

Further Submission by Transpower New Zealand Limited

Proposed Timaru District Plan

11 August 2023

Keeping the energy flowing



TRANSPOWER



Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To Timaru District Council (“the Council”)

Name of person making further submission: Transpower New Zealand Limited (“Transpower”)

This is a further submission in support of, and in opposition to, submissions on: the proposed Timaru District Plan (“Proposed District Plan”).

Transpower has an interest in the Proposed District Plan that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 (“NPSET”) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”). The proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the proposed District Plan meet these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

Transpower’s further submissions

Transpower’s support of, or opposition to, a particular submission including the reason for Transpower’s support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

General reasons and decisions sought in respect of submissions supported by Transpower

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Canterbury Regional Policy Statement 2013 (July 2021) (“CRPS”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

General reasons and decisions sought in respect of submissions opposed by Transpower

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

Transpower wishes to be heard in support of its further submissions.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.

Signature of person authorised to sign
on behalf of Transpower New Zealand Limited

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Appendix A – Transpower New Zealand Limited: Further Submission on Submissions Made on the Proposed Timaru District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed District Plan, including the reasons for Transpower’s support or opposition in respect of the original submission. The proposed District Plan text is shown without underlining; the relief sought in primary submission is shown as black underlined and ~~strike through~~; and the further amendments sought by Transpower are shown in red double underlined and ~~double strike through~~.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Pye Group Ltd, Dialan Dairy Ltd, Grantlea Dairy Ltd, South Park Farm Ltd, South Stream Dairy Ltd - Michelle Pye (submission reference 35)				
35.1	<p>SASM - Sites and Areas of Significance to Māori</p> <p>SASM-R1 Earthworks not including quarrying and mining</p> <p>Seeks that Rule SASM-R1.2 is amended to remove points 1-4 and simply state:</p> <p><i><u>“The earthworks are for the purpose of maintenance, repair or replacement of any existing infrastructure or development.”</u></i></p>	Support	Transpower supports the relief sought to the extent that the relief better reflects the types of infrastructure that may be maintained, repaired or replaced without having an adverse effect on cultural values such that requiring a resource consent is unnecessary and costly.	Allow the submission.
Peter Bonifacio (submission reference 36)				
36.22	<p>SASM - Sites and Areas of Significance to Māori</p> <p>SASM-R2 Buildings and structures, including additions and alterations to existing buildings and structures and network utilities.</p> <p>Opposed Rule SASM-R2 on the basis that there is no justification for why the height and footprint of a building or structure within the Wahi Taoka will impact on the values of that site and that the additional requirements for the activity are excessive.</p>	Support	Transpower supports the submission to the extent that the ‘Sites and Areas of Significance to Māori S.32 Report’ dated May 2022 does not provide clear rationale, or describe the potential effects on cultural values, that necessitate resource consent to be sought where existing network utilities are altered. This is particularly the case where the footprint of a network utility is not altered, but the height increased.	Allow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Timaru District Council (Submission reference 42)				
42.14	<p>EI – Energy and Infrastructure General</p> <p>Seeks that consideration be given to greater consistency in the terminology used in this chapter, so as to ensure greater certainty for plan users, particularly in terms of what rules apply to which "network utilities" and/or "infrastructure". This may require changes to the titles of the Rules Sections and the terminology used in the rules themselves.</p>	Support in part	Transpower does not oppose the relief sought but notes that there may be some instances where particular terminology is used to differentiate types of infrastructure, such as nationally significant infrastructure. For this reason, Transpower considers that care must be taken to ensure that the relief sought does not give rise to unintended consequences or result in provisions that do not appropriately give effect to higher order planning instruments.	Allow the submission, subject to clear consideration being given to the consequences of the proposed amendments.
42.17 and 42.19	<p>EI- Energy and Infrastructure</p> <p>EI-O2 Adverse effects of Regionally Significant Infrastructure</p> <p>EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.</p> <p>Seeks that the Provisions are amended to align with the NPS-FM's "effects management hierarchy" and that the Policy refers to "the extent to which viable alternative sites, routes or methods are available".</p>	Support in part	Consistent with Transpower's primary submission (references 159.33 and 159.36), Transpower agrees that there is no rationale for the requirement to avoid sensitive environments. However, Transpower does not support applying the NPS-FM effects management hierarchy to this Objective and associated Policy on the basis that there is similarly no rationale for such an approach. Transpower considers that the NPS-FM effects management hierarchy is specific to freshwater and is of the view there may be unintended consequences of the relief sought, which are not supported in legislation or by higher order planning instruments. Transpower continues to support the relief sought in its primary submission.	Disallow the submission and allow submission references 159.33 and 159.36.
42.31	<p>NH – Natural Hazards</p> <p>Seeks that the title of Rule NH-R4 is amended to include "excluding Regionally Significant Infrastructure".</p>	Support	Transpower considers that the relief sought improves the clarity of the Proposed District Plan.	Allow the submission.
42.33, 42.34, 42.35	<p>HH - Historic Heritage</p> <p>SASM - Sites and Areas of Significance to Māori</p> <p>NATC -Natural Character</p> <p>Seeks that consideration be given to replicating regionally significant infrastructure/network utility provisions in NFL-P4.7.d and NFL-R3 within the</p>	Support in part	Transpower generally supports the aspiration to achieve consistency in respect of the management of regionally significant infrastructure in sensitive receiving environments through cross reference to EI-P2. However, Transpower's support is subject to the relief sought in its primary	Allow the submissions subject to the relief sought in Transpower's primary submission (including submission reference 159.80).

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	policies and rules of the HH, SASM and NATC chapters.		submission, including in respect of NFL-P4 (submission reference 159.80).	
Bruce Speirs (submission reference 66)				
66.3 and 66.4	<p>Definitions</p> <p>Definition of 'National Grid Subdivision Corridor'</p> <p>Definition of 'National Grid Yard'</p> <p>Amend the definitions to read:</p> <p><i>"AAS set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003."</i></p>	Oppose	<p>Transpower considers that the relief sought:</p> <ul style="list-style-type: none"> - may not provide sufficient certainty in respect of the rules that rely on this definition; - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; - should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions. 	Disallow the submission.
Z Energy Limited (submission reference 116)				
116.12	<p>SASM - Sites and Areas of Significance to Māori</p> <p>SASM-R1 Earthworks not including quarrying and mining</p> <p>Seeks that Seeks clarification as to when Rule SASM-R1 (PER-1) earthworks applies (e.g.: per project, 12- months, staging?).</p>	Support	Transpower supports the relief sought and considers that clarifying the Rule is necessary and appropriate so that it is clear where resource consent is, and is not, required.	Allow the submission.
New Zealand Defence Force (submission reference)				
151.10 and 151.11	<p>SASM - Sites and Areas of Significance to Māori</p> <p>SASM-R1 Earthworks not including quarrying and mining</p> <p>APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol</p> <p>Seeks that that Rule SASM-R1 and APP4 are deleted.</p>	Support	Transpower supports the relief sought and, having reviewed the 'Sites and Areas of Significance to Māori S.32 Report' dated May 2022, considers that there is no clear rationale for requiring the Accidental Discovery Protocol commitment form in the manner proposed. Transpower further notes that this requirement has the potential to overlap with, and conflict with, the requirement of the HNZPT Act. A direction on accidental discovery is provided by the advice note in the Earthworks chapter and Transpower is of the view that this additional requirement has the potential to create an administrative burden for the community and Council.	Allow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Radio New Zealand Limited (submission reference 152)				
152.27	EI – Energy and Infrastructure Introduction Amend the Introduction to include the following text: <i>“Inappropriately located or designed land use activities can cause reverse sensitivity effects which may compromise the safe and effective functioning of significant and locally important infrastructure.”</i>	Support in part	Transpower considers that, given the content of this chapter, it is appropriate to make reference to the effects of other activities on infrastructure in the Introductory text.	Allow the submission subject to the following amendments: <i>“Inappropriately located or designed land use activities can cause <u>adverse effects, including reverse sensitivity effects, which may compromise the safe and effective development and functioning of significant and locally important infrastructure.</u>”</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (submission reference 156)				
156.32	Definitions Definition of ‘Significant Natural Area or SNA’ Amend the definition of ‘Significant Natural Area or SNA’ as follows: <i>“Means identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in ECO-SCHED 2, and shown on the planning maps; or any area that meets the APP5 Criteria for identifying Significant Natural Areas.”</i>	Oppose	Transpower does not support the relief sought on the basis that the consequences of the amendment are not understood. That is, the submission does not include a consideration of the impact of the relief on the various provisions of the Proposed District Plan that rely on this definition. Further, in respect of the National Grid, the proposed amendment to the definition has an impact on the implementation of the NESETA to the extent that the amended definition has the potential to introduce uncertainty and impose further regulatory requirements (through the definition of ‘natural area’ in the NESETA).	Disallow the submission.
156.39	SD - Strategic Direction SD-O3 Climate Change Objective SD-O3 could be strengthened by setting out how the Plan will have regard to the emissions reduction plan and the national adaptation plan	Support	Transpower supports the relief sought and agrees that the Objective could be provide overarching direction in respect of the targets and directions given in the emissions reduction plan and national adaptation plan. This includes reducing barriers to developing and efficiently using electricity infrastructure that is needed to support a zero carbon future and enabling infrastructure to develop and respond to climate change risks.	Allow the submission.
156.63, 156.64, 156.65,	EI – Energy and Infrastructure	Oppose	Transpower opposes the relief sought on the basis that the submission does not describe the potential adverse effects of the activities regulated by the rules that would necessitate a	Disallow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
156.66, 156.67	<p>EI-R1 Maintenance and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter</p> <p>EI-R2 Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter</p> <p>EI-R3 New underground infrastructure (including customers connections) not otherwise addressed by another rule in this chapter</p> <p>EI-R5 Vehicle access tracks for network utilities, including ancillary access tracks</p> <p>EI-R11 New overhead lines and associated support structures that convey electricity excluding customer connections</p> <p>Considers the scale of activities and effects are uncertain and that the permitted activity rules are not appropriate in the coastal environment. Seeks the inclusion of a 'condition' that the activity is outside of the coastal environment.</p>		<p>resource consent process when located in the coastal environment. Further, the submission fails to consider the need for utility services (such as electricity) in the coastal environment. In terms of section 32 of the RMA, it is considered that the relief sought is not necessary or appropriate to achieve objectives or the purpose of the RMA. In addition, insofar as the relief relates to the National Grid. Transpower considers that the relief does not give effect to Policies 1, 2 and 5 of the NPSET or Policy 16.3.4 of the CRPS.</p>	
156.98	<p>ECO – Ecosystems and Indigenous Biodiversity</p> <p>ECO-O1 Protection of significant indigenous biodiversity</p> <p>Seeks that Objective ECO-O1 is amended as follows:</p> <p><i>"The values of sSignificant indigenous vegetation and significant habitats of indigenous fauna is <u>are</u> protected."</i></p>	Oppose	<p>Transpower opposes the relief sought and considers that the submission fails to consider the initial clause of section 6 of the RMA or the provisions of Chapter 9 of the CRPS. Transpower considers that is it not necessary or appropriate to replicate section 6(c) in the absence of further direction as to how 'protection' is achieved in certain circumstances and notes that this might be by 'protecting' values.</p>	Disallow the submission.
156.104 and 156.107	<p>ECO – Ecosystems and Indigenous Biodiversity</p> <p>ECO-P4 Protection for long-tailed bats</p> <p>Seeks the inclusion of a new policy that provides protection for all other native fauna species.</p>	Oppose	<p>Transpower opposes the inclusion of a new policy (as sought) on the basis that the submission does not identify the fauna species to be protected or how that protection is to be achieved.</p>	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
EnviroWaste Services Limited (submission reference 162)				
162.5	<p>SD – Strategic Directions SD-O8 Infrastructure</p> <p>Seeks that Objective SD-O8 is amended as follows: <i>“iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately <u>and protecting regionally significant infrastructure from reverse sensitivity</u>. Development is serviced by an appropriate level of infrastructure <u>and waste facilities</u> that effectively meets the needs of that development.”</i></p>	Support in part	Transpower generally supports the relief sought on the basis that the proposed amendments give effect to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS. That said, Transpower notes that activities can have direct effects on infrastructure, along with reverse sensitivity effects, and therefore a further amendment is sought to reflect this.	<p>Allow the submission subject to the following further amendments: <i>“iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while <u>appropriately</u> managing adverse effects <u>of, and on, appropriately and protecting regionally significant infrastructure from reverse sensitivity</u>. Development is serviced by an appropriate level of infrastructure <u>and waste facilities</u> that effectively meets the needs of that development.”</i></p>
Penny Nelson, Director-General of Conservation Tumuaki Ahurei (the Director-General) (submission reference 166)				
166.20 and 166.22	<p>EI- Energy and Infrastructure EI-O2 Adverse effects of Regionally Significant Infrastructure EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure</p> <p>Seeks that Objective EI-O2 is amended as follows: <i>“1. are avoided in sensitive environments unless there is a functional need for the infrastructure to be in that location <u>and there are no practicable alternative locations</u>, in which case</i></p>	Oppose	Transpower does not support the relief sought on the basis that applying an effects management hierarchy intended for the management of all activities specifically in relation to indigenous biodiversity to regionally significant infrastructure is inappropriate and may have unintended consequences that are not anticipated by higher order planning instruments. In this regard, it is noted that the NPS-IB does not apply to the development, operation, upgrading and maintenance of the National Grid.	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>they must be managed by applying the effects management hierarchy remedied or mitigated; and ..."</i></p> <p>Seeks that Policy EI-P2 is amended to refer to the effects management hierarchy.</p>			
Silver Fern Farms (submission reference 172)				
172.11	<p>Definitions</p> <p>Definitions 'Sensitive activity'</p> <p>Seeks that seasonal workers accommodation and caretaker dwellings are excluded from the definition.</p>	Oppose	Transpower opposes the relief sought on the basis that seasonal workers' accommodation and caretaker dwellings are sensitive to the effects of the National Grid and fall within the inclusive definition in the NPSET and are therefore 'captured' by Policy 11 of the NPSET. Allowing an exclusion, as proposed, would fail to give effect to the NPSET.	Disallow the submission.
Alliance Group Limited (submission reference 173)				
173.10	<p>Definitions</p> <p>Definitions 'Sensitive activity'</p> <p>Seeks that seasonal workers accommodation and caretaker dwellings are excluded from the definition.</p>	Oppose	Transpower opposes the relief sought on the basis that seasonal workers' accommodation and caretaker dwellings are sensitive to the effects of the National Grid and fall within the inclusive definition in the NPSET and are therefore 'captured' by Policy 11 of the NPSET. Allowing an exclusion, as proposed, would fail to give effect to the NPSET.	Disallow the submission.
Rooney Holdings Limited (submission reference 174)				
174.7 and 174.8	<p>Definitions</p> <p>Definition of 'National Grid Subdivision Corridor'</p> <p>Definition of 'National Grid Yard'</p> <p>Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances</p>	Oppose	<p>Transpower considers that the relief sought:</p> <ul style="list-style-type: none"> - may not provide sufficient certainty in respect of the rules that rely on this definition; - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; - should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions. 	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	(NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.			
174.35	ECO – Ecosystems and Indigenous Biodiversity ECO-R6 Subdivision of land containing a Significant Natural Area Seeks that Rule ECO-R6 is amended to refer to <i>“where a new boundary intersects a Significant Natural Area”</i> .	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision of land containing a Significant Natural Area <u>that is not a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area</u>”</i>
174.39	NFL – Natural Features and Landscapes NFL-R9 Subdivision Seeks that Rule NFL-R9 Subdivision is amended to: 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production.	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision <u>that is not a subdivision under Rule SUB-R2</u>”</i>
Connexa Limited (submission reference 176)				
176.34	EI – Energy and Infrastructure Introduction Amend Introduction as follows: <i>“In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. <u>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.</u>”</i>	Support	Transpower generally supports the relief sought and considers that the Proposed District Plan should endeavour to eliminate duplication and conflicting provision by providing clear direction to plan users and, where possible, standalone provisions for infrastructure activities.	Allow the submission.
Opuha Water Limited (submission reference 181)				
181.14	Definitions New definition Seeks the inclusion of a new definition of ‘alteration’ as follows:	Oppose	Transpower opposes the relief sought on the basis that the proposed definition is unnecessarily narrow because alterations to network utilities may involve activities other	Disallow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"the act of altering the alignment of a network utility or infrastructure during an emergency."</i>		than changes to alignment and also may occur in situations where there is no emergency.	
Federated Farmers of New Zealand (submission reference 182)				
182.18 182.177	Definitions Definition of 'National Grid Yard' EW – Earthworks EW-S5 Earthworks in proximity of the National Grid Seeks that the National Grid Yard is amended to refer to 8 metres either side of the centre line of a transmission line.	Oppose	Transpower opposes the relief sought because the submission relies on NZECP34:2001 in suggesting an 8 metre distance from the centre line of a transmission line. The National Grid Yard is not based on this measurement, rather it is based on the position of the conductors under normal operating and wind conditions. That is, the extent to which the conductors 'swing'. This approach reflects Transpower's nationally consistent approach to giving effect to the NPSET. More generally, Transpower acknowledges and supports the relief sought in the submission that seeks that the provisions of the Proposed District Plan are consistent with the rules of other authorities.	Disallow the submission.
GJH Rooney (submission reference 191)				
191.7 and 191.8	Definitions Definition of 'National Grid Subdivision Corridor' Definition of 'National Grid Yard' Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.	Oppose	Transpower considers that the relief sought: - may not provide sufficient certainty in respect of the rules that rely on this definition; - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; - should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions.	Disallow the submissions.
191.35	ECO – Ecosystems and Indigenous Biodiversity ECO-R6 Subdivision of land containing a Significant Natural Area	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a	Allow the submission subject to the following further amendment: "Subdivision of land containing a Significant Natural Area <i>that is not</i>

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Seeks that Rule ECO-R6 is amended to refer to <i>“where a new boundary intersects a Significant Natural Area”</i> .		subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	<i>a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area”</i>
191.39	NFL – Natural Features and Landscapes NFL-R9 Subdivision Seeks that Rule NFL-R9 Subdivision is amended to: 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production.	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision <u>that is not a subdivision under Rule SUB-R2</u>”</i>
Spark New Zealand Trading Limited (submission reference 208)				
208.34	EI – Energy and Infrastructure Introduction Amend Introduction as follows: <i>“In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. <u>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.</u>”</i>	Support	Transpower generally supports the relief sought and considers that the Proposed District Plan should endeavour to eliminate duplication and conflicting provision by providing clear direction to plan users and, where possible, standalone provisions for infrastructure activities.	Allow the submission.
Chorus New Zealand Limited (submission reference 209)				
209.34	EI – Energy and Infrastructure Introduction Amend Introduction as follows: <i>“In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. <u>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.</u>”</i>	Support	Transpower generally supports the relief sought and considers that the Proposed District Plan should endeavour to eliminate duplication and conflicting provision by providing clear direction to plan users and, where possible, standalone provisions for infrastructure activities.	Allow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
Vodafone New Zealand Limited (submission reference 210)				
210.34	<p>EI – Energy and Infrastructure Introduction</p> <p>Amend Introduction as follows: <i>“In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail.</i> <u><i>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.</i>”</u></p>	Support	<p>Transpower generally supports the relief sought and considers that the Proposed District Plan should endeavour to eliminate duplication and conflicting provision by providing clear direction to plan users and, where possible, standalone provisions for infrastructure activities.</p>	Allow the submission.
Kāinga Ora - Homes and Communities (submission reference 229)				
229.3	<p>Definitions</p> <p>Definition of ‘National Grid Subdivision Corridor’</p> <p>Opposes the proposed National Grid Subdivision corridor provisions that are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. (See related submission regarding the National Grid provisions in their entirety). Seeks the deletion of the Definition.</p>	Oppose	<p>Transpower opposes the relief sought and considers that the submission is unclear as to why the submitter considers the National Grid provisions are “overly restrictive and do not efficiently manage sensitivity activities within close proximity to and under the National Grid”.</p> <p>In this regard, the submitter does not provide any clear examples of situations where the National Grid provisions would impact on Kāinga Ora’s housing portfolio or any urban developments being lead or coordinated by Kāinga Ora. In addition, the submission is unclear because submitter does not suggest any alternative framework (with accompanying rationale).</p>	Disallow the submission.
229.14, 229.22 and 229.23	<p>EI – Energy and Infrastructure General</p> <p>EI-R27 Buildings or structures within the National Grid Yard</p> <p>EI-R29 Subdivision of land within the National Grid Subdivision Corridor</p> <p>Considers the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. Seeks a review the full package of provisions including the objectives, policies, rules and definitions relating to National Grid Infrastructure within the EI chapter.</p>	Oppose	<p>Transpower continues to seek consistent nationwide National Grid provisions as included in the proposed District Plan. By way of explanation, the rationale for these provisions is set out in detail below:</p> <p>The NPSET confirms the national significance of the National Grid, and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.</p> <p>The NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other</p>	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
			<p>activities can potentially adversely affect the network. Notwithstanding the health and safety issues of activities locating within proximity of the National Grid, the National Grid can be affected by other activities that establish beneath or in close proximity to its lines and/or structures. Such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity, radio and television interference, perceived electric and magnetic field ('EMF') effects, or interference with business activities beneath the lines. The location of buildings and activities, particularly 'sensitive activities' such as schools and residential buildings, beneath or in close proximity to lines and/or structures can compromise Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of National Grid lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated.</p> <p>The most effective and efficient way of managing the potential for adverse effects on the National Grid is to adopt a corridor approach. This corridor approach is often referred to as the "National Grid Yard" and the "National Grid Subdivision Corridor". Adopting the National Grid corridor approach is supported by NPSET Policy 10 (that requires councils to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and ensure that the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised) and Policy 11 (that requires councils to identify an appropriate buffer corridor, within which sensitive activities should generally not be provided for).</p> <p>Transpower only seeks the minimum plan restrictions necessary to ensure the NPSET is given effect to. The corridor approach allows for different size setbacks to be adopted</p>	

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
			<p>depending on the asset type , that is, poles, pi-poles or towers and voltage. Importantly the National Grid Yard and National Grid Subdivision Corridor provides a consistent approach to managing the potential for adverse effects on the National Grid. It is noted that Kāinga Ora supports the National Grid subdivision corridor provisions.</p> <p>The “National Grid Yard” setback is based on the position of the conductors in normal everyday wind conditions, as well as space to allow the support structures and conductors to be accessed and provide sufficient space for most (but not all) maintenance activities. The “National Grid Subdivision Corridor” setback is based on the position of the conductors in high wind conditions. A 12m setback around each tower or support structure is also sought for access, maintenance and safety purposes. Within the National Grid Yard, Transpower seeks that new (and extensions to existing) ‘sensitive’ activities such as dwellings, schools and hospitals are afforded a non- complying activity status, and that other ‘non-sensitive’ activities such as intensively used milking sheds or piggeries, commercial, warehouse or retail activities (for example), should also be managed in the same way. This approach minimises disruption to landowners from Transpower’s maintenance and operational activities, maintains access to National Grid assets and keeps people and property safe.</p> <p>The approach proposed in the proposed District Plan (as amended by the relief sought in Transpower’s primary submission) reflects the nationwide approach to National Grid provisions (with one exception relating to the subdivision corridor only in the Auckland Unitary Plan).</p>	
229.18	<p>EI – Energy and Infrastructure</p> <p>EI-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities</p> <p>Considers the objective as drafted could result in land which is zoned for residential development</p>	Oppose	<p>Transpower does not support the relief sought on the basis that, insofar as the Objective relates to the National Grid, the amendments sought would result in the Objective failing to give effect to Policies 10 and 11 of the NPSET and also Policy 16.3.4 of the CRPS.</p>	Disallow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>being un-useable. Also considers that the 'upgrading or development' should be deleted from the policy as it would be difficult to manage adverse effects on a potential future state.</p> <p>Amend Objective EI-O4 as follows: <i>"The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects."</i></p>			
229.20	<p>EI – Energy and Infrastructure EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure Seeks that Policy EI-P2 is amended to include a further clause as follows: <i>"d. <u>minimising adverse effects on human health, wellbeing and amenity; and ..."</u></i></p>	Oppose	<p>Transpower opposes the relief sought on the basis that the submission does not provide any explanation in respect of adverse effects that are not otherwise addressed in the Policy. That is, Transpower considers that the Policy appropriately addresses potential effects on health, wellbeing and amenity without the inclusion of an additional clause.</p>	Disallow the submission.
229.21	<p>EI – Energy and Infrastructure EI-P3 Adverse effects on Regionally Significant Infrastructure Seeks that Policy EI-P3 is amended as follows: <i>"1. <u>Ensure nNew incompatible activities are appropriately located or designed so that reverse sensitivity effects are managed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and</u></i> <i>2. <u>Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:</u></i></p>	Oppose	<p>Transpower does not support the relief sought on the basis that the proposed amendments to the Policy would result in the Objective failing to give effect to Policies 10 and 11 of the NPSET and also Policy 16.3.4 of the CRPS, including because the NPSET addresses direct effects on the National Grid in addition to reverse sensitivity effects.</p>	Disallow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding subdivision, use and development <u>which will result in reverse sensitivity effects that may will compromise the operation, maintenance, repair, upgrading, renewal, or development of the National Grid; and ...</u></i>			
Horticulture New Zealand (submission reference 245)				
245.35	<p>Definitions New</p> <p>Include a definition for ‘activities sensitive to transmission lines’ are schools, residential buildings and hospitals.</p>	Support in part	Transpower does not oppose the relief sought but considers that the definition of ‘sensitive activity’ included in the Proposed District Plan provides sufficient clarity and appropriately interprets the definition included in the NPSET such that the inclusion of an additional definition is not necessary.	Disallow the submission.
245.45	<p>EI – Energy and Infrastructure EI-P3 Adverse effects on Regionally Significant Infrastructure Amend Policy EI-P3 as follows:</p> <p><i>“1. Ensure new incompatible activities are appropriately located or designed so they do not <u>unreasonably</u> compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and</i></p> <p><i>2. Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:</i></p> <p><i>a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding subdivision,</i></p>	Oppose	Transpower does not support the relief sought on the basis that the use of ‘generally avoid’ introduces uncertainty and fails to give effect to Policy 11 of the NPSET.	Disallow the submission.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>use and development that may compromise the operation, maintenance, repair, upgrading, renewal, or development of the National Grid; and <u>a. Generally avoid the establishment or expansion of activities sensitive to transmission lines in the national Grid Yard</u> <u>b. Manage subdivision use and development in to ensure that the National Grid is not compromised"</u></p>			
245.47	<p>EI – Energy and Infrastructure EI-R28 Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard Considers that the Rule should apply to earthworks and land disturbance and does not need to be limited to the installation of fence posts. The conditions of the rule will dictate the type of activity that can be undertaken.</p>	Oppose	Transpower notes that the architecture of the Rule is a function of the National Planning Standards definitions of ‘earthworks’ and ‘land disturbance’ alongside the activities that are exempt from NZECP34: 2001. The purpose of the Rule is to ‘capture’ the activities that are similarly regulated by NZECP34:2001 in an RMA context. This is achieved with the title of the Rule. As such the relief is not supported.	Disallow the submission.
245.48	<p>EI – Energy and Infrastructure EI-R30 Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard Seeks a specific definition for ‘activities sensitive to transmission lines’ to distinguish from the definition of ‘sensitive activities’ in the Plan and notes that there are also buildings that will be non-complying that are not sensitive activities such as buildings for intensive primary production, commercial greenhouse and dairy sheds. These are not adequately reflected in EI-R30.</p>	Oppose	As set out above, Transpower notes that the Proposed District Plan includes a definition of sensitive activity that, subject to the relief sought in Transpower’s primary submission, gives effect to the NPSET. Transpower also notes that buildings in the National Grid Yard are addressed by Rule EI-R27. On this basis, the relief sought is not appropriate or necessary.	Disallow the submission.
Rooney Group Limited (submission reference 249)				
249.7 and 249.8	Definitions	Oppose	Transpower considers that the relief sought:	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>Definition of ‘National Grid Subdivision Corridor’</p> <p>Definition of ‘National Grid Yard’</p> <p>Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.</p>		<p>- may not provide sufficient certainty in respect of the rules that rely on this definition;</p> <p>- requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11;</p> <p>- should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions.</p>	
249.35	<p>ECO – Ecosystems and Indigenous Biodiversity</p> <p>ECO-R6 Subdivision of land containing a Significant Natural Area</p> <p>Seeks that Rule ECO-R6 is amended to refer to <i>“where a new boundary intersects a Significant Natural Area”</i>.</p>	Support in part	<p>Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.</p>	<p>Allow the submission subject to the following further amendment: <i>“Subdivision of land containing a Significant Natural Area <u>that is not a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area</u>”</i></p>
249.39	<p>NFL – Natural Features and Landscapes</p> <p>NFL-R9 Subdivision</p> <p>Seeks that Rule NFL-R9 Subdivision is amended to:</p> <ol style="list-style-type: none"> 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production. 	Support in part	<p>Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.</p>	<p>Allow the submission subject to the following further amendment: <i>“Subdivision <u>that is not a subdivision under Rule SUB-R2</u>”</i></p>
Rooney Farms Limited (submission reference 250)				
250.7 and 250.8	<p>Definitions</p> <p>Definition of ‘National Grid Subdivision Corridor’</p> <p>Definition of ‘National Grid Yard’</p>	Oppose	<p>Transpower considers that the relief sought:</p> <p>- may not provide sufficient certainty in respect of the rules that rely on this definition;</p>	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.		<ul style="list-style-type: none"> - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; - should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions. 	
250.35	<p>ECO – Ecosystems and Indigenous Biodiversity ECO-R6 Subdivision of land containing a Significant Natural Area</p> <p>Seeks that Rule ECO-R6 is amended to refer to <i>“where a new boundary intersects a Significant Natural Area”</i>.</p>	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision of land containing a Significant Natural Area <u>that is not a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area</u>”</i>
250.39	<p>NFL – Natural Features and Landscapes NFL-R9 Subdivision</p> <p>Seeks that Rule NFL-R9 Subdivision is amended to:</p> <ol style="list-style-type: none"> 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production. 	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision <u>that is not a subdivision under Rule SUB-R2</u>”</i>
Rooney Earthmoving Limited (submission reference 251)				
251.7 and 251.8	<p>Definitions Definition of ‘National Grid Subdivision Corridor’ Definition of ‘National Grid Yard’</p> <p>Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the</p>	Oppose	<p>Transpower considers that the relief sought:</p> <ul style="list-style-type: none"> - may not provide sufficient certainty in respect of the rules that rely on this definition; - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; 	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.		- should be further developed to ensure consistency with the same or similar rules that have been included in district plans and tested through submissions in neighbouring jurisdictions.	
251.35	ECO – Ecosystems and Indigenous Biodiversity ECO-R6 Subdivision of land containing a Significant Natural Area Seeks that Rule ECO-R6 is amended to refer to <i>“where a new boundary intersects a Significant Natural Area”</i> .	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision of land containing a Significant Natural Area <u>that is not a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area</u>”</i>
251.39	NFL – Natural Features and Landscapes NFL-R9 Subdivision Seeks that Rule NFL-R9 Subdivision is amended to: 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production.	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: <i>“Subdivision <u>that is not a subdivision under Rule SUB-R2</u>”</i>
Timaru Developments Limited (submission reference 252)				
252.7 and 252.8	Definitions Definition of ‘National Grid Subdivision Corridor’ Definition of ‘National Grid Yard’ Opposes the definitions as they goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. Seeks that the	Oppose	Transpower considers that the relief sought: - may not provide sufficient certainty in respect of the rules that rely on this definition; - requires consideration in terms of whether NZECP 34:2001 is able to give effect to all of the protective elements of Policies 10 and 11; - should be further developed to ensure consistency with the same or similar rules that have been included in district plans	Disallow the submissions.

Submission Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	definitions are amended to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.		and tested through submissions in neighbouring jurisdictions.	
252.35	ECO – Ecosystems and Indigenous Biodiversity ECO-R6 Subdivision of land containing a Significant Natural Area Seeks that Rule ECO-R6 is amended to refer to “ <i>where a new boundary intersects a Significant Natural Area</i> ”.	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on a SNA, such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: “ <i>Subdivision of land containing a Significant Natural Area <u>that is not a subdivision under Rule SUB-R2 and where a new boundary intersects a Significant Natural Area</u></i> ”
252.39	NFL – Natural Features and Landscapes NFL-R9 Subdivision Seeks that Rule NFL-R9 Subdivision is amended to: 1. remove the VAL Overlay; and 2. exclude boundary adjustment subdivisions; and 3. exclude subdivision of land used for primary production.	Support in part	Transpower supports the submission and agrees that not all subdivisions would have an adverse effect on natural features and landscapes such that requiring a resource consent for a discretionary activity is necessary or appropriate. This includes where a subdivision is to accommodate the National Grid as provided for by Rule SUB-R2. To address this, Transpower seeks that the Rule is amended to reference Rule SUB-R2.	Allow the submission subject to the following further amendment: “ <i>Subdivision <u>that is not a subdivision under Rule SUB-R2</u></i> ”