

**BEFORE PROPOSED TIMARU DISTRICT PLAN HEARINGS  
PANEL**

In the matter of

**the Resource Management Act 1991**

and

**the hearing of submissions made on  
the Proposed Timaru District Plan:  
Hearing E (Infrastructure &  
Subdivision; Cultural Values)**

---

**Statement of Evidence of Ainsley Jean McLeod on  
behalf of Transpower New Zealand Limited  
(submitter reference 159)  
dated 23 January 2025**

---

## SUMMARY OF EVIDENCE

1. The submission made by Transpower New Zealand Limited (“Transpower”) on the Proposed Timaru District Plan (“Proposed District Plan”) is concerned with how the Proposed District Plan recognises and provides for the nationally significant National Grid, and particularly the extent to which the provisions of the Proposed District Plan:
  - a. give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”);
  - b. give effect to the operative Canterbury Regional Policy Statement (republished in October 2020 (“CRPS”), where the CRPS is relevant to the National Grid and activities undertaken by Transpower in respect of the National Grid, and
  - c. appropriately reflect the relationship of the Proposed District Plan with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”).
2. The NPSET provides policy direction in relation to:
  - a. recognising the benefits of the National Grid;
  - b. managing the adverse effects on the environment of the National Grid;
  - c. managing the adverse effects of land use and development on the National Grid; and
  - d. long-term strategic planning for transmission assets.
3. The CRPS, amongst other relevant provisions, includes Policy 16.3.4 that sets out how a reliable and resilient National Grid is to be achieved in Canterbury.
4. In respect of the matters that are the subject of Hearing E, Transpower’s submission is concerned with:
  - a. how the provisions in the Energy and Infrastructure Chapter recognise, provide for the benefits of the operation, maintenance, upgrading and development of the National Grid, and the extent to which these provision give effect to the NPSET and CRPS;
  - b. how the provisions in the Energy and Infrastructure Chapter protect the operation, maintenance, upgrading and development of the National Grid from the adverse effects of other activities, and the extent to which these provision give effect to the NPSET and CRPS;
  - c. the extent to which the provisions in the Energy and Infrastructure Chapter are consistent with the regulations in the NESETA;
  - d. how the provisions in the Sites of Significance to Māori Chapter address the management of the adverse effects of the National Grid on Sites of Significance to Māori;

- e. how the provisions in the Subdivision Chapter provide for subdivision to facilitate infrastructure activities;
  - f. the extent to which provisions that relate to Development Areas that are traversed by the National Grid achieve the protection of the National Grid.
5. My evidence considers the relief sought by Transpower and addresses, as relevant to this relief, the recommendations made in the following (together referred to as “the Section 42A Report” or “the Section 42A Reports”):
- a. ‘Section 42A Report: Energy and Infrastructure, Stormwater and Transport Report on submissions and further submissions’ dated 11 December 2024;
  - b. ‘Section 42A Report: Subdivision and Development Areas Report on submissions and further submissions’ dated 11 December 2024; and
  - c. ‘Section 42A Report: Sites and Areas of Significance to Māori and Māori Purpose Zone Report on submissions and further submissions’ dated 11 December 2024.
6. I support a number of recommendations made in the Section 42A Reports for the reasons given in Transpower’s submissions and in the Section 42A Reports. These recommendations are set out in **Attachment A** to my evidence.
7. My evidence goes on to:
- a. conclude that Objective EI-O2 requires amendment so that the Objective gives effect to the NPSET, through the inclusion of an additional National Grid specific clause;
  - b. consider recommended amendments to Objective EI-O4 and Policy EI-P3(2) in response to other submissions and conclude that these amendments do not give effect to higher order planning instruments;
  - c. support further refinement to the recommended amendments to EI-P1 in order to distinguish the enablement of operation, maintenance, repair, removal and minor upgrading from the provision of new and major upgrades to infrastructure;
  - d. support the inclusion of recommended Policy EI-PX Managing adverse effects of the National Grid subject to further limited amendments to the Policy to reconcile the NZCPS and NPSET;
  - e. support an amendment to Policy SW-P3 to provide a policy ‘pathway’ for regionally significant infrastructure to adopt an alternative method to manage stormwater, rather than requiring connection to the Timaru District Council reticulated network;
  - f. supports the inclusion of a cross-reference to Policy EI-PX in Policy SASM-P5 so that the policy direction for the management of adverse effects of the National Grid on Sites and Areas of Significance to Māori is distinguished;

- g. supports the inclusion of a further Matter of Discretion in the relevant Sites and Areas of Significance to Māori Rules to provide for a consideration of the benefits of regionally significant infrastructure in order to similarly give effect the higher order planning instruments and achieve consistency with the NESETA and provisions elsewhere in the Proposed District Plan
  - h. supports the inclusion of a further Matter of Discretion in the relevant Natural Character Rules to provide for a consideration of the benefits of regionally significant infrastructure in order to give effect the higher order planning instruments and achieve consistency with the NESETA and provisions elsewhere in the Proposed District Plan.
  - i. opposes the direction that adverse effects on the National Grid in Objectives DEV-O1 and DEV-O3 and concludes that further amendments (or a direct cross-reference to the Policy EI-P3) are necessary in order to give effect to NPSET Policies 10 and 11 and Policy 16.3.4 of the CRPS.
8. The amendments suggested in and supported by my evidence are set out in the body of my evidence. It is my conclusion that these amendments are necessary and the most appropriate (in terms of the requirements of section 32 of the RMA) to:
- a. achieve consistency with, and give effect to the relevant higher order provisions;
  - b. appropriately align with the NESETA;
  - c. achieve consistency with provisions elsewhere in the Proposed District Plan; and
  - d. achieve the purpose of the RMA, particularly by enabling people and communities to provide for their health, safety and wellbeing.

## **INTRODUCTION**

- 9. My full name is Ainsley Jean McLeod. I am a self-employed planner, trading as Ainsley McLeod Consulting Limited.
- 10. I have been engaged by Transpower to provide expert planning evidence in relation to the submission made by Transpower on the Proposed District Plan.
- 11. This is the fifth statement of evidence prepared by me in relation to Transpower's submission. My qualifications and relevant experience are set out in my earlier evidence that was filed for Hearing A. I will not repeat this information here, but for completeness, I confirm that I am familiar with Transpower's roles and responsibilities and am also generally familiar with approaches taken in policy statements and plans to providing for infrastructure and utilities, including the National Grid, across New Zealand.
- 12. My evidence should be read in conjunction with my earlier evidence and, to avoid unnecessary repetition, I rely on that evidence where it is relevant to Hearing E. In this regard, my earlier evidence sets out the statutory requirements for the Proposed District Plan,

including the provisions of the NPSET and the CRPS, and gives particular consideration to how the Proposed District Plan gives effect to these higher order planning instruments.

13. For the purpose of my evidence, I rely on the evidence of Ms Sarah Shand that was filed by Transpower for Hearing A and describes Transpower's assets in the Timaru District and gives an overview of Transpower's roles and responsibilities, including in respect of the pivotal role the National Grid plays in achieving New Zealand's 'Paris Commitment' and decarbonisation.

#### **CODE OF CONDUCT**

14. Although this matter is not before the Environment Court, I acknowledge the Hearings Panel direction in Minute 6 (paragraph 36) and confirm that I have read the Code of Conduct for expert witnesses contained in section 9 of the Environment Court Practice Note 2023. I further confirm that I have complied with this Code of Conduct when preparing my written statement of evidence and will do so, when giving evidence or otherwise participating in the hearing process.

#### **SCOPE OF EVIDENCE**

15. My evidence:
  - a. addresses the statutory requirements for the Proposed District Plan relevant to Hearing E;
  - b. describes Transpower's submission on the Proposed District Plan that are the subject of Hearing E; and
  - c. addresses (as relevant to the relief sought by Transpower) the recommendations made in the Section 42A Reports.
16. In addition to the documents referred to above, in preparing this evidence I have also reviewed the various reports prepared under section 32 of the RMA insofar as they are relevant to Transpower's submission on the matters considered as part of Hearing E and reviewed the relevant provisions of the New Zealand Coastal Policy Statement 2010 ("NZCPS").

#### **RELEVANT STATUTORY FRAMEWORK**

17. The statutory and policy considerations and directions for the Proposed District Plan, insofar as is relevant to Transpower's submission are set out in detail in:
  - a. the Section 32 Reports; and
  - b. Transpower's submission.
18. I consider that together these documents provide a comprehensive description of the relevant statutory matters. I therefore rely on the summary in these documents and do not repeat the relevant provisions here except to emphasise that the Proposed District Plan must give effect

to the NPSET and the CRPS and that “give effect to” is a strong statutory directive in the RMA that was interpreted in the *EDS v New Zealand King Salmon* Supreme Court case as meaning “to implement”.<sup>1</sup>

19. My analysis and consideration of the relief sought by Transpower is informed by the statutory framework for decisions on the Proposed District Plan set out in the Section 32 Reports, the RMA, and the on-going guidance provided by the modified Long Bay test.<sup>2</sup>
20. The remainder of my evidence describes Transpower’s submission, and considers the relief sought by Transpower alongside the recommendations made in the Section 42A Reports.
21. Where amendments to the provisions of the Proposed District Plan are suggested in, and supported by, my evidence these are shown as follows:
  - a. Section 42A Report recommendation text: black underline and ~~black strikethrough~~;
  - b. Transpower submission text: red underline and ~~red strikethrough~~; and
  - c. evidence text: blue double underline and ~~blue double strikethrough~~.

## SECTION 42A REPORT RECOMMENDATIONS

22. As a preliminary matter, I acknowledge that there are recommendations in the Section 42A Reports relating to the relief sought by Transpower that are consistent with my opinion and conclusions in respect of that relief. In the interest of brevity, I have included a table as **Attachment A** that lists these recommendations and sets out my conclusions in respect of the recommendations. I confirm that the reasons for my support of these recommendations are those in either, or both, Transpower’s submission and the relevant Section 42A Report. I do not address these matters further in my evidence.
23. Those submission points that remain outstanding relate to:
  - a. the approach to adverse effects of the National Grid in Objective EI-O2 Adverse effects of Regionally Significant Infrastructure;
  - b. recommended amendments to Objective EI-O4 and Policy EI-P3(2) Adverse effects on Regionally Significant Infrastructure;
  - c. recommended amendments to EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities;

---

<sup>1</sup> *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*, NZSC 38, 17 April 2014.

<sup>2</sup> *Long Bay – Okura Great Park Society v North Shore City Council* NZEnvC A078/2008, 16 July 2008, at [34], *High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387 and *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC55.

- d. including an exemption to Policy EI-P2 and the precise wording in recommended Policy EI-PX Managing adverse effects of the National Grid;
- e. the management of stormwater from regionally significant infrastructure in Policy SW-P3 Connection to reticulated stormwater networks;
- f. the management of the adverse effects of the National Grid on the values of Sites and Areas of Significance to Māori in SASM-P8 (and SASM-P5);
- g. providing for a consideration of benefits as a matter of discretion in the Sites and Areas of Significance to Māori Rules; and
- h. appropriately protecting the National Grid and giving effect to NPSET Policies 10 and 11 in Objectives DEV-O1 and DEV-O3.

#### **Objective EI-O2 Adverse effects of Regionally Significant Infrastructure**

24. Transpower's submission<sup>3</sup> does not support Objective EI-O2 insofar as the Objective relates to the National Grid for the following reasons:
- a. the requirement that adverse effects are avoided in a number of areas is overly onerous and, in terms of the National Grid does not give effect to the "seek to avoid" requirement in Policy 8 of the NPSET and the requirement to avoid is not consistent with Policy 16.3.4 of the CRPS;
  - b. the direction given for other infrastructure in Objective EI-O3 is less stringent than direction given in Objective EI-O2.
  - c. the requirement to avoid adverse effects does not give effect to provisions of the CRPS, including Policy 5.3.9 or the requirement to facilitate the operation and development of the National Grid in the objective of the NPSET.
  - d. the requirement to avoid adverse effects in sensitive environments has no connection to the particular values or attributes of that environment.
  - e. the requirement to achieve all relevant objectives in underlying zones is overly onerous and inconsistent with the way in which sections 104 and 171 of the RMA direct the consideration of applications for resource consent or notices of requirement for designations.
25. Transpower seeks the following amendments to Objective EI-O2:
- "1. The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities on the identified characteristics and values of sensitive environments are avoided where it is practicable to do so having regard to the:*

---

<sup>3</sup> Submission reference 159.33.

1. ~~are avoided in sensitive environments unless there is a~~ functional or operational need for the infrastructure to be in that location, ~~in which case they must be remedied or mitigated;~~ and
  2. are avoided, remedied or mitigated ~~in all other cases to achieve the relevant objectives for the underlying zone in other areas.~~
26. The Section 42A Report recommends that the submission be accepted in part and comments in respect of Transpower's submission as follows:
- "6.21.11 Regarding the Transpower submission, I consider the requirement to "achieve the relevant objectives of the underlying zone" is overly onerous for infrastructure and have recommended this is amended to "having regard to" in response to the Telcos. Regarding Transpower's other requested amendments, I prefer setting up an effects management hierarchy, consistent with other submitters' requests. Accordingly, I recommend that this submission is accepted in part."*
27. The Section 42A Report recommends the following amendments to Objective EI-O2:
- "EI-O2 Adverse effects of Regionally Significant Infrastructure and Lifeline Utilities and other infrastructure"**
- The adverse effects of Regionally Significant Infrastructure, ~~and~~ Lifeline Utilities and other infrastructure:*
1. are avoided in ~~sensitive environments~~ the areas identified in EI-P2.1.a unless there is a functional need or operational need for the infrastructure to be in that location and no practical alternative locations, in which case they must be ~~remedied or mitigated~~ managed by applying the effects management hierarchy set out in EI-P2 or EI-PX for the National Grid; and
  2. are avoided, remedied or mitigated ~~to achieve~~ having regard to the relevant objectives for the underlying zone in other areas."
28. I do not support the Section 42A Report conclusion and recommended amendments to Objective EI-O2 for the following reasons:
- a. a preference for "setting up an effects management hierarchy, consistent with other submitters' requests" does not respond to the statutory requirement to give effect to, amongst other matters, the NPSET;
  - b. requiring adverse effects of the National Grid to be avoided in listed receiving environments does not give effect to the 'seek to avoid' direction for the effects of the National Grid in the NPSET, which is the most stringent direction in the NPSET for the management of adverse effects of the National Grid, and is inconsistent with recommended Policy EI-Px;



- c. the NPSET does not require the National Grid to have a functional need or operational need for its location (in any location), rather the NPSET direction in Policies 3 and 4 are process related and direct:
  - i. 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”;*
  - ii. 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”;*
- d. similarly, with reference again to Policies 3 and 4 of the NPSET, the NPSET does not impose a test of ‘no practical alternative locations’;
- e. it is somewhat circular to reference the Policy that implements the Objective in the Objective;
- f. the requirement to have regard to the relevant objectives for the underlying zone in other areas is somewhat at odds with the recommended amendment to the Introduction to the Energy and Infrastructure Chapter that gives precedence, and therefore weight to the objectives and policies in the Energy and Infrastructure Chapter as follows:

*“The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters.”*

- 29. In respect of the National Grid, it is my view that amendments to Objective EI-O2 are necessary to give effect to the NPSET. The most efficient and effect means for achieving this without having consequences for other infrastructure and lifeline utilities is through the addition of a National Grid specific clause as follows:

*“The adverse effects of Regionally Significant Infrastructure, ~~and~~ Lifeline Utilities and other infrastructure:*

...

*x. in the case of the National Grid, are managed appropriately in the context of:*

*a. the characteristics and values of the receiving environment; and*

*b. nature of the National Grid, including its functional needs and operational needs.”*

- 30. I accept that my proposed drafting is less detailed than those amendments recommended in the Section 42A Report. However, I am of the view that the Objective as currently drafted includes detail that may be better left to the implementing policies. I would support amending

the Objective as it applies to all infrastructure to more broadly describe outcomes that are consistent with the directions in EI-P2 and EI-Px.

31. My proposed drafting of the National Grid specific clause:
- a. borrows from Proposed District Plan Strategic Objective SD-O8 in respect of “appropriately managed”;
  - b. refers to the values of the receiving environment to cover both the valued environments listed in Policy EI-P2(1)(a) and the underlying zones;
  - c. introduces the functional needs and operational needs of the National Grid; and
  - d. provides for, and is consistent with, the effects management hierarchy and associated considerations that are detailed in Policy EI-Px.

**Objective EI-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities and Policy EI-P3(2) Adverse effects on Regionally Significant Infrastructure– Recommended amendments**

32. Transpower’s submission:<sup>4</sup>
- a. supports Objective EI-O4 on the basis that, to the extent that the Objective relates to the National Grid, the Objective gives effect to Policy 10 and Policy 11 of the NPSET but seeks that ‘efficient’ is deleted because the use of ‘efficient’ in the Objective is not necessary, useful or consistent with NPSET Policy 10.
  - b. supports Policy EI-P3 and seeks that the Policy be retained as notified on the basis that clause (2) gives effect to Policy 10 and Policy 11 of the NPSET and Policy 16.3.4 of the CRPS.
33. The Section 42A Report recommends that Transpower’s submission be rejected in respect of Objective EI-O4 and accepted in part in respect of Policy EI-P3. The Report recommends amendments to the provisions in response to other submissions as follows:

Objective EI-O4

*“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 incompatible activities and reverse sensitivity effects.~~”*

Policy EI-P3

“ ...

---

<sup>4</sup> Submission references 159.34 and 159.37.

2. *Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:*
  - a. *avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding incompatible activities subdivision, use and development that may are likely to compromise the operation, maintenance, repair, upgrading, ~~renewal~~ replacement, or development of the National Grid; and*
  - b. *providing security of supply and/or maintaining the integrity of National Grid assets; and*
  - c. *maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and*
  - d. *minimising exposure to health and safety risks from the National Grid; and*
  - e. *managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.”*

34. The Section 42A Report includes the following consideration in respect of submissions on both provisions:

*“6.23.6 Regarding the Kāinga Ora submission, in my opinion it is not the intention of the objective to constrain other development entirely, rather this objective focuses on managing the interaction of incompatible activities, consistent with EI-P3(1). I therefore recommend that this objective is reworded to refer to incompatible activities (and reverse sensitivity effects), instead of the general reference to subdivision, use and development. Regarding managing adverse effects on a potential future state, the principle focus of this objective is on existing RSI and lifeline utilities, however it also includes development of these, which could include new infrastructure. I appreciate the concerns raised, and I note that CRPS Objective 5.3.2(1)(a) refers to existing or consented RSI, as opposed to new RSI. Likewise, CRPS Policy 5.3.6(1) refers to constraining existing sewage, stormwater and potable water infrastructure. However, CRPS Policy 5.3.7(2) requires the avoidance of development which forecloses the opportunity for development of the land transport network and arterial roads while CRPS Policy 5.3.9(3) expressly provides for development of new RSI. I consider that assessments of incompatibility and reverse sensitivity against future infrastructure would have to be made against likely or planned infrastructure. On balance, I consider it is reasonable for this objective to apply to new infrastructure as well as existing. Accordingly, I recommend this submission is accepted in part.”*

*“6.23.9 Regarding the Transpower submission, I accept that the word ‘efficient’ is not required via CRPS Policy 16.3.4, nor the NPS-ET, however, it is relevant for other RSI, such as the transport network. Whilst ‘efficient’ may be unnecessary for the electricity transmission network, I am not aware of any mischief its retention would cause. In the absence of evidence on this matter, I recommend that this submission is rejected.”*

*“6.27.10 Regarding the Kāinga Ora submission, whilst I appreciate the concerns of the submitter, the issues being addressed go beyond reverse sensitivity matters. For example, restrictions on access can also affect the functioning of RSI, but this is not typically a reverse sensitivity matter. I note that Policy 10 of the NPS-ET covers reverse sensitivity and not compromising the network through other activities. However, consistent with my advice on EI-O4 in response to Kāinga Ora [229.18], I recommend that EI-P3.2.a is reworded to directly focus on incompatible activities, rather than the more generic subdivision, use and development. I also agree that “may” is too uncertain, but consider that the requested “will” may be too difficult to demonstrate. I therefore recommend changing “may” to “are likely to” to provide more certainty, i.e. adverse effects are likely to occur, rather than they may or will occur. Accordingly, I recommend that this submission is accepted in part.”*

35. In terms of the appropriate content of Objective EI-O4 and Policy EI-P3, the higher order planning provisions that are relevant, and must be given effect to are as follows:

a. Policy 10 of the NPSET:

*“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.*

b. Policy 11 of the NPSET:

*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).”*

c. Objective 5.2.1 of the CRPS:

*“5.2.1 Location, Design and Function of Development (Entire Region)*

*Development is located and designed so that it functions in a way that:*

- f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*
- g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;*

*...*

- i. avoids conflicts between incompatible activities.”*

d. Objective 5.2.2 of the CRPS:

*“5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region)*

*In relation to the integration of land use and regionally significant infrastructure:*

*...*

- 2. To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:*
  - a. development does not result in adverse effects on the operation, use and development of regionally significant adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.”*

e. Policy 5.3.9 of the CRPS:

*“5.3.9 Regionally significant infrastructure (Wider Region)*

*In relation to regionally significant infrastructure (including transport hubs):*

- 1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;...”*

f. Policy 16.3.4 of the CRPS:

*“To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

*;*

2. *avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;...*"

36. I have considered the recommended amendments to provisions alongside the higher order provisions set out above and comment as follows:

reference 'efficient'

37. Insofar as Objective EI-O4 relates to the National Grid:

- a. I agree with the conclusion in the Section 42A Report that the term 'efficient' is not used in relation to effects on the National Grid in the relevant higher order documents;
- b. that said, I note that Policy 2 of the NPSET directs that decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network;
- c. I also accept that there may be situations where the activities of others may limit or constrain some infrastructure or lifeline utilities;

38. For these reasons, I therefore support the retention of 'efficient' in Objective EI-O4.

'subdivision, use and development' vs 'incompatible activities'

39. In my view the inclusion of reference to 'incompatible activities' is unnecessary in the context of the Objective and Policy. This is because the compatibility of an activity with the National Grid is determined by whether the activity would compromise or limit the National Grid. Put another way, **all** incompatible activities would compromise the National Grid and therefore must be avoided in order to give effect to the NPSET. The recommended amendment seems to imply otherwise.

40. Further, I note that the relevant direction in NPSET Policy 10 is to manage any, or all, **activities** to ensure that the National Grid is not compromised, while CRPS Objectives 5.2.1 and 5.2.2 direct the management of **development** generally and CRPS Policy 16.3.4 (that gives effect to Policy 10 of the NPSET) directs the avoidance of any, or all, **subdivision, use and development** that would otherwise limit the National Grid. The use of the words 'subdivision, use and development' is consistent with, and possibly derived from, the CRPS.

41. I am of the view that the use of 'incompatible' confines the Objective and Policy in a manner that is inconsistent with Policy 10 of the NPSET and Policy 16.3.4 of the CRPS and suggests that only incompatible activities are managed in the vicinity of the National Grid, while 'compatible activities' are not managed, even in situations where those activities may compromise the National Grid. In this regard, I consider that Objective EI-O4 and Policy EI-P3(2) fail to contemplate that an activity might be compatible in some circumstances, but incompatible in others.

42. For the reason set out above, I support the notified version of Objective EI-O4 and Policy EI-P3(2)(a) and the reinstatement of reference to 'subdivision, use and development' as opposed to 'incompatible activities'.

'are likely to' vs 'may'

43. In terms of the use of 'are likely to' with 'may', my consideration is guided by the expression used, and direction given in higher order planning instruments. With the exception of CRPS Policy 16.3.4, the higher order provisions are expressed as an absolute outcome. For example, NPSET Policy 10 direct the management of activities to 'ensure' that the National Grid is not compromised; and Policy 5.3.9 of the CRPS refers to "avoid development which constrains". CRPS Policy 16.3.4 is expressed in a similar way to Policy EI-P3 and refers to subdivision, use and development 'which would otherwise limit'.
44. In my view the use of 'are likely to' is less absolute or certain when compared to the higher order provisions. For this reason, I support a further amendment to Policy EI-P3(2)(a) that 'borrows' from the CRPS by referring to activities 'that would' compromise the National Grid.
45. In summary, for the reasons set out above, it is my conclusion that it is necessary and appropriate to amend Policy EI-P3(2)(a) in order to give effect to the relevant high order planning provisions as follows:

*"a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding subdivision, use and development incompatible activities ~~subdivision, use and development that would may are likely to~~ compromise the operation, maintenance, repair, upgrading, ~~renewal replacement~~, or development of the National Grid; and ..."*

**EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities**

46. Transpower's submission<sup>5</sup> generally supports Policy EI-P1 but seeks the inclusion of an additional clause, similar to that included for renewable electricity generation, in order to fully give effect to the Objective and Policy 2 of the NPSET that require the establishment of the National Grid to be facilitated and require decision makers to recognise and provide for the development of the National Grid as follows:

*"x. allowing the establishment of new, and the development of, National Grid assets."*

47. In respect of the relief sought by Transpower, the Section 42A Report recommends that Transpower's submission be rejected for the following reason:

*"6.25.8 Regarding the Transpower submission, I do not consider this additional clause is necessary as the establishment of new, and the development of existing National Grid assets are already provided for under EI-P1(1) and I note*

---

<sup>5</sup> Submission reference 159.35.

*Transpower's proposed new policy specifically for the national grid that I have recommended accepting (under submission [159.36]). As such, I recommend that this submission is rejected. In doing so, I note that Transpower's proposed clause for EI-P1 is not entirely consistent with Transpower's proposed new policy, which is not surprising given its brevity."*

48. Relevant to Transpower's submission, The Section 42A Report recommends the following amendments to Policy EI-P1(1) in response to other submissions:

*"Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:*

1. ~~*enabling-providing for their operation, maintenance, repair, removal, upgrade, development in appropriate locations; and ..."*~~

49. In respect of Transpower's relief, I accept that an additional clause is not necessary on the basis that clause (1) is intended to 'provide' for the National Grid. That said, I do not consider that clause (1), as recommended for amendment in the Section 42A Report (see above) gives effect to the NPSET, insofar as the clause relates to the National Grid.

50. In this regard, in recommending the deletion of 'enabling' the Section 42A Report has failed to consider Policy 5 of the NPSET as follows:

*"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."* [my emphasis]

51. Consistent with Policy EI-Px, it is my view that Policy EI-P1 should distinguish existing and new regionally significant infrastructure and lifeline utilities by 'enabling' operation, maintenance, repair, removal and minor upgrading and 'providing' for upgrading that is not minor and new regionally significant infrastructure and lifeline utilities.
52. In respect of the addition of 'development in appropriate locations', it is my view that the appropriateness of location is related to the management of adverse effects relative to the receiving environment. This is achieved comprehensively in Policies EI-P2 and EI-Px such that reference to the appropriateness of locations in Policy EI-P1 is unnecessary and uncertain when compared to Policies EI-P2 and EI-Px.
53. For the reasons set out above, I therefore support the following amendments to Policy EI-P1(1):

*"Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:*

1. ~~*enabling*~~ *enabling-providing for* *their operation, maintenance, repair, removal, and minor upgrade, and providing for their upgrading that is not minor* ~~*and development in appropriate locations; and ..."*~~



**Policy EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and recommended Policy EI-PX Managing adverse effects of the National Grid**

54. Transpower's submission<sup>6</sup> does not support Policy EI-P2 because (insofar as the Policy relates to the National Grid) the Policy fails to reflect the nuanced approach to the management of adverse effects set out in NPSET Policies 7, 8 and 9, and the relevant considerations in NPSET Policies 3, 4 and 5. Transpower acknowledges that Policy EI-P2 could be amended to give effect to the NPSET but seeks the inclusion of a new National Grid specific policy on the basis that such an approach is more efficient and effective. Transpower seeks that Policy EI-P2 be amended to exclude the National Grid and the insertion of a new National Grid policy.

55. The Section 42A Report recommends that the submission be accepted in part and comments as follows:

*"6.26.14 Regarding the Transpower submission, I explored weaving into EI-P2 the requirements under the NPS-ET for the National Grid but considered it cleaner to include a standalone policy given the existing wording and the various submissions on it. I also note that the NPS-IB and its effects management hierarchy does not apply to the National Grid and that the NPS-ET has a subtly different approach to sensitive environments under Policy 8, requiring that the planning and development of the transmission system 'should seek to avoid' adverse effects (see EI-PX.2.c) on these environments, rather than simply 'avoid' them. Accordingly, I am comfortable including a National Grid specific policy as a pragmatic solution to ensure the wording is accurate. I have utilised the wording provided by Transpower but added in references to reducing existing adverse effects as part of substantial upgrades (as per NPS-ET Policy 6) and minimising adverse effect on urban amenity (as per NPS-ET Policy 7). I have also added in a reference to other areas of significant indigenous vegetation and significant habitats of indigenous fauna as some of these may not yet be mapped (as noted in [166.17FS]). I have also made some minor additional amendments for readability. Given the changes I have proposed, I recommend accepting this submission in part."*

*"6.26.26 Regarding a s32AA assessment, while the recommended changes are significant in extent, they are essentially a refinement of the notified PDP's approach of seeking to recognise the benefits of infrastructure, while managing its adverse effects, depending on the sensitivity of the receiving environment and the functional and operational needs of the infrastructure. The changes introduce an effects management hierarchy to provide clearer direction on how to manage adverse effects and also separate out the National Grid in response to national level direction. I consider that the amended EI-P2 and new EI-PX better achieve EI-O1*

---

<sup>6</sup> Submission reference 159.36.

(resilient, effective and safe infrastructure), and EI-O2 (management of adverse effects of infrastructure). I consider that the amended and new provisions are more efficient and effective than the notified provisions because they are more refined. I consider there is no change in the risk of acting or not acting. Overall, I consider the revised EI-P2 and new EI-PX are the most appropriate for achieving the objectives and the Act.”

56. Subject to my detailed comments below, based on my experience providing evidence in respect of Transpower’s submission in a number of jurisdictions, I share the view expressed in Transpower’s submission and the Section 42A Report that the standalone National Grid policy (as recommended) is the most efficient and effective approach to giving effect to the nuanced effects management framework in the NPSET. I therefore support the amendment to Policy EI-P2.
57. In terms of the detailed provisions, the following table presents Transpower’s relief alongside Policy EI-PX, as recommended in the Section 42A Report. Where the Section 42A Report recommendation version of the Policy differ, material differences are highlighted.

Transpower relief	Section 42A recommended policy
<p><u>“Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:</u></p> <p><u>1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets;</u></p> <p><u>2. when providing for new, or upgrades that are more than minor to, National Grid:</u></p> <p><u>a. In urban environments, avoid adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;</u></p> <p><u>b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas;</u></p> <p><u>c. where (a) and (b) do not apply, seek to avoid adverse effects on the characteristics and values of the following:</u></p> <p><u>i. significant natural areas listed in SCHED7,</u></p>	<p><u>“Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:</u></p> <p><u>1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets;</u></p> <p><u>2. providing for new, or upgrades that are more than minor to, the National Grid; while</u></p> <p><u>a. In urban environments, minimising adverse effect on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;</u></p> <p><u>b. in the coastal environment, avoiding adverse effects where required in order to protect the special values and characteristics of those areas;</u></p> <p><u>c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following:</u></p> <p><u>i. significant natural areas listed in SCHED7 or other areas of</u></p>

<p><u>ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9, High Naturalness Waterbodies Areas,</u></p> <p><u>iv. areas of high or outstanding natural character,</u></p> <p><u>v. historic heritage sites listed in SCHED3-4,</u></p> <p><u>vi. sites and areas of significance to Kāti Huirapa listed in SCHED6,</u></p> <p><u>vii. visual amenity landscapes listed in SCHED10, and</u></p> <p><u>3. where it is not practicable to avoid, adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:</u></p> <p><u>a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedy or mitigate adverse effects;</u></p> <p><u>b. the extent to which significant adverse effects are avoided;</u></p> <p><u>c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;</u></p> <p><u>d. for upgrades, the extent to which existing adverse effects have been reduced as part of any substantial upgrade;</u></p> <p><u>e. the extent to which adverse effects on urban amenity have been minimised; and</u></p> <p><u>4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3).</u></p> <p><u>5. In the event of conflict between clause (2)I and Policy SASM-P5, SASM-P6, SASM-P7 or SASM-P8, clause 2I prevails.</u></p>	<p><u>significant indigenous vegetation and significant habitats of indigenous fauna;</u></p> <p><u>ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9;</u></p> <p><u>iii. High Naturalness Waterbodies Areas;</u></p> <p><u>iv. areas of high or outstanding natural character;</u></p> <p><u>v. historic heritage sites and areas listed in SCHED3-4;</u></p> <p><u>vii. sites and areas of significance to Kāti Huirapa listed in SCHED6;</u></p> <p><u>viii. visual amenity landscapes listed in SCHED10;</u></p> <p><u>ix. bat protection areas listed in SCHEDXX; and</u></p> <p><u>3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:</u></p> <p><u>a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedying or mitigating adverse effects;</u></p> <p><u>b. the extent to which significant adverse effects are avoided;</u></p> <p><u>c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;</u></p> <p><u>d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade;</u></p> <p><u>e. the extent to which adverse effects on urban amenity have been minimised; and</u></p> <p><u>4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3);</u></p> <p><u>5. prevailing clause 2(c) over SASM-P5, SASM-P6, SASM-P7 and SASM-8 in the event of conflict;</u></p>
--	--

<u>6. In the event of conflict between clause 2I and Policy NATC-P4 or NATC-P6 clause 2I prevails.</u>	<u>6. prevailing clause 2(c) over NATC-P4 and NATC-P6 in the event of conflict; and</u> <u>7. using substantial upgrades of transmission infrastructure as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.</u>
--	---

58. In respect of the difference between the two versions of the Policy, I comment as follows:
- I support the chapeau in clause (2) and consider that the expression used in the Section 42A Report version provides greater clarity.
  - I support the addition of 'minimising adverse effect on urban amenity' in clause 2(a) and consider that this addition better gives effect to Policy 7 of the NPSET.
  - I do not support the inclusion of a requirement to avoid where required in the coastal environment in clause (2)(b). I am of the view that the purpose of this clause is to reconcile the protective provisions in the NZCPS with the directive (enabling) policies in the NPSET. This is better achieved by applying the most stringent effects direction in the NPSET (being 'seek to avoid') through clause (2)(c) and also including an acknowledgment that in some circumstances avoidance will need to be achieved. This an approach to reconciling the two higher order planning instruments is included in policy statements and plans in other jurisdictions.
  - I do not oppose the inclusion of 'other areas of significant indigenous vegetation and significant habitats of indigenous fauna' in clause (2)(c)(i), but appreciate that the unknown location of these areas present some difficulties in achieving a robust route, site and method selection contemplated in clause (3)(d).
  - I do not oppose the addition of bat protection areas listed in SCHEDXX in clause (2)(c)(ix) where such areas are matters of national importance under section 6 of the RMA, although I consider it probable that such areas would fall within 'significant habitats of indigenous fauna under clause (2)(c)(i) in any case.
  - I support the inclusion of clause (7) in the basis that this clause gives effect to Policy 6 of the NPSET.
59. On this basis I consider that one further amendment is necessary to Policy EI-Px(2)(b) in order to reconcile the direction provision of the NZCPS and NPSET as follows:

"Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:

...

2. providing for new, or upgrades that are more than minor to, the National Grid;  
while

- a. ~~in~~ in urban environments, minimising adverse effect on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;
- ~~b. in the coastal environment, avoiding adverse effects where required in order to protect the special values and characteristics of those areas;~~
- ~~be.~~ where (a) ~~and (b)~~ does not apply, in all environments seeking to avoid adverse effects on the characteristics and values of the following:
  - i. significant natural areas listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9;
  - iii. High Naturalness Waterbodies Areas;
  - iv. areas of high or outstanding natural character;
  - v. historic heritage sites and areas listed in SCHED3-4;
  - vii. sites and areas of significance to Kāti Huirapa listed in SCHED6;
  - viii. visual amenity landscapes listed in SCHED10;
  - ix. bat protection areas listed in SCHEDXX; and
- x. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas;
- 3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to: ...”

### **Policy SW-P3 Connection to reticulated stormwater networks – requiring connection**

60. Transpower’s submission<sup>7</sup> does not support Policy SW-P3 to the extent that the Policy includes an absolute requirement to connect to the Council’s stormwater network. Transpower considers that the requirement does not provide for alternative stormwater disposal options that may be more appropriate in some circumstances, including .stormwater discharges from substation sites. Transpower seeks the following amendment to the Policy to ensure that appropriate exceptions apply:

---

<sup>7</sup> Submission reference 159.55.

*“Except where Policy SW-P4 applies or where stormwater is able to be managed within a site that accommodates Regionally Significant Infrastructure, require all subdivision, use and development to connect to the Council’s reticulated stormwater network within reticulated infrastructure boundaries, to:*

- 1. ensure that stormwater does not create increased flood risk on other properties; and*
- 2. manage stormwater quality impacts through an integrated management approach.”*

61. The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part and comments as follows:

*“6.61.3 In their evidence (s4.2, page 15), WSP state that while in general, it is better to have properties connected to the reticulated stormwater network, in practice, there are situations where it can be preferable to manage stormwater through alternative means other than the reticulated stormwater network, such as where direct connection to the public network is not possible or is not the best practicable option. These alternative methods include soakage to land, or direct discharges to a waterway, the coastline, or overland flowpaths. WSP notes (pages 10 and 11) that RSI can be located in rural / semi-rural areas where there may not be any reticulated infrastructure to connect to, but that the requirement to connect to the public stormwater network only applies where the infrastructure is available. WSP consider exemptions for RSI sites can be reasonably obtained through the resource consent process and therefore consider the changes sought by the submitter are acceptable and consistent with providing greater flexibility for RSI.*

*6.61.4 The WSP advice suggests that the resource consent process is an acceptable process to follow for RSI and other development where alternative stormwater management options could be acceptable. Based on this advice, and noting that Transpower did not submit on any of the SW rules seeking an alternative approach for RSI, rather than amend the policy as requested by the submitter I prefer amending all the Matters of Discretion for SW-R1 to SW-R5 to expressly refer to RSI and whether the stormwater is able to be adequately managed within the site. Accordingly, I recommend that this submission is accepted in part.”*

62. The recommended amendment to the Matters of Discretion for SW-R1 to SW-R5 is as follows:

*“x. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.”*

63. For the reasons given in Transpower's submission, and in the Section 42A Report, I generally agree with the conclusion that alternative stormwater management options for regionally significant infrastructure may be acceptable, and appropriate in terms of greater flexibility, when assessed through a resource consent process.
64. The Section 42A Report recommends an additional Matter of Discretion in SW-R1 and SW-R5 to provide a 'pathway' for alternative options for regionally significant infrastructure.
65. I do not support the Section 42A Report preference for the inclusion of additional matters of discretion, because the Matter of Discretion:
- a. does not alleviate the absolute requirement in Policy SW-P3 for all activities to connect to the reticulated network;
  - b. fails to apply in situations where regionally significant infrastructure is authorised by a designation, whereas the absolute requirement in Policy SW-P3 would be relevant when considering a notice of requirement for a designation under section 171 of the RMA;
  - c. does not directly respond to or implement a policy in the Proposed District Plan.
66. For these reasons, I am of the view that an amendment is necessary to Policy SW-P3 to provide an exemption to the absolute requirement so that the flexibility and alternative options for regionally significant infrastructure referred to in the Section 42A can be achieved through either a resource consent process or notice of requirement for a designation. I therefore support the following amendment to Policy SW-P3:

*“1. Require all subdivision, use and development to connect to the Council's reticulated stormwater network within reticulated infrastructure boundaries, to:*

*a1. ensure that stormwater does not create increased flood risk on other properties; and*

*b2. manage stormwater quality impacts through an integrated management approach.*

*2. Provide for alternative methods for managing stormwater from regionally significant infrastructure where:*

*a. connection to the Council's reticulated stormwater network within reticulated infrastructure boundaries is not practicable, having regard to the operational needs of the regionally significant infrastructure; and*

*b. an alternative method results in stormwater being appropriately managed within the site.”*



**Policy SASM-P8 Protection of wāhi taoka, wāhi tapu, wai taoka and wai tapu sites and areas – managing adverse effects**

67. Transpower's submission<sup>8</sup> supports Policy SASM-P8 to the extent that clause (3) provides for circumstances where effects cannot be avoided in a manner that is consistent with Policies 3 and 4 of the NPSET but seeks that the Policy be amended to also refer to 'operational need' and to clarify expression. Transpower seeks the following amendments to the Policy:

- "3. Any adverse effects on identified values are avoided unless it can be demonstrated that:*
- a. due to the functional needs or operational needs of the activity, it is not practicable-possible to avoid all adverse effects; and*
  - b. any residual effects that cannot be practicably avoided are mitigated, as far as practicable-possible, in a way that protects, maintains or enhances the overall values of the site or area; and*
  - c. where any historical loss of values can be remediated."*

68. The Section 42A Report recommends that the submission be accepted in part and comments as follows:

*"8.6.30 I agree with amending SASM-P8 to replace "possible" with "practicable". This reflects that in some cases avoidance may strictly be "possible" but is not necessarily appropriate from a practical perspective. It is also consistent with the wording otherwise used in clause 3.b. I am also comfortable with adding reference to operational needs in addition to functional needs, in clause 3.a."*

69. The Section 42A Report, in response to other submissions and to resolve any conflict or inconsistency between Policies SASM-P5 and SASM-P8, recommends that Policies SASM-P5 and SASM-P8 be combined (with Policy SASM-P5 being amended and Policy SASM-P8 being deleted). The recommended amendments to Policy SASM-P5 are as follows:

*"Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay ~~Protect the identified values of the sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:*

- 1. requiring adherence to an accidental discovery protocol for any earthworks; and*
- 2. avoiding adverse effects on identified values which would compromise the:*
  - ~~1. a.~~ retention of connections to whakapapa, history and cultural tradition; and*
  - ~~2. b.~~ protection of mauri and intangible values; and*

---

<sup>8</sup> Submission reference 159.67.



~~3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and~~

~~4.-c. protection of site integrity; and~~

~~5.-d. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources;~~

unless it can be demonstrated that:

i. due to the functional needs or operational needs of the activity, it is not practicable to avoid all adverse effects; and

ii. any residual effects that cannot be practicably avoided are mitigated, as far as practicable, in a way that protects, maintains or enhances the overall values of the site or area; or

iii. for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.”

70. The amendments to Policy SASM-P5 (and particularly clauses (2)(i) and (2)(ii)) include the relief sought by Transpower. For the reasons given in Transpower’s submission and in the Section 42A Report, I support the inclusion of reference to ‘operational needs’ and the replacement of ‘possible’ with ‘practicable’ in clause (2).

71. That said, I note that clause (2)(iii) directs that the adverse effects of infrastructure on the values of Sites and Areas of Significance to Māori are managed in accordance with Policy EI-P2. I do not oppose this direction, but note that the Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the management of the adverse effects of the National Grid is exempt from Policy EI-P2 and instead managed by a new National Grid specific Policy EI-Px. While, Policy EI-Px (as recommended for amendment prevails over Policy SASM-P5 in the event of conflict, I am of the view that (as a consequence of the amendment to EI-P2) the direction to the Energy and Infrastructure provisions in Policy SASM-P5 should be amended to refer to Policy EI-Px, in addition to EI-P2 as follows:

iii. for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, and, in the case of the National Grid, EI-Px Managing adverse effects of the National Grid.”

## Providing for a consideration of benefits as a Matter of Discretion in the Sites and Areas of Significance to Māori Rules

72. Transpower's submission<sup>9</sup> generally supports the Rules for activities in Sites and Areas of Significance to Māori but seeks that in all cases the Matters of Discretion are amended to reference the benefits of network utilities and operational need in order to give effect to the NPSET. The amendment to the Matters of Discretion that Transpower seeks is as follows:

*"in respect of utilities, the local, regional and national benefits of the utility and the extent to which the proposed utility has functional needs or operational needs for its location."*

73. The Section 42A Report recommends that submission 159.69 be accepted in part for the following reasons:

*"8.18.4 EI-P2 – which applies to infrastructure – does not refer to benefits of infrastructure, and with respect to SASMs, directs that adverse effects of infrastructure are managed by seeking to avoid adverse effects on the identified values and qualities of these areas. I therefore do not agree with adding reference to benefits of the utility. I note that the direction in EI-P2 does however refer to having regard to both functional and operational needs, and I therefore consider it appropriate that the matters of discretion relating to utilities similarly include reference to operational needs."*

74. The Report recommends the following amendments:

*"X. in respect of network utilities, the extent to which the proposed network utility has functional needs or operational needs for its location."*

75. I support the inclusion of reference to "operational need" alongside "functional need" in the Matters of Discretion and consider that the amendment (insofar as it relates to the National Grid) gives effect to Policy 3 of the NPSET that refers to constraints imposed by "technical and operational requirements".
76. In terms of amending the Matter of Discretion to allow for a consideration of "local, regional or national benefits of the utility", I do not agree with the Section 42A Report conclusion that, because Policy EI-P2 does not refer to the benefits of infrastructure, the inclusion of reference to the benefits of network utilities is not supported.
77. In my opinion, policy support for inclusion of reference to the benefits of the National Grid or infrastructure more generally can be found in the following:

- a. Policy 1 of the NPSET:

***"In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure***

---

<sup>9</sup> Submission reference 159.68 and 159.69 respectively.

**and efficient electricity transmission.** *The benefits relevant to any particular project or development of the electricity transmission network may include:*

*....” [my emphasis]*

- b. Objective 5.2.2 of the CRPS:

*“In relation to the integration of land use and regionally significant infrastructure:*

1. *To **recognise the benefits** of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.” [my emphasis]*

- c. Policy 16.3.3 of the CRPS:

*“**To recognise and provide for the local, regional and national benefits** when considering proposed or existing renewable energy generation facilities, having particular regard to the following: ...” [my emphasis]*

- d. Policy 16.3.4 of the CRPS:

*“To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

1. ***having particular regard to the local, regional and national benefits** when considering operation, maintenance, upgrade or development of the electricity transmission network; ...” [my emphasis]*

- e. Proposed District Plan Strategic Direction Objective SD-O8<sup>10</sup>:

*“Across the District:*

*...*

- 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, including reverse sensitivity effects, appropriately.” [my emphasis]*

- f. Proposed District Plan Policy EI-P1:

*“**Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities** by: ...” [my emphasis]*

---

<sup>10</sup> Including an amendment recommended in the Section 42A Report (Hearing A).

78. In my opinion, the higher order planning instruments, along with provisions in the Proposed District Plan, give clear direction to decision-makers that consideration should be given to the benefits of the regionally significant infrastructure. I note that this direction is confined to regionally significant infrastructure, a term that is defined in the Proposed District Plan. In respect of the National Grid, I am of the view that Policy 1 of the NPSET is firm and directive Policy that must be given effect to requiring that “decision-makers **must** recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission”.
79. In order to give effect to the higher order planning instruments, and to achieve consistency and alignment within the Proposed District Plan, I consider that it is necessary and appropriate to provide for the ability to consider the benefits of regionally significant infrastructure only through the Matters of Discretion that apply to the Site and Areas of Significance to Māori Rules, rather than network utilities more generally. It is my suggestion that this is achieved, for drafting simplicity, through the inclusion of a further clause in the Matters of Discretion. In this regard, I note that, because section 104C of the RMA confines the consideration of an application for resource consent for a restricted discretionary, I am of the view that giving effect to the higher order planning instruments by providing for a consideration of benefits in the Matters of Discretion is the best, if not only, mechanism
80. Consistent with my evidence in respect of Rules in the Natural Character Chapter, the additional clause that I support is as follows.

“x. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken”

#### **Objective Dev-O1 and Objective Dev-O3 - giving effect to NPSET Policies 10 and 11**

81. Transpower’s submission<sup>11</sup> seeks the following amendment to clause (10) in Objective DEV-O1 Key Outcomes for the Development Area (DEV1 – Broughs Gully Residential Development Area) and Objective DEV3-O1 (Washdyke Industrial Development Area) in order to give effect to the Objective, Policy 10 and Policy 11 of the NPSET:

“10. ~~there is minimal~~ adverse effects, including reverse sensitivity effects, on the National Grid are avoided.”

82. In respect of Broughs Gully Residential Development Area, Transpower’s submission acknowledges that this area was subject to Plan Change 21 to the Operative District Plan. Transpower made a submission on the Proposed Plan Change. Transpower considers that, at the conclusion of the planning process, Plan Change 21 gives effect to the NPSET. Transpower now seeks that the same level of protection applies in the Proposed District Plan.

---

<sup>11</sup> Submission reference 159.103 and 159.105 respectively.

83. Section 42A Report: Subdivision and Development Areas recommends that the submissions be accepted in part and gives the following reasons:

*“10.3.7 In terms of the changes sought to DEV-O1.11 by Transpower, in my view the proposed amendment from ensuring ‘minimal’ effects on the National Grid to ‘avoiding’ effects altogether goes beyond what is set out in the NPSET. Policy 10 of the NPSET 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.*

*10.3.8 In my view the wording used in the PDP as notified, requiring minimal adverse effects, is more consistent with Policy 10 above than the avoid requirement sought by Transpower. I agree with the other matters raised in the submission of Transpower [159.103] in terms of making specific reference to reverse sensitivity effects and the capitalisation of National Grid. Therefore, I recommend that this submission is accepted in part.”*

*“12.3.6 As discussed above, in my view the wording used in DEV3-O1 the PDP as notified, requiring minimal adverse effects, better reflects Policy 10 of the NPSET than the avoid requirement sought by Transpower. However, I agree with the other matters raised in the submission of Transpower [159.105] in terms of making specific reference to reverse sensitivity effects and the capitalisation of National Grid. Therefore, I recommend that this submission is accepted in part.”*

84. The Section 42A Report recommends the following amendments to clause (10) in Objectives DEV1-O1 and DEV3-O1:

*“11. ~~there are~~ is minimal adverse effects, including reverse sensitivity effects, on the ~~national grid~~ National Grid.”*

85. As a preliminary matter, I acknowledge that the Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends an amendment to the Introduction to the Energy and Infrastructure Chapter that directs that the objectives and policies in that chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters.<sup>12</sup> This direction means that the provisions that relate to the effects of other

---

<sup>12</sup> The recommended amendment to the Introduction is as follows:

*“In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.”*

activities on the National Grid in the Energy and Infrastructure Chapter (specifically Policy EI-P3) would take precedence over Objectives DEV1-O1 and DEV3-O1.

86. That said, I am of that view that, because Objectives DEV1-O1 and DEV3-O1 relate directly to the National Grid, these Objectives should be consistent with Policy EI-P3 and must give effect to Policies 10 and 11 of NPSET and Objectives 5.2.1, 5.2.2 and Policies 5.3.9 and 16.3.4 of the CRPS.<sup>13</sup> In this regard, I disagree with the Section 42A Report that “requiring minimal adverse effects” is consistent with Policy 10 of the NPSET.
87. Policy 10 of the NPSET is a firm statutory direction that requires decision-makers, to the extent reasonably possible, to manage activities to avoid reverse sensitivity effects on the National Grid and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. I am of the view that allowing minimal adverse effects does not avoid reverse sensitivity effects on the National Grid, nor does it ensure that the National Grid is not compromised.
88. The High Court has considered Policy 10 and concluded:
- “[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 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.”<sup>14</sup>*
89. Further, Policy 16.3.4 of the CRPS includes a similarly firm direction to avoid subdivision, use and development that would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed. Objectives 5.2.1 and 5.2.2, along with Policy 5.3.9, include similar ‘avoid’ provisions in respect of regionally significant infrastructure. Again, I am of the view that allowing minimal adverse effects on the National Grid in Objectives DEV-O1 and DEV3-O1 does not give effect to the relevant provisions of the CRPS.
90. In addition, allowing minimal adverse effects on the National Grid is inconsistent with Policy EI-P3(2) (addressed earlier in my evidence) that also includes a direction to avoid activities that compromise the National Grid.
91. Given the firm direction in higher order planning instruments, I consider that Objectives DEV-O1 and DEV3-O1 require amendment. Such amendment could be in a manner consistent with Transpower’s relief or, alternatively, by direct cross-reference to Policy EI-P3(2) as follows:

---

<sup>13</sup> These provisions are set out in full in paragraph 41 of my evidence.

<sup>14</sup> Transpower v Auckland Council (CIV-2016-404-002330 [2017] NZHC 281

Transpower relief

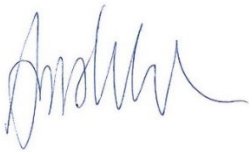
"11. ~~there are is minimal~~ adverse effects, including reverse sensitivity effects, on the ~~national grid~~ National Grid are avoided."

Cross-reference

"11. ~~there are is minimal~~ adverse effects, including reverse sensitivity effects, on the ~~national grid~~ National Grid are managed in accordance with Policy EI-P3."

92. It is my conclusion that either of the amendments set out above are necessary and appropriate to:

- a. give effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS;
- b. achieve consistency within the Proposed District Plan; and ultimately
- c. achieve the purpose of the RMA.



Ainsley Jean McLeod

23 January 2025

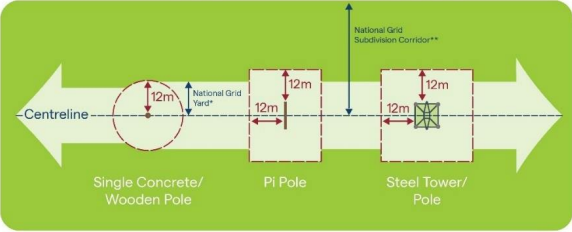
## ATTACHMENT A: SUPPORTED SECTION 42A REPORT RECOMMENDATIONS

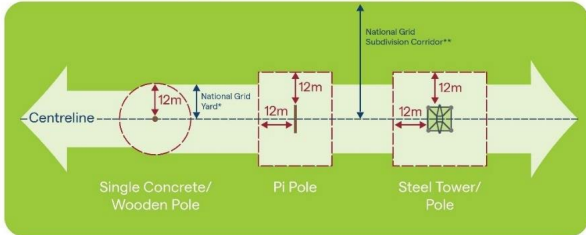
The following Table sets out the relief sought by Transpower alongside the Section 42A Report recommendation in relation to that relief and my opinion and conclusion in respect of Transpower's relief and the recommendation (highlighted).

The relief sought by Transpower is shown in red underline and ~~red strikethrough~~ and the amendments recommended by the Section 42A Report are shown in black underline and ~~black strikethrough~~.

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS</b>			
<b>Interpretation</b>			
Definition "Conductor"	159.5	<p><b>Support, retain</b> the definition of 'Conductor' as notified.</p> <p>Transpower supports the definition of 'conductor' on the basis that the definition replicates the definition included in the NESETA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
Definition "Lifeline Utilities"	159.8	<p><b>Support, retain</b> the definition of 'lifeline utilities' as notified.</p> <p>Transpower supports the definition of 'lifeline utilities' to the extent that the definition references the Schedule 1 to the Civil Defence and Emergency Management Act 2002 ("CDEMA") and the National Grid is understood to fall within the definition of 'lifeline utilities' in Schedule 1 to the CDEMA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
Definition "National Grid"	159.9	<p><b>Support, retain</b> the definition of 'National Grid' as notified.</p> <p>Transpower supports the definition of 'National Grid' on the basis that the definition is appropriate because it is achieved through cross-reference to the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends a minor amendment to the definition.</p> <p>I consider that the amendment to the definition amounts to a clarification and is consistent with the relief sought by Transpower. For the reasons given in Transpower's submission and in the Section 42A Report, I support the Section 42A Report recommendation.</p>



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Definition "National Grid Subdivision Corridor"	159.10	<p><b>Support in part, amend</b> the definition of 'National Grid Subdivision Corridor' to replace Diagram 1 with the following:</p>  <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> <p>Transpower supports the definition of 'National Grid Subdivision corridor' but seeks that Diagram 1 be replaced with an updated diagram.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted as follows:</p> <p><i>"6.7.5 Regarding the Bruce Spiers and Rooney, et al submissions, I understand that the definition is consistent with accepted understanding of what is the "National Grid Subdivision Corridor" and I note that this definition is consistent with other recently reviewed district plans.2 I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend that these submissions are rejected.</i></p> <p><i>6.7.6 Regarding the Kāinga Ora submission, as I am recommending to retain National Grid Subdivision Corridor provisions, I consider this definition is required. My understanding is that this definition is consistent across district plans. I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend this submission is rejected.</i></p> <p><i>6.7.7 Regarding the Transpower submission, I understand that the diagram is the updated current diagram that better matches the wording in the definition and is clearer in relation to the types of poles. Accordingly, I recommend that this submission is accepted."</i></p> <p>For the reasons given in Transpower's submission, Transpower's further submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
Definition "National Grid Yard"	159.11	<p><b>Support in part, amend</b> the definition of 'National Grid Yard' to replace Diagram 1 with and as follows:</p> <p><i>"means, as depicted in Diagram 1:</i></p> <ol style="list-style-type: none"> <li><i>the area located within 10m of either side of the centreline of an above ground 110kV electricity transmission line on single poles;</i></li> <li><i>the area located within 12m either side of the centreline of an above ground transmission line on pi-poles or towers that is 110kV or greater (including tubular steel towers where these replace steel lattice towers);</i></li> </ol>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted as follows:</p> <p><i>"6.8.5 Regarding the Bruce Spears and Rooney, et al submissions, as set out under my analysis of the "National Grid Subdivision Corridor", I understand that the definition is consistent with accepted understanding of what is the "National Grid Yard" and I note that this definition is consistent with other recently reviewed district plans. I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend that these submissions are rejected.</i></p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p>c. the area located within 12m in any direction from the outer visible edge of an electricity transmission pole or tower foundation, associated with a line which is 110kV or greater. ... “</p>  <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> <p>Transpower supports the definition of 'National Grid Yard' but seeks that the definition be amended to:</p> <ul style="list-style-type: none"> <li>• provide for a scenario when a tubular steel tower replaces a lattice tower; and</li> <li>• replace Diagram 1 with an updated diagram.</li> </ul>	<p>6.8.6 Regarding the Federated Farmers submission, I note that in their further submission Transpower [159.37FS] opposes this as the “National Grid Yard” is not based on NZECP34:2001, rather it is because of the position of the conductors and ‘swing’ under normal operation and wind conditions. I therefore recommend that this submission is rejected.</p> <p>6.8.7 Regarding the Transpower submission, as for the “National Grid Subdivision Corridor”, I understand that the diagram is the updated current diagram that better matches the wording in the definition and is clearer in relation to the types of poles. I consider that the requested reference to tubular steel towers is still a reference to towers, but simply recognises a different construction style. Accordingly, I recommend that this submission is accepted.”</p> <p>For the reasons given in Transpower’s submission, Transpower’s further submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
Definition “Network Utility”	159.12	<p><b>Support, retain</b> the definition of ‘network utility’ as notified.</p> <p>Transpower supports the definition of ‘network utility’ on the basis that the definition appropriately relies on the definition of ‘network utility operation’ in section 166 of the RMA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower’s submission, I support the Section 42A Report recommendation.</p>
Definition “Pole [in relation to Infrastructure and Energy]”	159.13	<p><b>Support, retain</b> the definition of ‘pole’ as notified.</p> <p>Transpower supports the definition of ‘pole’ to the extent (and insofar as the definition relates to the National Grid) that the definition is generally consistent with the definition in the NESETA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower’s submission is not directly addressed in the Report.</p> <p>The Report recommends an amendment to the definition to achieve consistency with the National Environmental Standards for Telecommunications Facilities.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			I consider that the amendment to the definition is appropriate and is consistent with the relief sought by Transpower. For the reasons given in Transpower's submission and in the Section 42A Report, I support the Section 42A Report recommendation.
Definition "Regionally Significant Infrastructure"	159.14	<p><b>Support in part, amend</b> the definition of 'regionally significant infrastructure' as follows:</p> <p><i>"Regionally Significant Infrastructure is:</i></p> <ul style="list-style-type: none"> <li>a. Strategic land transport network and arterial roads</li> <li>b. Timaru Airport</li> <li>c. Port of Timaru</li> <li>d. Telecommunication facilities</li> <li>e. National, regional and local renewable electricity generation activities of any scale</li> <li>f. The <del>National Grid electricity transmission network</del></li> <li>g. Sewage collection, treatment and disposal networks</li> <li>h. Community land drainage infrastructure</li> <li>i. Community potable water systems</li> <li>j. Established community-scale irrigation and stockwater infrastructure</li> <li>k. Transport hubs</li> <li>l. Bulk fuel supply infrastructure including terminals, wharf lines and pipelines."</li> </ul> <p>Transpower supports the identification of the National Grid as 'regionally significant infrastructure'. However, Transpower seeks that the definition be amended to consistently refer to the National Grid (as opposed to the reference to the electricity transmission network, which is the same as the National Grid) so that there is alignment with the definitions and provisions elsewhere in the Proposed District Plan.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted as follows:</p> <p><i>"6.10.13 Regarding the Transpower and Hort NZ submissions, I agree that the proper title should be included in the definition. Accordingly, I recommend that these submissions are accepted."</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
Definition "Renewable Electricity Generation"	159.15	<p><b>Support, retain</b> the definition of 'renewable electricity generation' as notified. Transpower supports the definition of 'renewable electricity generation' on the basis that the definition references the National Policy Statement for Renewable Electricity Generation 2011 ("NPSREG")</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Definition "Renewable Electricity Generation Activity"	159.16	<p><b>Support, retain</b> the definition of 'renewable electricity generation activity' as notified.</p> <p>Transpower supports the definition of 'renewable electricity generation activity' on the basis that the definition references the NPSREG.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
Definition "Tower [in relation to Energy and Infrastructure Chapter]"	159.22	<p><b>Support, retain</b> the definition of 'tower' as notified.</p> <p>Transpower supports the definition of 'tower' to the extent (and insofar as the definition relates to the National Grid) that the definition is generally consistent with the definition in the NESETA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. The definition is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the definition.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
Definition "Upgrading / Upgrade"	159.24	<p><b>Support in part, amend</b> the definition of 'upgrading / upgrade' as follows:</p> <p><i>"means the <del>replacement</del>, renewal or improvement of infrastructure that results in an increase in carrying capacity, but excludes repair, <del>replacement</del> and maintenance."</i></p> <p>Transpower generally support the definition of 'upgrading / upgrade' and particular the clarify with which upgrading is distinguished from 'repair' and 'maintenance'. It is suggested that 'replacement' should also be explicitly excluded from the definition.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part for the following reasons:</p> <p><i>"6.12.5 Regarding the Transpower and Telcos submissions, I consider that under its plain ordinary meaning, "replacement" could include replacing like-for-like, but it could also be considered an upgrade, hence why it was included in the definition of "upgrading / upgrade". As currently defined in the PDP, "replacement" means: "replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale and for the same or similar purpose." Given this definition, in my opinion "replacement" is closer in meaning to "maintenance" – there is no change in size or capacity beyond what is considered to be the 'same or similar'. I note that the PDP definition of "maintenance" expressly excludes "replacement", presumably because it is within "upgrading / upgrade" or because it is separately defined. This means that an exact like-for-like replacement of infrastructure is not "maintenance", nor would it be "upgrading / upgrade" if the submissions were accepted. Replacement</i></p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			<p>would therefore not be expressly covered by the EI provisions.</p> <p>6.12.6 I consider that if the submissions are accepted as requested, "replacement" would need to be added to EI-O4, EI-P1, EI-P3, EI-R1, EI-R22, EI-R25, EI-R31, EI-R32 and EI-R33 which all cover ongoing operation and maintenance of infrastructure as in my opinion "replacement" is closer to that scale of intervention than "upgrading / upgrade". However, I note that "upgrading / upgrade" are terms referenced in many PDP chapters,<sup>4</sup> and therefore amending this definition here will have consequences for these other chapters which would need to be assessed in detail. I therefore consider there are the following options for this requested definition amendment:</p> <ul style="list-style-type: none"> <li>• Limit the changes to telecommunications facilities and the National Grid;</li> <li>• Limit the changes to the EI chapter;</li> <li>• Defer the recommendation in order to consider the proposed change as part of a wider assessment of its consequences on other chapters; or</li> <li>• Amend the definition of "maintenance" as a consequential amendment to remove the exclusion for "replacement".</li> </ul> <p>6.12.7 Given the matter is of relevance to more than just telecommunications and the National Grid I consider limiting the change to just these infrastructure types creates consistency issues. Given the EI chapter also includes transport and that some infrastructure matters are also considered in district wide chapters, I consider it would be problematic to limit the change to the EI chapter. While there is some merit in deferring the submissions assessment, I consider amending "maintenance" to remove the express exclusion for "replacement" is an appropriate consequential amendment to resolve this issue and recognises that "replacement" may not always be "upgrading / upgrade" and may sometimes be "maintenance". I also consider minor changes are required to the submitters' requested wording to</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			<p><i>facilitate the changes. Accordingly, I recommend that these submissions are accepted in part.</i></p> <p>6.12.8 <i>In the course of assessing whether "replacement" needed to be added to the rules I note that EI-R32 and EI-R33 do not include "repair" which they should given the express approach to this activity in EI-O1, EI-P1 and EI-P3. I consider this to be an oversight. I therefore recommend adding "repair" to these rules and including an additional "repair" in EI-P3, all as clause 16(2) amendments. I also recommend changing the undefined "renewal" to the defined "replacement" in EI-P3.2.a as a clause 16(2) amendment. I consider these two terms mean the same in the context of EI-P2."</i></p> <p>The recommended amendments are as follows:</p> <p><u>Upgrading / Upgrade</u></p> <p><i>"Means the <del>replacement, renewal or</del> improvement of infrastructure that results in an increase in carrying capacity and size, and may include replacement and renewal, but excludes repair and maintenance."</i></p> <p><u>Maintenance</u></p> <p><i>"1. In relation to values, means the act of making a state or situation continue;</i></p> <p><i>2. In relation to an object (such as a structure, building or infrastructure) means the work required to keep the object in good condition or operation but it does not include any upgrading or expansion <del>or replacement</del> of the existing object, <u>or replacement where this involves upgrading.</u>"</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
Definition "Transmission Line"	159.23	<p><b>Support, retain</b> the definition of 'transmission line' as notified, subject to a minor amendment to correct as typo as follows:</p> <p><i>" ... has the same meaning as in the National Environment Standards <b>ELECTRICITY</b></i></p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted for the following reasons:</p> <p><i>"6.13.3 I agree that the typo should be corrected and therefore recommend that this submission is accepted."</i></p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p>TRANSMISSION ACTIVITIES 2009, which <u>means</u> <del>means</del> ..."</p> <p>Transpower supports the definition of 'transmission line' on the basis that the definition references the NESETA.</p>	For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.
<b>PART 2 – DISTRICT WIDE MATTERS</b>			
<b>Energy Infrastructure and Transport</b>			
<p>EI – Energy and infrastructure</p> <p>Introduction</p>	159.31	<p><b>Support, retain</b> the introduction to the EI – Energy and Infrastructure provisions.</p> <p>Transpower generally supports the Introduction to the Energy and Infrastructure provisions and in particular the reference to, and direction given, in respect of the NPSET and NESETA.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends the following amendments to the Introduction:</p> <p><i>"The Infrastructure and Energy Chapter contains district-wide provisions that cover Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearse Airport (Timaru Airport). Transport related infrastructure is <u>also covered by</u> <del>contained in</del> the Transport Chapter. Provisions relating to the Port activities at the Port of Timaru are <u>also covered by</u> <del>contained in</del> the Port Zone Chapter.</i></p> <p><i>Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments.</i></p> <p>...</p> <p><i>In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. <u>The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply. The</u></i></p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			<p><u>application of the rules in relation to other chapters is set out in the Rules section.</u></p> <p><u>Because of the broad and overlapping definitions of infrastructure, regionally significant infrastructure and lifeline utilities, the objectives and policies apply these general terms, whereas the rules apply more specific definitions such as network utilities and reference specific subtypes of infrastructure as required."</u></p> <p>I do not oppose the recommended amendments to the Objective (see also my comments in relation to submission 159.38) and am of the view that the amendments are consistent with Transpower's relief. For these reasons, and with reference to my conclusion in respect of submission 159.38, I support the Section 42A Report recommendation.</p>
<p>EI – Energy and infrastructure</p> <p>Objective EI-O1 Regionally Significant Infrastructure</p>	159.32	<p><b>Support, retain</b> Objective EI-O1 as notified.</p> <p>Supports the objective insofar as it relates to the National Grid, and gives effect to the NPSET and CRPS.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends the following amendments to the Objective:</p> <p><u>"Regionally Significant Infrastructure and Lifeline Utilities are Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that and:</u></p> <ol style="list-style-type: none"> <li>1. <u>provides essential and secure services, including in emergencies; and</u></li> <li>2. <u>facilitates local, regional, national or international connectivity; and</u></li> <li>3. <u>contributes to the economy, support emissions reduction and supports a high standard of living; and</u></li> <li>4. <u>is are aligned and integrates with the timing and location of urban development; and</u></li> <li>5. <u>enables people and communities to provide for their health, safety and wellbeing."</u></li> </ol> <p>I consider that the recommended amendments to the Objective better express the Objective as an outcome. I also am of the view that the recommended amendments are consistent with Transpower's relief.</p>



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
			For these reasons, I support the Section 42A Report recommendation.
EI – Energy and Infrastructure  Rules – Note	159.38	<p><b>Support in part, amend</b> the note that related to the Rules in the EI – Energy and Infrastructure section as follows:</p> <p><i>“Note: activities not listed in the rules of this chapter are classified as a permitted under this chapter.</i></p> <p><i>Rules in Sections A – Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters – Zone Chapters <b>and the Zone Chapter rules do not apply.</b> Unless otherwise specified in this chapter, the provisions of Development Area Chapter, Designation Chapter and Chapters in Part 2 – District-wide Matters Chapters still apply to activities provided for in Sections A – Section F and therefore resource consent may be required by the rules in Part 2.</i></p> <p><i>Rules in Section G of this chapter do not take precedence over rules in the Zones chapter. Consent may be required by rules the Part 2 – District-wide Matters Chapters and Part 3 – Area Specific Matters – Zone Chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules.</i></p> <p><i>The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works – General Approach.”</i></p> <p>Transpower considers that it is critical that the Proposed District Plan is clear in respect of which rules apply to infrastructure. Transpower considers that the most succinct approach is for such rules to be located in a single chapter of the Proposed District Plan. In the case of the Proposed District Plan, the note directs that the Development Area Chapter, Designation Chapter and Chapters in Part 2 of the Proposed District Plan</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted for the following reasons:</p> <p><b>“6.18.19</b> Regarding the Transpower [159.38] submission, based on the Rule Note, it is my understanding that if an activity is not listed in the rules of the EI Chapter, then it is permitted under the EI Chapter. As such, the addition Transpower seeks to make (that the Zone Chapter rules do not apply) are consistent with the stated approach. For clarity, I recommend that the Transpower submission is accepted. In assessing this Transpower submission seeking the PDP is clear in respect of which rules apply to infrastructure, I consider that consequential amendments should also be made to the Earthworks chapter to clarify how the Earthworks, EI and TRAN chapters integrate and accordingly I have recommended changes below and in Appendix 1. I note that both the EI chapter (EI-R28 - earthworks within the National Grid Yard) and the earthworks chapter (EW-S5 - earthworks in proximity of the National Grid) contain similar but slightly different earthworks rules. I have assessed EI-R28 in response to submissions later in this report and consider this rule should be retained in the EI chapter and, noting that EW-S5 covers other matters, consider the Earthworks s42A author should further consider the matter of duplication as part of the Earthworks s42A report. Also, I note that as the EI rules take precedence over the Zone rules, it could be argued that any infrastructure activity not covered by a rule, and therefore permitted under the EI chapter, would also be permitted in the Zone. I consider this is an incorrect interpretation and have therefore recommended a further amendment in response to Transpower [159.38] to clarify this.</p> <p>The recommended amendments to the 'Note' that accompanies and guides the interpretation of the Rules is as follows:</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		also apply. Transpower seeks a minor amendment to confirm that the Zone Chapters' rules do not apply.	<p><b><i>Note:</i></b> Activities not listed in the rules of this chapter are classified as a permitted under this chapter <u>but may still require consent under other chapters.</u></p> <p>Rules in Sections A - Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 — Area Specific Matters - Zone Chapters <u>and the Zone Chapter rules do not apply. Unless otherwise specified in this chapter,</u> <del>The provisions of Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.</del></p> <p>Rules in Section G of this chapter do not take precedence over rules in the Zones chapter. Consent may be required by rules the Part 2 - District-wide Matters Chapters and Part 3 — Area Specific Matters - Zone Chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules.</p> <p><u>Large infrastructure may have multiple components covered by more than one section of these rules."</u></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R1 Maintenance and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter</p>	159.39	<p><b>Support, retain</b> Rule EI-R1 as notified.</p> <p>Transpower supports Rule EI-R1 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 2 and Policy 5 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends the following amendments to the Rule:</p> <p><b><i>"EI-R1 Operation, <del>Maintenance and repair</del>, or removal of infrastructure not otherwise addressed by another rule in this chapter"</i></b></p> <p>I have reviewed the rationale for the recommended amendment given in the Section 42A Report and agree that the addition of 'operation' add clarity. I therefore support the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R2 Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter</p>	159.40	<p><b>Support in part, amend</b> Rule EI-R2 as follows:</p> <p><b><i>“Activity status: Permitted</i></b></p> <p><b><i>Where</i></b></p> <p><b><i>PER-1</i></b></p> <p><b><i>“EI-S2 is complied with.”</i></b></p> <p>Transpower supports Rule EI-R2 but notes that Rule EI-R2 is more stringent than Rule EI-R3 that provides for new underground infrastructure. Transpower seeks that either Rule EI-R2 is amended to delete the requirement to comply with Standard EI-S2 or, alternatively, Rule EI-R2 is 'merged with Rule EI-R3.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted and comments as follows:</p> <p><b><i>“6.31.3 EI-R2 for upgrading underground infrastructure refers to EI-S2 which is the upgrading standard, whereas EI-R3 is for new underground infrastructure and therefore does not refer to EI-S2. EI-S2 is referred to in part to differentiate ‘upgrading’ from ‘new’ infrastructure. However, as pointed out by the submitter, this has the consequence of making the rule for new underground infrastructure less onerous than upgrading, which is not the intention of the provisions. I agree with Transpower that EI-R2 and EI-R3 can be merged and therefore recommend that this submission is accepted.”</i></b></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R3 New underground infrastructure (including customer connections) not otherwise addressed by another rule in this chapter</p>	159.41	<p><b>Support, retain</b> Rule EI-R3 as notified.</p> <p>Subject to Transpower's submission in relation to Rule EI-R2, Transpower supports Rule EI-R3 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1 and Policy 2 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part and recommends that Rule EI-R3 is amended to include 'upgrading existing' underground infrastructure in response to Transpower's submission on Rule EI-R2: as follows:</p> <p><b><i>“EI-R3 New and upgrading existing underground infrastructure (including customer connections) not otherwise addressed by another rule in this chapter”</i></b></p> <p>Consistent with my position in relation to Rule EI-R3, and for the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R4 Upgrading of above ground network utilities not</p>	159.42	<p><b>Support, retain</b> Rule EI-R4 as notified.</p> <p>Transpower supports Rule EI-R4 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 2 and Policy 5 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the Rule.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
otherwise addressed by another rule in this chapter			
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R5 Vehicle access tracks for network utilities, including ancillary access tracks</p>	159.43	<p><b>Support, retain</b> Rule EI-R5 as notified.</p> <p>Transpower supports Rule EI-R5 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1, Policy 2 and Policy 5 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Rule EI-R5 is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the Rule.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R7 Temporary network utilities, including generators</p>	159.44	<p><b>Support, retain</b> Rule EI-R7 as notified.</p> <p>Transpower supports Rule EI-R7 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1, Policy 2 and Policy 5 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Rule EI-R7 is not directly addressed in the Report.</p> <p>The Report recommends that no amendments are made to the Rule.</p> <p>For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.</p>
<p>Section A – Rules for Energy and Infrastructure Activities</p> <p>Rule EI-R8 Substations (including switching stations) and energy storage batteries not enclosed within a building</p>	159.45	<p><b>Support, retain</b> Rule EI-R8 as notified.</p> <p>Transpower supports Rule EI-R8 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1 and Policy 2 of the NPSET.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted.</p> <p>The Report recommends that no amendments are made to the Rule, with the exception of the addition of a 'note'.</p> <p>For the reasons given in Transpower's submission, along with the rationale given in the Section 42A Report in relation to another submission, I support the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Section A – Rules for Energy and Infrastructure Activities  Rule EI-R9 New network utilities within existing fully enclosed buildings	159.46	<b>Support, retain</b> Rule EI-R9 as notified.  Transpower supports Rule EI-R9 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1 and Policy 2 of the NPSET.	The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Rule EI-R9 is not directly addressed in the Report.  The Report recommends that no amendments are made to the Rule.  For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.
Section A – Rules for Energy and Infrastructure Activities  Rule EI-R11 New overhead lines and associated support structures that convey electricity excluding customer connections	159.47	<b>Support, retain</b> Rule EI-R11 as notified.  Transpower supports Rule EI-R11 and considers that the Rule, insofar as it relates to the National Grid, gives effect to Policy 1 and Policy 2 of the NPSET.	The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted. Rule EI-R11 is not directly addressed in the Report.  The Report recommends that no amendments are made to the Rule.  For the reasons given in Transpower's submission, I support the Section 42A Report recommendation.
Section B – Rules for Telecommunications and Radio Communication Activities  Rule EI-R18 Network utilities emitting electric and magnetic fields	159.48	<b>Support in part, relocate</b> Rule EI-R18 to Section A.  Transpower does not oppose Rule EI-R18, but considers that the rule ought to apply to the activities in Section A in order to give effect to Policy 9 of the NPSET.	The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted for the following reason:  <i>6.40.3 Transpower considers the rule ought to apply to the activities in Section A in order to give effect to Policy 9 of the NPS-ET. Accordingly, they seek to relocate this rule to Section A. I agree that this rule should be relocated to Section A as it covers more than just telecommunication and radiocommunication activities. Accordingly, I recommend that this submission is accepted."</i>  For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.
Section D – Rules for the National Grid  Rule EI-R27 Buildings or	159.49	<b>Support in part, amend</b> Rule EI-R27 as follows:  <b>"Activity status: Permitted</b>  <b>Where:</b>	The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted and comments as follows in relation to Transpower's submission and submissions made by others:

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
structures within the National Grid Yard		<p><b>PER-1</b></p> <p><i>In the National Grid Yard:</i></p> <ol style="list-style-type: none"> <li>any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height <del>for network utility structures</del> or footprint; or</li> <li>it is a network utility undertaken by a network utility operator <del>(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes);</del> or</li> <li>it is a non-habitable building or structure for primary production in the Rural Zones, including yards for milking/dairy sheds and artificial crop protection structures (but does not include any building for intensive primary production, commercial greenhouses or milking/dairy sheds); or</li> <li><del>it is a yard for milking/dairy sheds; or</del></li> <li><del>it is an artificial crop protection and support structure; or</del></li> <li>it is not for the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties; and</li> </ol> <p><b>PER-2</b></p> <p><i>In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a National Grid support structure and it is one of the following:</i></p> <ol style="list-style-type: none"> <li>a network utility undertaken by a network utility operator <del>(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes);</del> or</li> <li>a fence no greater than 2.5m high and that is no closer than 5m to the nearest National Grid pole; or no closer than 6m to the nearest National Grid tower; or</li> </ol>	<p>“6.45.5 Regarding the Hort NZ submission, I agree that the restrictions on reticulation and water storage are an unreasonable limitation and would severely limit the operation of irrigation. I note that Transpower is also seeking to delete the references to reticulation and storage of water in canals, etc in PER-1 and PER-2. I agree with Hort NZ that the key issue is about maintaining access rather than restricting water storage. However, I note that access is already covered in PER-2 and as such the requested addition is not needed. Accordingly, I recommend that the Hort NZ submission is accepted in part.</p> <p>6.45.6 Regarding the Kāinga Ora submission, I agree that the reference to building height for network utility structures or footprint should be deleted as these are covered by clause 2 under PER-1 and are not sensitive activities. I note Transpower has sought the same change. However, I do not agree with enabling any alteration or addition to a sensitive activity within the National Grid Yard as permitted as this could result in encroachment of the required safe electrical distances, affect maintenance access and lead to intensification of activities within the National Grid Yard. Accordingly, I recommend that this submission is accepted in part.</p> <p>6.45.7 Regarding the Transpower submission, I have already addressed the deletion of network utility structures and reticulation and storage of water from PER-1. I also accept the suggested deletion of clauses 4 and 5 as these are already contained in clause 3. I therefore recommend that this submission is accepted.”</p> <p>I have reviewed the recommended amendments to Rule EI-P27 and consider that the Rule (as amended) is consistent with the approach to managing effects on the National Grid in recent district plan reviews. For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation. I similarly agree with the Section 42 Report conclusion in respect of section 32AA of the RMA.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p>3. <i>an artificial crop protection structure or crop support structure not exceeding 2.5 metres in height and located at least 8 metres from a National Grid transmission line pole that is removable or temporary to allow a clear working space of 12 metres from the pole for maintenance and allows all weather access to the pole and 46ahika46ent area for maintenance equipment, including a crane; or</i></p> <p>4. <i>a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001; and</i></p> <p><b>PER-3</b></p> <p><i>The building or structure meets the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP24:2001).</i></p> <p><b>Activity status when compliance not achieved: Non-complying."</b></p> <p>Transpower generally supports Rule EI-R27 and considers that the Rule, in conjunction with related provisions, gives effect Policy 10 and Policy 11 of the NPSET and Policy 16.3.4 of the CRPS. Transpower seeks minor amendments to the Rule to delete duplication and to reflect Transpower's evolving nationally consistent approach to giving effect to the NPSET, including in respect of the default to non-complying activity status.</p>	
Section D – Rules for the National Grid  Rule EI-R28 Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard	159.50	<p><b>Support in part, amend</b> Rule EI-R28 as follows:</p> <p><b>"Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p><i>The <del>depth of the</del> earthworks or land disturbance <del>is:</del></i></p> <p>1. <i><u>is</u> no greater than 300mm <u>deep</u> within <u>6.42</u> metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole; <del>and</del></i></p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part for the following reasons:</p> <p><i>"6.46.4 Regarding the submission from Hort NZ, I understand that the rule is intended to cover earthworks, and also fenceposts with associated land disturbance. I agree that the title is misleading and consider the reference to fenceposts adds no value as the conditions of the rule refer to specific activities. I therefore recommend that this submission is</i></p>



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p>2. <del>the work</del> does not compromise the stability of a National Grid transmission line tower or pole; <del>or</del> <del>x. does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances):</del> <del>x. does not result in existing vehicle access to a National Grid support structure being permanently obstructed;</del> except that</p> <p>3. clauses (<del>1a</del>) <del>to</del>and (<del>x</del>b) do not apply to:</p> <ol style="list-style-type: none"> <li>the repair or resealing of a road, footpath, driveway or farm track; and</li> <li>excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.</li> </ol> <p><b>Activity status when compliance not achieved: <u>Non-complying Restricted Discretionary</u></b></p> <p><b><del>Matters over which discretion is restricted:</del></b></p> <ol style="list-style-type: none"> <li><del>effects on the operation, maintenance, upgrading and development of the National Grid; and</del></li> <li><del>the risk to the structural integrity of the National Grid support structure(s); and</del></li> <li><del>any impact on the ability to access the National Grid; and</del></li> <li><del>the risk of electrical hazards affecting public or individual safety and the risk of property damage; and</del></li> <li><del>the outcome of any consultation with the owner and operator of the National Grid."</del></li> </ol> <p>And insert the following new Rule in EI-R28:</p> <p><b><u>"Activity status: Restricted Discretionary</u></b></p>	<p>accepted in part (noting the change I am recommending in response to the Transpower submission).</p> <p>6.46.5 Regarding Transpower's requested amendments to EI-R28, I consider these changes are acceptable as they correct some minor errors and include a clause on access and maintaining safe electrical clearance requirements. With regard to changing the activity status for EI-R28, I note that a NC status is more consistent with recently reviewed Canterbury District Plans, with not meeting PER-1 being covered by the proposed new RDIS-1 rule. I consider the proposed new RDIS-1 rule in combination with the amended EI-R28 provisions provide a more refined rule approach for earthworks and land disturbance within the National Grid Yard, which I support. However, I have redrafted the proposed additional RDIS rule to fit within the PDP rule structure. I therefore recommend that this submission is accepted in part."</p> <p>I have reviewed the recommended amendments to Rule EI-P28 and consider that the Rule (as amended) is consistent with the approach to managing effects on the National Grid in recent district plan reviews. I acknowledge the revised drafting and support the drafting subject to ensuring that an activity for which resource consent is required under RDIS-1 must also comply with PER-2, PER-3 or PER-4.</p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation. I similarly agree with the Section 42 Report conclusion in respect of section 32AA of the RMA.</p>



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p><b><u>Where:</u></b></p> <p><b><u>RDIS-1</u></b></p> <p><u>The earthworks or land disturbance:</u></p> <ol style="list-style-type: none"> <li><u>1. is greater than 300mm deep and less than 3 metres deep between 6 metres and 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole;</u></li> <li><u>2. does not compromise the stability of a National Grid transmission line tower or pole;</u></li> <li><u>3. does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances); or</u></li> <li><u>4. does not result in existing vehicle access to a National Grid support structure being permanently obstructed; except that</u></li> </ol> <p><u>3. clauses (1) to (4) do not apply to:</u></p> <ol style="list-style-type: none"> <li><u>a. the repair or resealing of a road, footpath, driveway or farm track; and</u></li> <li><u>b. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.</u></li> </ol> <p><b><u>Matters over which discretion is restricted:</u></b></p> <ol style="list-style-type: none"> <li><u>1. effects on the operation, maintenance, upgrading and development of the National Grid; and</u></li> <li><u>2. the risk to the structural integrity of the National Grid support structure(s) ; and</u></li> <li><u>3. any impact on the ability to access the National Grid; and</u></li> <li><u>4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and</u></li> </ol>	

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p><u>5. the outcome of any consultation with the owner and operator of the National Grid."</u></p> <p><b><u>Activity status when compliance not achieved: Non-complying"</u></b></p> <p>Transpower generally supports Rule EI-R28 but seeks a range of amendments to provide a refined approach to the management of earthworks in the National Grid Yard. The amendments sought are intended to more closely mirror the mandatory requirements of NZECP34:2001 and as such, establish earthworks that can safely and appropriately be undertaken in the vicinity of the National Grid without the National Grid being potentially compromised.</p> <p>The proposed refinements reflect Transpower's evolving, engineering based and nationally consistent approach to earthworks in the National Grid Yard. In this regard, supports a 'default' to non-complying activity status in certain circumstances. This is because restricted discretionary activity status is not sufficient or appropriate</p> <p>to give effect to Policy 10 of the National Policy Statement on Electricity Transmission or Policy 16.3.4 of the Canterbury Regional Policy Statement and a greater level of scrutiny is appropriate and achieved by the statutory test that applies to non-complying activities under section 104D of the RMA. In this regard it is noted that the High Court in 5 Transpower v Auckland Council (CIV-2016-404-002330 [2017] NZHC 281 considered Policy 10 and concluded:</p> <p>"[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</p>	

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p>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.”</p> <p>Transpower also notes that failure to comply with these relevant standards will likely mean that the activity will also not comply with NZECP34:2001 and as such cannot be undertaken.</p>	
<p>Section D – Rules for the National Grid</p> <p>EI-R29 Subdivision of land within the National Grid Subdivision Corridor</p>	159.51	<p><b>Support, retain</b> Rule EI-R29 as notified.</p> <p>Transpower generally supports Rule EI-R29 and considers that the Rule, in conjunction with related provisions, gives effect Policy 10 and Policy 11 of the NPSET and Policy 16.3.4 of the CRPS.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted and comments as follows in relation to Transpower's submission and submissions made by others:</p> <p><i>“6.47.3 I consider that subdivision can result in an intensification of activities. I consider that this intensification may not always be desirable within the National Grid Yard if it enables additional buildings to encroach too close to the National Grid or restrict access for maintenance and upgrading purposes. I therefore consider that an RDIS activity status is appropriate for such activities. I note that an RDIS status (as opposed to a permitted activity status) also enables consultation to occur with Transpower (Matter of Discretion 7). Accordingly, I recommend that this Kāinga Ora submission is rejected.</i></p> <p><i>6.47.4 I understand that Bruce Speirs [66] has made a number of submissions on subdivision rules in District-wide chapters (but not the EI chapter) requesting that all subdivision related rules be located in Subdivision chapter. I am comfortable with this rule being relocated to the Subdivision chapter as a consequential amendment should this be required for consistency.”</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation. In respect of the location of this Rule, I similarly am not opposed to the Rule being located in the Subdivision Chapter.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
<p>Section D – Rules for the National Grid</p> <p>EI-R30 Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard</p>	159.52	<p><b>Support, retain</b> Rule EI-R30 as notified.</p> <p>Transpower generally supports Rule EI-R30 and considers that the Rule, in conjunction with related provisions, gives effect Policy 11 of the NPSET and Policy 16.3.4 of the CRPS.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted and comments as follows in relation to a submission made by Horticulture New Zealand:</p> <p><i>“6.48.3 I note that the definition of “Sensitive Activities” in the PDP is similar to the definition in the NPS-ET in that both include schools, residential buildings and hospitals, however the PDP definition includes guest and visitor accommodation which are included as residential activities under the National Planning Standards definitions. As such, I consider this definition is accurate and does not need replacing with a new term. Regarding buildings for intensive primary production, commercial greenhouses and dairy sheds, EI-R27 covers non-sensitive buildings and structures (and would include guest and visitor accommodation if no longer in the definition of “Sensitive Activities” as proposed by Hort NZ) and as such these are already covered by EI-R27 and do not need to be included in EI-R30. Accordingly, I recommend that this submission is rejected.”</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation. In respect of the location of this Rule,</p>
<p>Standards</p> <p>Standard EI-S1 Maximum structure height for network utility structures of poles, antenna, towers and telecommunications poles (including the combined height of poles and antenna)</p>	159.53	<p><b>Support, retain</b> Standard EI-S1 as notified.</p> <p>Transpower generally supports Standard EI-S1 and considers that the Standard appropriately manages the potential effects of infrastructure activities.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends amendments to the Rule in response to other submissions.</p> <p>I consider that the recommended amendments to the Rule are minor in nature and are consistent with the relief sought by Transpower. For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
Standards	159.54	<p><b>Support, retain</b> Standard EI-S2 as notified.</p> <p>Transpower generally supports Standard EI-S2 and considers that the Standard appropriately manages the</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted in part. Transpower's submission is not directly addressed in the Report.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Standard EI-S2 Upgrading infrastructure		potential effects of infrastructure activities and is generally consistent with the Regulations in the NESETA.	<p>The Report recommends amendments to the Rule in response to other submissions.</p> <p>I consider that the recommended amendments to the Rule are minor in nature and are consistent with the relief sought by Transpower. For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
TRAN - Transport Standard TRAN-S5 Cycle parking provision and Standard TRAN-S7 Minimum loading space requirements	159.56 and 159.57	<p><b>Support, retain</b> the network utility exemptions in Standards TRAN-S5 and TRAN-S7 as notified.</p> <p>Transpower supports Standards TRAN-S5 and TRAN-S7 to the extent that the standards include an exemption for un-staffed network utilities. Transpower considers that the exemption appropriately reflects the characteristics of many network utilities (and their limited need to transport related facilities).</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submissions be accepted in part and accepted respectively. Transpower's submission is not directly addressed in the Report.</p> <p>The Report recommends an amendment to TRAN-S5 in response to another submission.</p> <p>The recommended amendment to TRAN-S5 is not relevant to the relief sought by Transpower. For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<b>Hazards and Risks</b>			
HS – Hazardous Substances General	159.66	<p><b>Support, retain</b> the hazardous substances provisions as notified and include a rule in the EI- Energy and Infrastructure Chapter to address the use and storage of hazardous substances in the National Grid Yard.</p> <p>Subject to the adverse effects of the use and storage of hazardous substances in the National Grid Yard being appropriately addressed in policies and managed in rules in the EI- Energy and Infrastructure chapter of the Proposed District Plan, Transpower is neutral in respect of the hazardous substances provisions. It is noted that, in respect of activities in the National Grid Yard, Transpower's nationally consistent approach to the management of activities within the National Grid Yard includes the seeking that the storage and uses of hazardous substances with explosive or flammable properties (at greater than domestic quantities) is a non-complying activity in the National Grid Yard.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submission be accepted as follows:</p> <p><i>"6.57.8 Regarding the Transpower [159.66] submission, I agree that a new rule should be added to the EI chapter covering the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard as the consequences of an explosion on electricity supply could be very significant. While I consider this rule could potentially be a restricted discretionary activity, I understand that the proposed non-complying rule is nationally consistent. I therefore recommend that this submission is accepted."</i></p> <p>I note that Rule EI-R27 manages the use and storage of hazardous substances in the National Grid Yard. For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<b>Subdivision</b>			

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
SUB – Subdivision  Rule SUB-R2 Subdivision that creates new allotments solely for the purpose of network utilities, the national grid or roads	159.83	<p><b>Support in part, amend</b> Rule SUB-R2 as follows:</p> <p><b>“Activity status: <u>Controlled Permitted</u></b></p> <p><b>Where:</b></p> <p><b><u>CONPER-1</u></b></p> <p><i>SUB-S2, SUB-S7 and SUB-S8 are complied with.</i></p> <p><b><u>Matters of control are restricted to:</u></b></p> <ol style="list-style-type: none"> <li><del>1. The location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and</del></li> <li><del>2. the ability to accommodate permitted and/or intended land uses; and</del></li> <li><del>3. the compatibility with the purpose, character and qualities of the zone; and</del></li> <li><del>4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and</del></li> <li><del>5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and</del></li> <li><del>6. the extent to which infrastructure has capacity to service the subdivision; and</del></li> <li><del>7. legal and physical access arrangements; and</del></li> <li><del>8. the requirement for any consent notices, covenants, easements, esplanades or public access; and</del></li> <li><del>9. measures to avoid, remedy or mitigate adverse effects:</del> <ol style="list-style-type: none"> <li><del>a. of any natural hazards or other risks; and</del></li> </ol> </li> </ol>	<p>The Section 42A Report: Subdivision and Development Areas recommends that the submission be rejected and comments as follows:</p> <p><i>“7.4.8 There was general support expressed for SUB-R2 as notified from various utility providers. However, Transpower sought PER activity status for such subdivision, with any subdivision not complying with SUB-S2, SUB-S7 and SUB-S8 becoming a CON activity (as opposed to RDIS). As outlined above, there are practical difficulties with making subdivision a permitted activity. As notified, the CON activity status provides certainty to the applicant that consent will be approved, and the standards required to be complied with notably exclude the minimum allotment sizes and dimensions set out in SUB-S1. I recommend that the framework remain as notified and the submission from Transpower [159.83] be rejected.”</i></p> <p>I acknowledge and accept the description of practical difficulties associated with subdivision as a permitted activity given in the Section 42A Report and on that basis agree with the Section 42A Report recommendation.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p><del>b. on any sensitive environments, waterbodies, ecosystems or notable trees; and</del></p> <p><del>c. on infrastructure; and</del></p> <p><del>d. on existing or permitted adjoining or adjacent land uses; and</del></p> <p><del>10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and</del></p> <p><del>11. the suitability of any future development that would be enabled as a result of the subdivision; and</del></p> <p><del>12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land;</del></p> <p><del>13. measures to manage adverse effects.</del></p> <p><b>Activity status when compliance not achieved:</b>  <b><del>Restricted Discretionary</del>Controlled</b></p> <p><b>Where:</b>  <b><u>RDISCON -1</u></b></p> <p>Compliance is not achieved with <u>PERCON-1</u>.</p> <p><b>Matters of <del>control</del>discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><del>the matters of control relevant to CON-1</del>The location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and</li> <li>the ability to accommodate permitted and/or intended land uses; and</li> <li>the compatibility with the purpose, character and qualities of the zone; and</li> </ol>	

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		<p><u>4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and</u></p> <p><u>5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and</u></p> <p><u>6. the extent to which infrastructure has capacity to service the subdivision; and</u></p> <p><u>7. legal and physical access arrangements; and</u></p> <p><u>8. the requirement for any consent notices, covenants, easements, esplanades or public access; and</u></p> <p><u>9. measures to avoid, remedy or mitigate adverse effects:</u></p> <p><u>a. of any natural hazards or other risks; and</u></p> <p><u>b. on any sensitive environments, waterbodies, ecosystems or notable trees; and</u></p> <p><u>c. on infrastructure; and</u></p> <p><u>d. on existing or permitted adjoining or adjacent land uses; and</u></p> <p><u>10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and</u></p> <p><u>11. the suitability of any future development that would be enabled as a result of the subdivision; and</u></p> <p><u>12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land.</u></p> <p><u>13. measures to manage adverse effects; and</u></p> <p><u>142. the matters of discretion of any infringed standard."</u></p>	



Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		Transpower generally supports Rule SUB-R2 on the basis that the Rule demonstrates recognition that subdivision for network utilities differs to subdivision for other purposes and as such the standards that are necessary are limited. That said, Transpower considers that the activity status for such subdivision is more stringent than is necessary. That is, Transpower does not consider it is necessary for Council to retain the ability to decline consent for a subdivision for a network utility.	
<b>PART 3 – AREA-SPECIFIC MATTERS</b>			
<b>Zones</b>			
OSRZ – Open Space and Recreation Zones  NOSZ – Natural Open Space Zone  Policy NOSZ-P6 Other activities	159.100	<b>Oppose, amend</b> Policy NOSZ-P6, Policy OSZ-P10 and Policy SARZ-P8 as follows:  “Only allow other activities where they:  <u>x. are regionally significant infrastructure that has an operational need or functional need for its location; or ...</u> ”	The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submissions be rejected for the following reasons:  “6.18.20 Regarding the Transpower [159.100, 159.101, 159.102] submissions, I accept that NOSZ-P6, OSZ-P10, and SARZ-P8 may fail to recognise the existing location of the National Grid within these zones and the policies may prevent the National Grid from being located in the Zone in a manner that is contrary to the NPS-ET. In my opinion it is necessary to provide a pathway for the National Grid, and indeed all RSI, due to the benefits they provide. However, as set out in response to other submissions on integration, I propose to include a statement in the EI Chapter that the objectives and policies in the EI chapter take precedence over policies in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. I consider this amendment will adequately respond to the concerns of the submitter. Accordingly, I recommend that these submissions are rejected.”
OSRZ – Open Space and Recreation Zones  OSZ – Open Space Zone  OSZ-P10 Other activities	159.101	Transpower opposes the Open Space and Recreation Zone policies to the extent that the policies fail to recognise the existing location of the National Grid within these zones and because the policies may prevent the National Grid from being located in the Zone in a manner that is contrary to the NPSET.	The recommended amendment to the Introduction to the Energy and Infrastructure Chapter is as follows:  “In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. <u>The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. In managing the effects of</u>
OSRZ – Open Space and Recreation Zones  SARZ – Sport and Active Recreation Zone	159.102		

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
SARZ-P8 Other activities			<p><u>Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.</u></p> <p>For the reasons set out in my earlier evidence, along with the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
<b>Development Areas</b>			
DEV1 – Broughs Gully Residential Development Area Rules – Note	159.104	<p><b>Support, retain</b> the note that accompanies the rules as notified.</p> <p>Transpower supports the clear direction included in the note that accompanies the Rules that relate to the Development Area that the rules in the district wide chapters apply.</p>	<p>The Section 42A Report: Subdivision and Development Areas recommends that the submission be accepted as follows:</p> <p><i>"10.4.9 Similarly, Transpower [159.104] supports the clear direction included in the Note referring to which rules contained in the district wide chapters apply and seeks that the Note be retained as notified. The support of Transpower is acknowledged and I recommend that this submission is accepted."</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>
DEV3 – Washdyke Industrial Development Area Rules – Note	159.106	<p><b>Oppose, amend</b> the note that accompanies the rules as follows:</p> <p><i>"Note: The rules of this chapter apply in addition of the underlying zone provisions <u>and district wide chapters</u>. For certain activities, consent may be required by rules in other chapters in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach."</i></p> <p>Transpower opposed the note that accompanies the Rules that relate to the Development Area because the note does not direct that the rules in the district wide chapters apply. This would mean that the provisions that protect the National Grid do not apply and therefore</p>	<p>The Section 42A Report: Subdivision and Development Areas recommends that the submission be accepted as follows:</p> <p><i>"12.4.15 The submission from Transpower highlights that the Note at the commencement of the Rules section for DEV3 is different than that set out in the DEV1 chapter (which Transpower supported [159.104]. I recommend that the DEV3 Note be amended to be consistent with that wording supported by Transpower included in the DEV1 chapter and the submission from Transpower [159.106] is accepted. Notwithstanding, I note that Transpower has not submitted in relation to DEV2 and DEV4, which include the same wording as that included in DEV3. On that basis I recommend that Clause 10(2(b) is utilised to amend DEV2 and DEV4 also to retain consistency across the DEV Area chapters."</i></p> <p>In respect of DEV2 and DEV4, my understanding is that Transpower did not seek the same amendment to the note on the basis that the National Grid does not traverse the respective Development Areas.</p>

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
		the provisions that apply to the Development Area do not give effect to the National Grid.	That said, I support a consistent approach across the Development Area provisions in the Proposed District Plan. In respect of DEV3, for the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.
<b>PLANNING MAP</b>			
National Grid Transmission Lines	159.107	<p><b>Support in part, amend</b> the Planning Map notation for each National Grid transmission line to include reference to the voltage of that transmission line.</p> <p>Transpower supports the inclusion of the National Grid transmission lines on the Planning Map and notes that the mapping of the lines is a requirement of Policy 12 of the NPSET. Transpower also acknowledges that the National Planning Standards requires overhead National Grid transmission lines to be shown as a solid black line.</p> <p>That said, Transpower considers that users of the Proposed District Plan would be assisted by the clear identification of the voltage of each line so that the definition (and associated provisions) of 'National Grid Yard' and 'National Grid Subdivision Corridor' may be easily understood.</p>	<p>The Section 42A Report: Energy and Infrastructure, Stormwater and Transport recommends that the submissions be accepted for the following reasons:</p> <p><i>"6.57.7 Regarding the Transpower [159.107] submission, I agree that the voltage of each line should be included on the planning maps National Grid Line Overlay notations as this will improve clarity. I therefore recommend that this submission is accepted."</i></p> <p>For the reasons given in Transpower's submission, and in the Section 42A Report, I support the Section 42A Report recommendation.</p>