition does not result in consequential amendments elsewhere in the ODP.	Support in part recommendation but seek amendment. Refer hearing evidence. Seek removal of the second bullet point as there are no 350kV lines in the district.

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.10 Transpower NZ Ltd	New definition – NATIONAL GRID SUPPORT STRUCTURE	Seek amendment	Insert a new definition as follows:  <u><b>NATIONAL GRID SUPPORT STRUCTURE</b> means a pole or tower that is part of the National Grid.</u>	<i>Accept. It is acknowledged that there is an obligation to respond to the NPS-ET. Although this term is not used within Plan Change 42 there is a future process for transitioning the ODP into national planning standards format where these terms will be included within their own 'Energy' chapter. Including the current definition ahead of this transition does not result in consequential amendments elsewhere in the ODP.</i>	Support recommendation. The definition reflect that sought in the Transpower submission.
OS110.11 Transpower NZ Ltd	New definition – NATIONAL GRID YARD	Seek amendment	Insert a new definition as follows:  <u><b>NATIONAL GRID YARD</b> means (as illustrated in light green below):</u>  <ul style="list-style-type: none"> <li><u>the area located 12 metres in any direction from the outer edge of a National Grid support structure;</u></li> <li><u>the area located 12 metres either side of the centreline of any overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers).</u></li> </ul> <u>The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.</u>	<i>Accept in part. A definition for 'National Grid Yard' has been included via submission 26.12 which is consistent with NPSET.</i>	Support in part recommendation but seek amendment. Refer hearing evidence.  There are no poles in the district and notwithstanding the 10m is applied incorrectly, it is redundant in the definition.

Appendix E – Summary Table: PC42 Response to s42A Report Officer Recommendations

PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
			 <p>* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types  ** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage</p>		
OS110.12 Transpower NZ Ltd	New definition – SENSITIVE ACTIVITIES	Seek amendment	<p>Insert a new definition as follows:</p> <p><u><i>Sensitive Activities (in the National Grid Yard) means:</i></u></p> <ul style="list-style-type: none"> <li><u><i>a. residential activity;</i></u></li> <li><u><i>b. marae;</i></u></li> <li><u><i>c. hospital;</i></u></li> <li><u><i>d. healthcare activity;</i></u></li> <li><u><i>e. educational facility and preschools;</i></u></li> <li><u><i>f. retirement village;</i></u></li> <li><u><i>g. quest or visitor accommodation activity; or</i></u></li> <li><u><i>h. place of assembly.</i></u></li> </ul>	<i>Reject, as the term 'sensitive activity' is not used within the Rural Environments chapter and including it is not considered to add value to current provisions.</i>	Oppose recommendation. Refer hearing evidence. Transpower remains supportive of a more detailed National Grid yard rule and therefore the definition would support the rule.
OS110.13 Transpower NZ Ltd	3b Rural Environment Chapter  General comment	Seek amendment	Delete references to the National Grid from the Rural Environment chapter and introduce a new district-wide Infrastructure/Network Utilities chapter.	<i>Accept in part. An earthworks rule with associated matters of discretion have been included specifically for earthworks within the National Grid corridor in GRE and RLE.</i>	Accept recommendation. in part. The preference remains for a complete new chapter but accept confines of PC38 and PC42. However still seek certain provisions.

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.14 Transpower NZ Ltd	General comment – introductory text	Seek amendment	<p>Amend introduction as follows:</p> <p><i>Other activities that are anticipated in the Rural Environment are tourism activities, visitor accommodation and renewable electricity generation and transmission. It is important that all such activities do not affect the ability of the rural environment to function effectively, <u>recognising that some activities have specific locational or operational needs that must be accommodated</u>. It is also important to acknowledge that existing, lawfully established activities in the Rural Environment are able to continue operating and that activities that choose to locate in close proximity to these activities are aware of the effects they can generate and that the Rural Environment is the best location for these activities.</i></p>	<p><i>Accept, the amendment is a useful addition to the 'introduction' and recognises an important point on locational or operational needs, and better gives effect to NPSET.</i></p>	<p>Support recommendation. The amendments reflect that sought in the Transpower submission.</p>
OS110.15 Transpower NZ Ltd	Objective 3b.2.4 Other activities	Seek amendment	<p>Amend Objective 3b.2.4 as follows:</p> <p><i>Māori cultural activities, tourism activities, visitor accommodation and renewable electricity generation <del>and transmission</del> activities are enabled in the General Rural Environment.</i></p> <p>Add the following new objectives to 3b.2:</p> <p><u><i>The national significance and benefits of the National Grid are recognised, and the National Grid is protected and provided for.</i></u></p> <p><u><i>The safety, efficiency, operation, maintenance, repair, upgrading, or development of the National Grid is not constrained or compromised by subdivision, use and development.</i></u></p>	<p><i>Reject. Objectives and policies relating to the national grid are already included within the Strategic Directions Plan Change 38 which crosses over all zones, not just the Rural Environment. This is considered a more appropriate location for these objectives and policies until a new Energy chapter is created in the future.</i></p>	<p>Support the amendment to 3b.2.4. and 3b.2.5.</p> <p>Support amendment to 3b.2.5, but also seek the objective apply to the Rural Lifestyle Environment. Refer hearing evidence.</p>



Appendix E – Summary Table: PC42 Response to s42A Report Officer Recommendations

PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.16 Transpower NZ Ltd	3b.2 Objectives and Policies – General Rural Environment  New policy	Seek amendment	Insert a new policy as follows:  <i><u>Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:</u></i>  <i><u>a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;</u></i> <i><u>b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.</u></i>	<b>No reasoning provided in Summary of decisions sought (page 12)</b>	Oppose the recommendation.  While there is an objective, there is no policy for impacts on infrastructure. Refer Evidence.
OS110.17 Transpower NZ Ltd	3b.2 Objectives and Policies – General Rural Env  New policy	Seek amendment	Insert a new policy as follows:  <i><u>Recognise and provide for the effective operation, maintenance, upgrading, and development of the National Grid.</u></i>	<i>Reject. Objectives and policies relating to the national grid are already included within the Strategic Directions Plan Change 38 which crosses over all zones, not just the Rural Environment. This is considered a more appropriate location for these objectives and policies until a new Energy chapter is created in the future.</i>	Accept recommendation. The matter can be addressed in a future Energy/ Infrastructure chapter.
OS110.18 Transpower NZ Ltd	4b.1.7 High voltage transmission lines	Oppose	Delete this rule and replacement with specific rules that address the requirements of the NPSET, as described in this submission.	<i>Reject. The ODP definition for buildings includes structures which is captured by Rule 4b.1.7. The relief provided is overly complex and doesn't reflect the relevant risk of the occurrence of this within the Taupo District.</i>	Oppose the recommendation. Refer hearing evidence for reasoning. A revised earthworks rule is sought.

Appendix E – Summary Table: PC42 Response to s42A Report Officer Recommendations

PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.19 Transpower NZ Ltd	4b.3.7 High voltage transmission lines	Oppose	Delete this rule and replacement with specific rules that address the requirements of the NPSET, as described in this submission (specifically refer submission point below).	<i>Reject. The ODP definition for buildings includes structures which is captured by Rule 4b.1.7. The relief provided is overly complex and doesn't reflect the relevant risk of the occurrence of this within the Taupo District.</i>	Oppose the recommendation. Refer hearing evidence for reasoning. A revised earthworks rule is sought.
OS110.20 Transpower NZ Ltd	4b.1 General Rules – General Rural Environment AND 4b.3 General Rules – Rural Lifestyle Environment New rules – buildings, structures and activities in the National Grid Yard	Seek amendment	<p>Insert a new rule for buildings, structures and activities in the National Grid Yard for each rural zone as follows:</p> <p><u><i>4b.x.x Buildings, structures and activities in the National Grid Yard</i></u></p> <p><u><i>Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a <b>permitted activity</b>.</i></u></p> <p><u><i>A building, structure or activity which does not comply with these performance standards or is not otherwise provided for, is a <b>non-complying activity</b>.</i></u></p> <p><u><i>Notification:</i></u></p> <p><u><i>Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.</i></u></p> <p><u><i>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.</i></u></p>	<i>Reject. In the absence of the having a 'sensitive' building/activities definition, the Plan has gone all discretionary rather than RD and NC. Buildings and structures are captured under Rule 4b.1.7.</i>	Oppose the recommendation. Refer hearing evidence for reasoning. A revised earthworks rule is sought.

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.21 Transpower NZ Ltd	4b.2 Performance Standards – General Rural Environment  AND 4b.4 Performance Standards – Rural Lifestyle Environment  New performance standards – buildings, structures and activities in the National Grid Yard	Seek amendment	<p>Insert new performance standards for buildings, structures and activities in the National Grid Yard for each rural zone as follows:</p> <ol style="list-style-type: none"> <li>1. <u>The activity, building or structure is not a sensitive activity.</u></li> <li>2. <u>The building or structure is not for the reticulation or storage of water in canals, dams or reservoirs for irrigation purposes undertaken by a network utility operator as defined in the RMA.</u></li> <li>3. <u>The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:</u> <ol style="list-style-type: none"> <li>a. <u>a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.</u></li> <li>b. <u>an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).</u></li> <li>c. <u>irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.</u></li> <li>d. <u>undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.</u></li> </ol> </li> <li>4. <u>The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.</u></li> <li>5. <u>The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).</u></li> <li>6. <u>The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:</u></li> </ol>	<p>Reject. In the absence of the having a 'sensitive' building/activities definition, the Plan has gone all discretionary rather than RD and NC. Buildings and structures are captured under Rule 4b.1.7.</p>	<p>Oppose the recommendation. Refer hearing evidence for reasoning. A revised land use rule is sought.</p>

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
			<p><i>a. <u>is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 5 metres from the outer visible edge of a foundation of a National Grid transmission line tower.</u></i></p> <p><i>b. <u>meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).</u></i></p> <p><i>c. <u>undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.</u></i></p>		
OS110.22 Transpower NZ Ltd	4b.1 General Rules – General Rural Environment AND 4b.3 General Rules – Rural Lifestyle Environment New rules – earthworks or vertical holes in the National Grid Yard	Seek amendment	<p>Insert a new rule for earthworks or vertical holes in the National Grid Yard in each rural zone as follows:</p> <p><u>4b.x.x Earthworks or vertical holes in the National Grid Yard</u></p> <p><i>i. <u>Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.x.x are a <b>permitted activity</b>.</u></i></p> <p><i>ii. <u>Earthworks or vertical holes which do not comply with performance standard 4b.x.x are a <b>non-complying activity</b>.</u></i></p> <p><u>The Council restricts its discretion to the following matters:</u></p> <p><i>a. <u>The extent to which the earthworks or vertical holes may compromise the safe access to, and operation, maintenance and repair, upgrading and development of the National Grid</u></i></p> <p><i>b. <u>The stability of land within and adjacent to the National Grid, and the structural intent of support structures, including the creation of an unstable batter.</u></i></p> <p><i>c. <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></i></p> <p><i>d. <u>Technical advice provided by Transpower.</u></i></p> <p><u>Notification:</u></p> <p><u>Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.</u></p>	Accept in part. An earthworks rule with associated matters of discretion have been included specifically for earthworks within the National Grid corridor in GRE and RLE.	Oppose the recommendation. Refer hearing evidence for reasoning. A revised earthworks rule is sought.

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.23 Transpower NZ Ltd	4b.2 Performance Standards – General Rural Environment  AND 4b.4 Performance Standards – Rural Lifestyle Environment  New performance standards – earthworks or vertical holes in the National Grid Yard	Seek amendment	<p>Insert new performance standards for earthworks or vertical holes in the National Grid Yard in each rural zone as follows:</p> <ol style="list-style-type: none"> <li>1. <u>Earthworks or vertical hole/s must not:</u> <ol style="list-style-type: none"> <li>a. <u>Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;</u></li> <li>b. <u>Exceed 3 m depth where located between 6m and 12 m of the outer edge of the visible foundation of any National Grid support structure;</u></li> <li>c. <u>Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663;</u></li> <li>d. <u>Result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and</u></li> <li>e. <u>Compromise the stability of a National Grid support structure.</u></li> </ol> </li> </ol> <p><u>The following earthworks or vertical holes activities are exempt from Rule 1.a and Rule 1.b above:</u></p> <ol style="list-style-type: none"> <li>a. <u>earthworks or vertical holes/s, excluding mining and quarrying, 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;</u></li> <li>b. <u>earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;</u></li> <li>c. <u>vertical holes not exceeding 500mm in diameter that are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation;</u></li> <li>d. <u>earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</u></li> </ol>	<p>Accept in part. An earthworks rule with associated matters of discretion have been included specifically for earthworks within the National Grid corridor in GRE and RLE.</p>	<p>Oppose the recommendation. Refer hearing evidence for reasoning. A revised earthworks rule is sought.</p>

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
OS110.24 Transpower NZ Ltd	4b.5 Subdivision rules. New rule – subdivision in the National Grid Substation Buffer	Seek amendment	Insert a new rule for subdivision in the National Grid Substation Buffer as follows:  <u>4b.5.x Any subdivision of land in the National Grid Substation Buffer is a <b>controlled activity</b> provided the subdivision complies with the following requirements:</u>  <i>i. ....</i>	<i>Accept in part. An additional matter of control has been included to address subdivision within the national grid corridor.</i>	Submission point is not being pursued.
OS110.25 Transpower NZ Ltd	4b.5 Subdivision rules  New subdivision rule – subdivision in the National Grid Subdivision Corridor	Seek amendment	Insert a new rule for subdivision in the National Grid Subdivision Corridor as follows:  <u>4b.5.x Any subdivision of land in the National Grid Subdivision Corridor is a restricted discretionary activity provided the subdivision complies with the following requirements:</u>  <i>i. <u>All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building platform for the likely principal building(s) and any dwelling or sensitive activity located entirely outside of the National Grid Yard.</u></i>  <i>ii. <u>Existing vehicle access to National Grid assets is maintained.</u></i>  <u>For the purposes of Rule 4b.5.x the Council restricts the exercise of its discretion to the following matters:</u>  <i>a. <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage, including the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</u></i>  <i>b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.</u></i>	<i>Accept in part. An additional matter of control has been included to address subdivision within the national grid corridor.</i>	Oppose the recommendation. Refer hearing evidence for reasoning. A specific subdivision rule is sought.

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PC42 Transpower Submissions					
Sub No and Name	Plan Provision	Position	Decision sought	S42A response	Response to S42A Recommendation
			<p>c. <u>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></p> <p>d. <u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.</u></p> <p>e. <u>The ability to provide a complying building platform outside of the National Grid Yard.</u></p> <p>f. <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and the how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.</u></p> <p>g. <u>The outcome of any consultation with Transpower.</u></p> <p>h. <u>The risk to the structural integrity of the National Grid.</u></p> <p><u>Notification:</u></p> <p><u>Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.</u></p> <p><u>Where an activity requires resource consent solely because it is within the National Grid Yard and/or Subdivision 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.</u></p>		

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PC38 Transpower Further Submissions				
Further Sub No and Name	Plan Provision	Position Decision Sought	S42A Response	Response to S42A Recommendation
26.12 Horticulture NZ FS225.1 Transpower	Amendments to the Definitions of the Taupo District Plan Section 10	Oppose - Disallow Transpower opposes the decision sought to disallow their original submission which sought a new definition for the National Grid Yard. They accept a 10m setback from the centreline for poles, but seek a 12m setback from support structures for safety reasons and to ensure the National Grid is not compromised. This is consistent with the district plan approach sought across New Zealand.	<b>Officer Recommendation to original submission:</b> <i>Accept. It is acknowledged there is an obligation to respond to the NPS-ET. Although this term is not used within Plan Change 42 there is a future process for transitioning the ODP into national planning standards format where these terms will be included within their own 'Energy' chapter. Including the current definition ahead of this transition does not result in consequential amendments elsewhere in the ODP.</i>	Oppose recommendation in so far as it recommends a 10m setback from pole support structures. The recommendation is opposed as notwithstanding there are no poles in the district and therefore the reference is redundant, it has been incorrectly applied in that a 10m setback should apply from the centreline and not the support structure.
26.15 Horticulture NZ FS225.2 Transpower	Amendments to the Definitions of the District Plan Section 10 Definition for reverse sensitivity	Oppose - Disallow Transpower opposes the decision sought to allow relief sought as it would create a definition that only applies to Horticulture NZ, which could have wider implications for how the term is used in other activities.	<b>Officer Recommendation to original submission:</b> <i>Accept in part insofar as a definition for this phrase is recommended for acceptance, but with a different wording to that proposed by this submitter.</i>	Support recommendation and provision of a new definition for reverse sensitivity.
26.23 Horticulture NZ FS225.3 Transpower	3b.2 Objectives and Policies - General Rural Environment > Objective 3b.2.4 Other activities	Oppose - Disallow Transpower opposes the decision sought as the wording is too general and does not take into account the National Policy Statement on Highly Productive Land. The policy states that certain activities which have a functional or operational need can be on the highly productive land, which is not reflected in the decision sought	<b>Officer Recommendation to original submission:</b> <i>Accept in part but without amendment, insofar as the intent of the submission is supported, but the amendment proposed would also apply to renewable electricity generation and transmission activities, and potentially have wide-ranging and unintended consequences.</i>	Support recommendation. The amended policy 3b.2.4 is supported.
26.27 Horticulture NZ	Amendments to the Definitions of the Taupo	Oppose - Disallow Transpower opposes the proposed decision as it does not accurately reflect clause 3.9(2)(j) of the NPS-HPL.	<b>Officer Recommendation to original submission:</b> <i>Accept in part. A policy has been included referencing the National Policy Statement for</i>	Support recommendation.



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<p><b>FS225.4 Transpower</b></p>	<p>District Plan Section 10</p>	<p>Specifically, the wording of clause ii) refers to functional needs, while the NPS-HPL refers to 'operational need'. Additionally, the conjunctive nature of the wording implies that all matters i. to v. must be met, which is unclear as vi is included.</p>	<p><i>Highly Productive Land i.e. Policy 3b.3.15 along with a corresponding rule titled "Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils"</i></p>	<p>The recommended policy is not relevant to Transpower.</p>
<p><b>26.36 Horticulture NZ FS225.5 Transpower</b></p>	<p>4b.1 General Rules – General Rural Environment &gt; 4b.1.7 High voltage transmission lines</p>	<p>Oppose - Disallow  Transpower opposes the rule sought by OS26.36 as it is inconsistent with the relief they sought in their submission. They argue that NZECP34 is not sufficient to give effect to the NPSET as it does not address matters to ensure the operation and maintenance of the National Grid is not compromised. They also note that the rule amends the activity status to permitted without corresponding activity statuses for those activities not permitted or provided for.</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Reject. Structures are captured within the current ODP definition for building therefore crop protection structures are captured under Rule 4b.1.7.</i></p>	<p>Support recommendation. While there are elements within the sought rule that Transpower supports, it prefers its own rule.  Specific to the 12m setback, for the reasons provided in evidence a 12m setback is appropriate. Specific to crop protection structures, it is noted the rule sought by Transpower does not include exclusions for artificial crop protection structures as there are no single poles in the district.  It is also noted the sought rule amends the activity status to permitted, with no corresponding activity statuses for those activities not permitted or provided for.</p>
<p><b>39.10 EnviroWaste Services Ltd FS225.6 Transpower</b></p>	<p>3b.2 Objectives and Policies - General Rural Environment</p>	<p>Oppose - Disallow  Transpower is opposed to the decision sought in OS39.10 as it believes it will limit the upgrade or development of electricity transmission activities in rural areas.</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Accept in part, but with no amendment recommended as this objective needs to be considered in the context of the other objectives for the General Rural Environment, which already have a focus on maintaining established rural character and also avoidance of reverse sensitivity effects. A further amendment is not considered necessary.</i></p>	<p>Support recommendation and amended objective 3b.2.4.</p>
<p><b>57.10 Manawa Energy FS225.9 Transpower</b></p>	<p>3b.2 Objectives and Policies - General Rural Environment &gt; Objective 3b.2.3 Rural industry</p>	<p>Support - Allow  Transpower is seeking relief from specific National Grid provisions in order to implement the National Policy Statement on Electricity Transmission (NPSET) and the National Policy Statement on Electricity Generation (NPSREG). They support the new</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Reject. Renewable electricity related objectives and policies are already included within the Strategic Directions Plan Change 38 which crosses over all zones, not just the Rural Environment.</i></p>	<p>Accept recommendation.</p>

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		objective proposed by the National Grid as it provides a specific objective to give effect to the NPSET and NPSREG.		
<b>57.14 Manawa Energy FS225.10 Transpower</b>	3b.2 Objectives and Policies - General Rural Environment > Policy 3b.2.9 Maintaining the established character	Oppose - Disallow  Transpower supports the intent of the policy but has concerns the wording “will not compromise the character” could be applied to electricity transmission activities. It is suggested the wording be clarified to make the intent clearer	<b>Officer Recommendation to original submission:</b>  <i>Reject. The proposed amendments are too specific when policy was aimed at being more broad, setting out general features of the rural environment not specific activities. When Council transition the ODP into national planning standards format there will be an Energy chapter where specifics on energy such as this can provided. The General Rural Environment is not the appropriate place to include this.</i>	Accept recommendation.
<b>57.28 Manawa Energy FS225.11 Transpower</b>	4b.1 General Rules – General Rural Environment > 4b.1.7 High voltage transmission lines	Oppose - Disallow  Transpower opposes the rule in the plan and the relief sought by the submitter, as they believe that the rule should reflect a nationwide approach and give effect to the NPSET. They argue that renewable electricity generation activities should be assessed through the consenting process, as they can be substantial structures in relation to the National Grid.	<b>Officer Recommendation to original submission:</b>  <i>Reject. Structures are covered within the definition of building and the term "renewable electricity generation activities" is too broad.</i>	Support recommendation. In its submission Transpower sought a specific National Grid rule that reflects the nationwide approach and gives effect to the NPSET. The rule sought in the Transpower submission does provide as a permitted activity within the defined National Grid Yard, buildings or structures “undertaken by a network utility operator, infrastructure, or any part of electricity infrastructure that connects to the National Grid”.
<b>68.17 Mercury FS225.15 Transpower</b>	3b.2 Objectives and Policies - General Rural Environment Objective 3b.2.3 Rural industry	Support - Allow  In its submission Transpower sought a new objective specific to the National Grid to give effect to the NPSET. Should that relief not be granted, Transpower supports the relief sought in the submission point OS68.17	<b>Officer Recommendation to original submission:</b>  <i>Reject. Renewable electricity related objectives and policies are already included within the Strategic Directions Plan Change 38 which crosses over all zones, not just the Rural Environment.</i>	Accept recommendation.
<b>68.20 Mercury</b>	3b.2 Objectives and Policies - General Rural Environment >	Support - Allow  Notwithstanding the relief sought by Transpower in its original submission for specific National Grid provisions to give effect to the NPSET, Transpower	<b>Officer Recommendation to original submission:</b>  <i>Accept proposed amendment as it strengthens the objective.</i>	Support recommendation and amended objective.

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<p><b>FS225.16 Transpower</b></p>	<p>Objective 3b.2.6 Impacts on infrastructure</p>	<p>supports the relief sought on the basis the wording gives effect to NPSET Policy 10.</p>		
<p><b>68.40 Mercury FS225.17 Transpower</b></p>	<p>4b.1 General Rules – General Rural Environment &gt; 4b.1.7 High voltage transmission lines</p>	<p>Oppose - Disallow  Transpower opposes the rule in the plan proposed by the submitter and seeks a National Grid rule that reflects a nationwide approach and gives effect to the NPSET. They believe that renewable electricity generation activities should be assessed through the consenting process as they can be substantial structures</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Reject. Structures are covered within the definition of building and the term "renewable electricity generation activities" is too broad.</i></p>	<p>Support recommendation. In its submission Transpower sought a specific National Grid rule that reflects the nationwide approach and gives effect to the NPSET. The rule sought in the Transpower submission does provide as a permitted activity within the defined National Grid Yard, buildings or structures “undertaken by a network utility operator, infrastructure, or any part of electricity infrastructure that connects to the National Grid”.</p>
<p><b>84.37 Genesis Energy FS225.18 Transpower</b></p>	<p>4b.1 General Rules – General Rural Environment &gt; 4b.1.7 High voltage transmission lines</p>	<p>Oppose - Disallow  Transpower opposes the decision sought by the submitter and believes that the rule in the plan should reflect the nationwide approach and give effect to the NPSET. Renewable Electricity Generation activities should be assessed through the consenting process to determine their appropriateness in relation to the National Grid.</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Reject. Structures are covered within the definition of building and the term "renewable electricity generation activities" is too broad.</i></p>	<p>Support recommendation. In its submission Transpower sought a specific National Grid rule that reflects the nationwide approach and gives effect to the NPSET. The rule sought in the Transpower submission does provide as a permitted activity within the defined National Grid Yard, buildings or structures “undertaken by a network utility operator, infrastructure, or any part of electricity infrastructure that connects to the National Grid”.</p>
<p><b>93.52 Contact Energy Limited FS225.19 Transpower</b></p>	<p>4b.1 General Rules – General Rural Environment &gt; 4b.1.7 High voltage transmission lines</p>	<p>Oppose - Disallow  Transpower opposes the rule in the plan proposed by the submitter, as they believe that renewable electricity generation activities should be assessed through the consenting process. They seek a specific National Grid</p>	<p><b>Officer Recommendation to original submission:</b>  <i>Reject. Structures are covered within the definition of building and the term "renewable electricity generation activities" is too broad.</i></p>	<p>Support recommendation. In its submission Transpower sought a specific National Grid rule that reflects the nationwide approach and gives effect to the NPSET. The rule sought in the Transpower submission does provide as a permitted activity within the defined National Grid Yard, buildings or structures “undertaken by a network utility operator, infrastructure, or any part of electricity infrastructure that connects to the National Grid”.</p>

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<p><b>106.19 The Lines Company Limited</b> <b>FS225.20 Transpower</b></p>	<p>4b.1 General Rules – General Rural Environment &gt; 4b.1.7 High voltage transmission lines</p>	<p>Oppose - Disallow</p> <p>Transpower opposes the decision sought as it believes that the extension and application of Rule 4b.1.7 to assets not owned or operated by Transpower is not in line with the National Policy Statement on Electricity Transmission (NPSET). Transpower believes that the NPSET is specific to electricity transmission for all parts of the National Grid, which is defined in the NPSET as the assets used or owned by Transpower NZ Ltd.</p>	<p><b>Officer Recommendation to original submission:</b></p> <p><i>Accept in part, as the submitter's point regarding the importance of sub-transmission lines operated by the submitter is accepted, but the amendment to the provision preferred is adding the words "or sub transmission" to the body of the standard, but also adding the same phrase to matters of discretion a) and b) rather than the deletion sought by the submitter to maintain clarity.</i></p>	<p>Oppose recommendation.</p> <p>The National Grid Yard rule is in direct response to give effect to NPSET policies 10 and 11. The officer recommendation to include reference to 'sub transmission' lines is not supported as:</p> <ul style="list-style-type: none"> <li>- Sub transmission lines are not provided for in the NPSET</li> <li>- There is not the equivalent policy support in the district plan for inclusion of the sub transmission lines.</li> <li>- The width of the National Grid Yard is based on engineering advice specific to high voltage lines. As such the width is not automatically transferable to sub transmission lines.</li> </ul>
<p><b>106.20 The Lines Company Limited</b> <b>FS225.21 Transpower</b></p>	<p>4b.3 General Rules – Rural Lifestyle Environment &gt; 4b.3.7 High voltage transmission lines</p>	<p>Oppose - Disallow</p> <p>Transpower opposes the decision sought as they believe the Rule 4b.3.7 should not be applied to assets not owned or operated by them, as the NPSET (National Policy Statement on Electricity Transmission) is specific to electricity transmission for all parts of the National Grid which is defined as the assets used or owned by Transpower NZ Ltd.</p>	<p><b>Officer Recommendation to original submission:</b></p> <p><i>Accept in part, as the submitter's point regarding the importance of sub-transmission lines operated by the submitter is accepted, but the amendment to the provision preferred is adding the words "or sub transmission" to the body of the standard, but also adding the same phrase to matters of discretion a) and b) rather than the deletion sought by the submitter to maintain clarity.</i></p>	<p>Oppose recommendation.</p> <p>The National Grid Yard rule is in direct response to give effect to NPSET policies 10 and 11. The officer recommendation to include reference to 'sub transmission' lines is not supported as:</p> <ul style="list-style-type: none"> <li>- Sub transmission lines are not provided for in the NPSET</li> <li>- There is no policy support in the district plan</li> </ul>
<p><b>91.12 Federated Farmers NZ</b></p>	<p>3b.2 Objectives and Policies - General Rural Environment</p>	<p>Oppose - Disallow</p> <p>Transpower opposes the relief sought due to the lack of a definition of 'essential infrastructure' and the reference to 'where it is possible to do so' in the</p>	<p><b>Officer Recommendation to original submission:</b></p> <p><i>Reject, as the drafting intent for the objective was around ensuring that subdivision and development did not generate demand on existing infrastructure (roading primarily) provided by Council and the</i></p>	<p>Support recommendation and amended objective.</p>

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<p><b>FS225.26 Transpower</b></p>		<p>amendments to Objective 3b.2.6, which does not give effect to the NPSET policies 10 and 11.</p>	<p><i>state highway network managed by Waka Kotahi, but could also apply in respect of the national grid and sub-transmission lines. Other amendments have been made in response to other submissions, and the submitters wording is not favoured as simply re-states Part 2 RMA wording.</i></p>	
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## Appendix F

### PC42: Amendments sought through evidence

#### Plan Change 42: General Rural and Rural Lifestyle environments

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

#### Definitions

Insert a new definition as follows:

*Sensitive Activities (in the National Grid Yard) means:*

*a. residential activity.*

*b. marae;*

*c. hospital;*

*d. healthcare activity;*

*e. educational facility and preschools;*

*f. retirement village;*

*g. guest or visitor accommodation activity; or*

*h. place of assembly.*

Amend the definition of National Grid Yard as follows:

*National Grid Yard – The area located within:*

*12m in any direction from the visible outer edge of a National Grid tower; ~~or 10m in any direction from a National Grid single pole or pi-pole;~~ or the area located within 12m either side of the centre line of any overhead National Grid line on towers.*

*The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.*

Amend the definition of National Grid Subdivision Corridor as follows:

*National Grid Subdivision Corridor – means the area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in Appendix):*

*• 37 metres for 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);*

~~• 39 metres for 350kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers).~~

~~National Grid Subdivision Corridor – means the area measured 37m either side of the centreline of above ground National Grid 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers)~~

## Objectives

Insert a duplication of objective 3b.2.6 within the Rural Lifestyle Environment as follows:

Objective 3b.2.6 Impacts on infrastructure

The impacts on infrastructure arising from subdivision and development are managed do not compromise the safe and efficient function of infrastructure.

## Policies

Insert the following policy within the General Rural Environment and Rural Lifestyle Environment chapters as follows:

Policy - Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

a. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;

b. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

## Land Use Rule

Delete the following rules:

4b.1.7 High voltage transmission lines and 4b.3.7 High voltage transmission lines

~~4b.1.7 High voltage transmission lines~~

~~a. Any building (except network utilities) located within 0-12 metres of a high voltage transmission or sub transmission line is a restricted discretionary activity.~~

~~When considering activities under Rule 4b.1.7 Council restricts the exercise of its discretion to the following matters:~~

~~a. The location of the structure in relation to high-voltage transmission or sub transmission line.~~

~~b. Any effects on the safe and efficient functioning of the transmission or sub transmission line.~~

Insert a new rule for buildings, structures and activities in the National Grid Yard for each rural zone as follows:

4b.1.x Buildings, structures and activities in the National Grid Yard

- c) Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.
- d) A building, structure or activity which does not comply with the performance standards in 4b.x.x or is not otherwise provided for, is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Insert new performance standards for buildings, structures and activities in the National Grid Yard for each rural zone as follows:

4b.x.x Performance standards – Buildings, structures and activities in the National Grid Yard

1. The activity, building or structure is not for a sensitive activity.
2. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:
  - a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
  - b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
  - c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
  - d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.
3. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.
4. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).
5. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:



- a. is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
- b. meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
- c. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

## Earthworks Rule

4b.1.X General Rural Environment and 4b.1.X Rural Lifestyle Environment  
Earthworks within the National Grid Corridor

Delete the following rules:

4b.1.X Earthworks within the National Grid Corridor

~~Earthworks in and around high voltage transmission National Grid corridor that~~

~~.....~~

~~Exceptions~~

~~....~~

~~The Council restricts the exercise of its discretion to the following matters:~~

~~a.~~

~~.....~~

~~f.~~

And replace with the following rule (to apply to both rural environments):

4b.1.X Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.2.X are a permitted activity.

ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.2.X are a non-complying activity.

4b.2.X. Performance Standards - Earthworks or vertical holes in the National Grid Yard

Earthworks or vertical hole/s must not:

a. Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;

b. Exceed 3 m depth where located between 6m and 12 m of the outer edge of the visible foundation of any National Grid support structure;

c. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663;

d. Result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and

e. Compromise the stability of a National Grid support structure.

The following earthworks or vertical holes activities are exempt from Rule 1.a and Rule 1.b above:

a. earthworks or vertical holes/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b. earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;

c. earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

## Subdivision Rule

### 4b.5 Subdivision Rules

Delete the following assessment matter:

~~For the purposes of Rules 4b.5.1.i, 4b.5.2.i, and 4b.5.3.i, 4b.5.Xi and 4b.5.4i, the matters over which the Council reserves control for the purpose of assessment are: ...~~

~~j) Subdivision within the National Grid Corridor is able to accommodate a building platform for any building which is located entirely outside of the National Grid Corridor.~~

Insert the following into 4b.5 Subdivision Rules

4b.5.x1 Any subdivision of land in the National Grid Subdivision Corridor is a restricted discretionary activity provided the subdivision complies with the following standards:

i. All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building platform for the likely principal building(s) and any dwelling or sensitive activity located entirely outside of the National Grid Yard.

ii. Existing vehicle access to National Grid assets is maintained.

For the purposes of Rule 4b.5.x1 the Council restricts the exercise of its discretion to the following matters:

a. The risk of electrical hazards affecting public or individual safety, and the risk of property damage, including the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.

- b. The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.
- c. 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.
- d. The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.
- e. The ability to provide a complying building platform outside of the National Grid Yard.
- f. The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and the how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.
- g. The outcome of any consultation with Transpower.
- h. The risk to the structural integrity of the National Grid.

4b.5.x2 A subdivision that does not meet the standards within 4b.5.x1 is a non-complying activity.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

## Appendix G

### PC42: Section 32AA Evaluation

Section 32AA assessment

<p>Sought amendment:</p> <p><b>Insert a duplication of Objective 3b.2.6 <i>Impacts on Infrastructure</i> (as amended by the reporting officer) within the Rural Lifestyle Environment</b></p>	
Other practicable options	<p>The two alternative practicable options are:</p> <ul style="list-style-type: none"> <li>• Rely on Strategic Direction Objectives: While useful and relevant, the Strategic Direction objectives do not negate the need for zone specific provisions. As noted in evidence, arguably the Strategic Direction would not be considered for a single lot subdivision or land use resource consent application within the National Grid Subdivision Corridor or Yard, depending on whether the plan users consider such an application a “significant resource consent application”.</li> <li>• Rely on Rural Lifestyle Environment objectives: The PC42 objectives do not give effect to the NPSET. Objective 3b.3.2 only relates to reverse sensitivity and does not give effect to policies 10 and 11 of the NPSET.</li> </ul>
Effectiveness and Efficiency	<ul style="list-style-type: none"> <li>• The insertion of the objective will provide a relevant and clear objective in which to consider activities within the National Grid Corridor, and the outcome sought for the zone/environment. The objective then forms the basis for the policies and rule. The inclusion of an objective provides the necessary policy context against which activities within proximity of the National Grid can be assessed.</li> <li>• The recommended objective will give effect to Strategic Direction 2.5.</li> <li>• The objective would provide a consistent policy approach to that of the General Rural Environment.</li> </ul>
Costs /Benefits	<ul style="list-style-type: none"> <li>• The recommended objective sets a clear outcome for activities within proximity of the National Grid, in line with national direction. The key benefit is to assist in plan interpretation. There are no evident costs.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that the Rural Lifestyle Environment objective and policies do not give effect to the Strategic Direction, nor the higher order national direction within the NPSET. Any resource consent applications within the National Grid Corridors will not have the relevant objective and policy framework to refer to and consider/assess the consent application. This assessment is particularly relevant for non-complying activities.</li> </ul>
Decision about most appropriate action	<ul style="list-style-type: none"> <li>• The sought amendment is considered the most appropriate means in which to give effect to the higher order policy direction in the NPSET and achieving the purpose of the RMA. The absence of an objective within the zone/environment results in a significant policy ‘gap’.</li> </ul>

<p>Sought amendment:</p> <p><b>Insert a new policy <i>Effects on the National Grid</i> within the General Rural Environment and Rural Lifestyle Environment chapters</b></p>	
Other practicable options	<p>The two alternative practicable options are:</p> <ul style="list-style-type: none"> <li>• Rely on Strategic Direction policies: While useful and relevant, the Strategic Direction policies do not negate the need for zone specific provisions. As noted in evidence, arguably the Strategic Direction would not be considered for a single lot subdivision or land use consent application within the National Grid Subdivision Corridor or Yard depending on whether the plan users consider such an application a “significant resource consent application”.</li> </ul>

	<ul style="list-style-type: none"> <li>• Rely on PC42 policies: There are no PC42 Rural Lifestyle Environment policies which address effects on the National Grid, give effect to the NPSET, or the Strategic Direction within PC38. The policies relating to reverse sensitivity (3b.3.10 and 3b.3.12) only relate to lots adjoining the General Rural Environment, and minor dwellings and therefore do not address the effect on the National Grid. The General Rural Environment policy 3b.2.13 is a general policy direction to 'avoid adversely affecting permitted and lawfully established and/or consented activities'. The policy is general in nature and contains no policy guidance as to the effects to be avoided.</li> </ul>
Effectiveness and Efficiency	<ul style="list-style-type: none"> <li>• The insertion of the policies will provide clear direction as to the effects to be managed and avoided. This will assist in plan interpretation and application in that the provision of an explicit and directive National Grid specific policy provides the necessary policy context against which activities within proximity of the National Grid can be assessed.</li> <li>• The recommended policies will give effect to Strategic Directions and Objective 3b.2.6 and the objective sought for the Rural Lifestyle Environment.</li> </ul>
Costs /Benefits	<ul style="list-style-type: none"> <li>• The recommended policy sets a clear policy directive outcome for activities within proximity of the National Grid, in line with national direction.</li> <li>• The benefit is that the safety and security of the National Grid is protected. The National Grid consists of the physical structures and networks that support and provide essential electricity to the communities of the district and beyond. The protection of the National Grid from reverse sensitivity effects and effects which may compromise the National Grid is critical to the district's economic productivity, environmental outcomes and wellbeing of the community. The benefits of this infrastructure to the functioning of the district are therefore substantial and recognised in the NPSET.</li> <li>• There are no evident costs.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that the Rural Environment provisions do not give effect to the Strategic Direction, nor the higher order national direction NPSET. Any resource consent applications within the National Grid Corridors will not have the relevant objective and policy framework to refer to and consider the consent application. This is particularly relevant for non-complying activities.</li> <li>• At a practical level, there are risks to the National Grid from not having a clear policy directive, as well as to the activities themselves.</li> </ul>
Decision about most appropriate action	<ul style="list-style-type: none"> <li>• The sought amendment is considered the most appropriate means in which to give effect to the higher order policy direction in the NPSET and achieving the purpose of the RMA. The absence of a clear and specific National Grid policy within the zone/environment results in a policy 'gap'. While Council intends to provide a more comprehensive review of infrastructure provisions in the form of an Infrastructure/Energy chapter, in the absence of a notified plan change, Transpower has to assess the merits of the provisions as notified. Based on the evidence provided by Transpower, the approach sought in this evidence is considered the most appropriate action.</li> </ul>

Sought amendment:

**Replace rules 4b.1.7 *High voltage transmission lines* and 4b.3.7 *High voltage transmission lines* with new rules for buildings, structures and activities in the National Grid Yard**

**Replace earthworks rules 4b.1.X *Earthworks within the National Grid Corridor (General Rural Environment)* and 4b.3.7 *Earthworks within the National Grid Corridor (Rural Lifestyle Environment)* with new earthworks rules**

**Replace Subdivision assessment matter j). with a new *Subdivision in the National Grid Subdivision Corridor* rule**

Other practicable options	<ul style="list-style-type: none"> <li>The alternative practicable option is to rely on the rules as notified or amended through the S42A report. For the reasons outlined in evidence, this option would not give effect to the NPSET.</li> </ul>
Effectiveness and Efficiency	<ul style="list-style-type: none"> <li>The amendments sought through this evidence to the National Grid specific rules are considered the most efficient and effective to give effect to the Strategic Directions and Objective 3b.2.6 and that objective sought for the Rural Lifestyle Environment, and the National Grid specific policy.</li> </ul>
Costs /Benefits	<ul style="list-style-type: none"> <li>A secure and reliable electricity supply is vital to the functioning of the district and nationally. It enables people and communities to provide for their social, economic and cultural wellbeing. The rule framework ensures that development can occur in a safe manner, taking into account the existence of the line, and the characteristics of conductor movement.</li> <li>Specific to land use, the benefit of the sought amended rule are the provision of a rule that reflects the effects of activities on the National Grid and permits some activities, and identify (though a non-complying activity status) other activities which are inappropriate. This more nuanced rule framework will have benefits for some activities in that they are permitted and do not require resource consent. The costs of the amended rule are confined in that resource consent is currently required for a wide range of buildings and structures. The change in activity status will not generate a significant change in costs given consent is already required under the notified rule.</li> <li>Specific to earthworks, as the amendments sought are to improve the mechanics of the rule as opposed to wholesale changes, the benefits of the amendments are to provide a clear rule framework that reflects the assets in the district (i.e no poles), correctly applies clearance standards under NZECP34, provides an access standard, clarifies the application of the rule, and provides a directive activity status to give effect to the NPSET.</li> <li>Specific to subdivision, the amendments sought provide a clear rule framework to give effect to the NPSET. The key benefit is to provide a clear rule framework. The S42A recommended provisions are ad hoc in their application (in that not all subdivision is captured). The costs to landowners are not significantly increased in that subdivision consent is already triggered/required. There will also be benefits to landowners in that the rule will ensure the consideration of whether a site can meet the National Grid yard rules is undertaken at the subdivision stage.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>The risk of not acting (and amending the rules) is extremely significant in terms of risk to the integrity of the National Grid which could affect thousands of homes and businesses. There is also a high risk to both structures and lives if people and property are inappropriately located within close proximity to the lines and support structures.</li> </ul>
Decision about most appropriate action	<ul style="list-style-type: none"> <li>The revised rules are considered the most appropriate means in which to give effect to the higher order policy direction in the NPSET and achieving the purpose of the RMA. The approach sought in this evidence is consistent with that sought in other district plans across the country. While it is understood Council intends to provide a more comprehensive review of infrastructure provisions in the form of an Infrastructure/Energy chapter, in the absence of a notified plan change, Transpower has to assess the merits of the provisions as notified. Based on the evidence provided by Transpower, the approach sought in this evidence is considered the most appropriate action.</li> </ul>

Sought amendment:

**Inset a new definition for Sensitive Activities, and amend definitions of National Grid Yard and National Grid Subdivision Corridor**

Other practicable options	<ul style="list-style-type: none"> <li>• The alternative practicable option is to rely on the definitions recommended through the S42A report. For the reasons outlined in evidence, this option would not give effect to the NPSET.</li> </ul>
Effectiveness and Efficiency	<ul style="list-style-type: none"> <li>• While the provision of definitions for National Grid Yard and National Grid Subdivision Corridor is supported, amendments are required to the definitions to clarify their application to existing assets. The amendments sought through this evidence would assist with plan interpretation and application in that they remove references to existing assets which are not in existence in the district.</li> <li>• The provision of a definition for sensitive activities would clarify the application of the rules and reflect wording in the NPSET.</li> </ul>
Costs /Benefits	<ul style="list-style-type: none"> <li>• Given the confined nature of the amendments sought, there are limited costs and benefits.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The primary risk of not amending the definitions as sought is the potential for confusion over plan interpretation and application.</li> </ul>
Decision about most appropriate action	<ul style="list-style-type: none"> <li>• The revised rules are considered the most appropriate means in which to give effect to the PC38 Strategic Direction, PC42 objectives and policies and higher order policy direction in the NPSET and achieving the purpose of the RMA. The approach sought in this evidence is consistent with that sought in other district plans across the country. While it is understood Council intends to provide a more comprehensive review of infrastructure provisions in the form of an Infrastructure/Energy chapter, in the absence of a notified plan change, Transpower has to assess the merits of the provisions as notified. Based on the evidence provided by Transpower, the approach sought in this evidence is considered the most appropriate action.</li> </ul>