

Report to Statutory Management Committee

Date: 29 February 2016

Councillors

WHANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
**Proposed Plan Change 44 – Network Utilities, Parking,
Loading and Vehicle Crossings**

Meeting Date: **17th March 2016**

Prepared for Chief Executive by: **Rachael Pull**

1.0 SUMMARY

- 1.1 Council is presently reviewing the District Plan in phases. This Plan Change relates to the provisions for Network Utilities, Parking, Loading and Vehicle Crossings.
- 1.2 The purpose of Proposed Plan Change 44 (PC44) is to update network utility provisions to take into account changes to community expectations, technology and national standards. It is also intended that the transport provisions (parking, loading and vehicle crossings) are clarified and made consistent with other Council documents. A clarification of the objectives, policies and rules for both topics are also considered.

RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991.
3. accepts, accepts in part or rejects the submissions as set out in Section 7 of the Report for the reasons given.
4. adopts Proposed Plan Change 44 to the Whanganui District Plan.

Appendices:

1. **Copy of the Public Notice**
2. **Submissions Received**
3. **Proposed provisions**
4. **Section 32 Evaluation**

Contents Page			
Section No./ Topic		Submission No.	Page
2.0	INTRODUCTION		5
3.0	PROPOSED PLAN CHANGE		5
3.1	Purpose		
3.2	Background Research		
4.0	PROCEDURAL MATTERS		6
4.1	Consultation Summary		
4.2	Key Statistics		
5.0	STATUTORY & LEGISLATIVE FRAMEWORK		7
5.1	Resource Management Act 1991		
5.2	National Policy Statements & Environmental Standards		
5.3	Regional Policy Statement & Regional Plan		
6.0	SECTION 32 EVALUATION		13
7.0	SUBMISSION ANALYSIS		14
7.1	Submissions relating to Definitions		14
	Powerco Limited	2.1	14
	Further Submissions by Transpower New Zealand Limited and Horticulture NZ	FS5.2 FS7.1	14
	Transpower New Zealand Limited	3.1	15
	Further Submission by Horticulture NZ	FS7.2	15
	Chorus New Zealand Limited	4.3	15
	Spark New Zealand Trading Limited	5.3	15
	New Zealand Defence Force	10.1	16
7.2	Officer Comments relating to submissions regarding Definitions		16
7.3	Officer Recommendations		17
7.4	Submissions relating to Chapter 12		19
	KiwiRail Holdings Limited	6.1	19
	New Zealand Transport Agency	7.1	20
	The Oil Companies	8.1	20
7.5	Officer Comments relating to submissions		20

	regarding Chapter 12		
<u>7.6</u>	Officer Recommendations		21
<u>7.7</u>	Submissions relating to Chapter 22 – Issues, Objectives and Policies		21
	<u>Vector Gas Limited</u>	1.1	21
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.1	21
	<u>Powerco Limited</u>	2.2	22
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.3	22
	<u>Transpower New Zealand Limited</u>	3.3	23
	Further Submission by <u>Horticulture NZ</u>	FS7.3	24
	<u>Chorus New Zealand Limited</u>	4.1	24
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.5	25
	<u>Spark New Zealand Trading Limited</u>	5.1	25
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.7	26
	<u>KiwiRail Holdings Limited</u>	6.2	26
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.9	26
	<u>New Zealand Defence Force</u>	10.2	27
	Further Submission by <u>New Zealand Transport Agency</u>	FS3.1	27
<u>7.8</u>	Officer Comments relating to submissions regarding Chapter 22– Issues, Objectives and Policies		27
<u>7.9</u>	Officer Recommendations		30
<u>7.10</u>	Submissions relating to Chapter 22 – Rules and Performance Standards		32
	<u>Powerco Limited</u>	2.3	32
	Further Submission by <u>Transpower New Zealand Limited</u>	FS5.4	33
	<u>Transpower New Zealand Limited</u>	3.4	34
	Further Submission by <u>Powerco Limited</u>	FS4.1	35

	Chorus New Zealand Limited	4.2	35
	Further Submission by Transpower New Zealand Limited	FS5.6	36
	Spark New Zealand Trading Limited	5.2	36
	Further Submission by Transpower New Zealand Limited	FS5.8	37
7.11	Officer Comments relating to submissions regarding Chapter 22– Rules and Performance Standards		37
7.12	Officer Recommendations		39
7.13	Submissions relating to ancillary or cross topics		41
7.14	Transpower New Zealand Limited	3.2	41
7.15	Officer Comments		42
7.16	Officer Recommendations		42
7.17	Horizons	9.1	42
	Further Submissions by Transpower New Zealand Limited , Federated Farmers , Powerco Limited and Horticulture NZ	FS5.10 FS6.1 FS4.2 FS7.4	42
7.18	Officer Comments		43
7.19	Officer Recommendations		45
7.20	Wanganui Federated Farmers of New Zealand	11.1	45
	Further Submissions by Transpower New Zealand Limited , Powerco Limited and Horticulture NZ	FS5.11 FS4.3 FS7.5	46
7.21	Officer Comments		47
7.22	Officer Recommendations		48
7.23	Wanganui Federated Farmers of New Zealand	11.2	48
	Further Submissions by Spark New Zealand Trading Limited , Chorus New Zealand Limited , New Zealand Transport Agency , Powerco Limited , Transpower New Zealand Limited and Horticulture NZ	FS1.1 FS2.1 FS3.2 FS4.4 FS5.12 FS7.6	48
7.24	Officer Comments		50
7.25	Officer Recommendations		51

2.0 INTRODUCTION

- 2.1 This Plan Change is one of a series of changes proposed as part of Phase 6 of the wider District Plan review which address district wide matters.
- 2.2 Since the operative District Plan was drafted in the 1990s, there have been significant changes to societal attitudes and technology in terms of utilities, onsite transport infrastructure and thresholds for acceptable effects of such activities. Network utilities has evolved to encourage more renewable energy sources and parking now focuses on a range of vehicles including bicycles and mobility parks.
- 2.3 This is reflected in the documents that shape these rules. New National Policy Statements, National Environmental Standards, New Zealand Standards and Austroads Standards have be updated since the operative District Plan was first developed and therefore have shaped the direction of this proposed Plan change.

3.0 PROPOSED PLAN CHANGE

3.1 Purpose

The purpose of PC44 is to update provisions relating to utilities and onsite transport provisions based on changes to national documents, Council direction, technology and community expectations.

- 3.2 The new rules for network utilities are in accordance with relevant National Policy Statements and Environmental Standards. The changes to both network utilities and parking, loading and vehicle crossing provisions as proposed are in accordance with other Council documents and community feedback.
- 3.3 Additional provisions are proposed to reflect the changes in technology and society, such as provision for renewable energy and alternative transport options.
- 3.4 Objectives and policies relating directly to the issues of network utilities are proposed to emphasise the need for these facilities and the balance of effects that must be considered.
- 3.5 The provisions relating to parking, loading and vehicle crossings are revised to include specific criteria to provide more certainty in assessing applications that breach the standards.

3.6 Background Research

The background research identified that since the District Plan was developed in the 1990s changes to relevant documents and community expectations have changed.

- 3.7 Approximately 14% of all resource consents currently relate to utilities or onsite transport standards. This is a high number given the majority of these consents may not be needed if the District Plan was better aligned with other Council documents. This is backed up by the lack of complaints received for these issues. Council typically receives 28 complaints per year relating to the Act (excluding

noise). Of those, only 5% relate to network utilities, parking, loading or vehicle crossings. Therefore a revision of these provisions should result in less consents required with only minor effects on the environment.

4.0 PROCEDURAL MATTERS

4.1 Consultation Summary

Consultation with a range of stake holders, in accordance with the requirements of Schedule 1, was undertaken as part of formulating the proposed Plan change.

Consultation undertaken:

- 3 September 2014 a background document and survey on the current Phase 6 provisions were posted online. This link was promoted at the Home and Living Show, in newspapers and newsletters, and in email to identified stakeholders.
- 13 March 2015 Council presented to the Business Group an idea on the proposed provisions for utilities and parking (amongst other topics). The business group were added to the stakeholder list.
- 27 March 2015 A draft version on the district wide provisions were put online for comment. This was advertised to identified stakeholders, property holders, and businesses at the Rivertraders Market on 28 March 2015 and via email and letter as part of the Clause 3 requirements. Comments closed on 14 April 2015.
- A letter and email was sent to stakeholders affected by PC44 advising that Council would be notifying PC44 on 30 May 2015.
- Notification of all parties required by clause 5, 1st Schedule RMA following Council's decision to notify.

4.2 Key Statistics

PC44 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on 30 May 2015, with the period for submissions closing on Tuesday 30 June 2015. A copy of the public notice is included as Appendix 1.

A total of 11 submissions, were received at the close of submissions. Copies of submissions received are included in Appendix 2.

All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on Friday 31 July 2015. Seven further submissions were received.

5.0 STATUTORY AND LEGISLATIVE FRAMEWORK

5.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - b. *The control of any actual or potential effects of the use, development, or protection of land...*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

5(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In accordance with Section 5 of the RMA, PC44 has been developed with a focus on avoiding, remedying or mitigating adverse effects of activities.

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA.

5.2 National Policy Statements and Environmental Standards

The Act requires that District Plans give effect to any relevant National Environmental Standards (NES). A NES is a document prepared under the Act and NPS to ensure that the same standards are enforced by each Council. The National Environmental Standard relevant to this Plan change is:

The national policy statements relevant to this plan change include:

- The New Zealand Coastal Policy Statement (2010)
- The National Policy Statement for Renewable Electricity Generation (2001)
- The National Policy Statement on Electricity Transmission (2008)

New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) has been considered and given effect to. Its purpose is to detail national policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. As Whanganui District adjoins the Tasman Sea, it is a relevant document to consider, particularly when assessing infrastructure.

Relevant sections include:

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the coastal environment contains renewable energy resources of significant value;*

Comment: This Plan Change takes into account the above objective by specifically defining tidal, wave or ocean currents as potential renewable energy resources. Specific provisions have also been developed to provide for the investigation, establishment and maintenance of these facilities.

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

- a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
- b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*

...

g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;

2. Additionally, in relation to the coastal marine area:

a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;

...

Comment: The objectives and policies proposed apply to network utilities and transport throughout the District and are not limited to the coastal environment. The objectives and policies give effect to p=Policy 6 above by providing for renewable energy (including tidal power) and by advocating compact and efficient infrastructure.

Policy 20: Vehicle Access

1. Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land...

Comment: The proposed changes to the vehicle access and parking rules have not identified the coastal area as being different to the rest of the District. The beach and foreshore was reviewed as part of Plan Change 28 (Reserves and Open Spaces Zone). No special consideration was given to the area as the primary public space is controlled through the Castlecliff Reserve Management Plan 2005 and the rest through the riparian margin rules.

Policy 25: Subdivision, use, and development in areas of coastal hazard risk

In encourage the location of infrastructure away from areas of hazard risk where practicable;

...

d. areas potentially affected by coastal hazards over at least the next 100 years:

Comment: Hazard mapping of the coastal erosion at Mowhanau has been updated under Plan Change 34 and construction of any new network utility is a Prohibited Activity. There are no additional matters to consider regarding this policy under this Plan change.

National Policy Statement on Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation (NPSREG) is part of the New Zealand Energy Strategy. This purpose is to strengthen the policy framework relating to renewable energy.

This Plan Change gives effect to the NPSREG by the development of objectives, policies and rules directly relating to renewable energy. Whanganui District Council seeks to promote more renewable energy in the District by expressly providing for it as a Permitted Activity, subject to performance standards.

These new provisions are in line with the NPSREG as they provide for the investigation, establishment, operation (at a commercial and domestic level) and maintenance of renewable energy.

National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission (NPSET) sets out objectives and policies to standardise through the country the approach to managing the localised effects caused by the National Grid.

This Plan Change gives effect to the NPSET by the referral to the national grid in the objectives and policies being reviewed. The existing objectives and policies were developed as part of Plan Change 27 and became operative December 2013. The review of these provisions has refined the language and reformatted the relevant sections into a new chapter along with the rules. This has further improved the effectiveness of the District Plan in addressing and recognising that it is a matter of national importance the need to operate, maintain, develop and upgrade the electricity transmission network.

National Environmental Standards

The Act also requires that District Plans give effect to any relevant National Environmental Standards (NES). A NES is a document prepared under the act and NPS to ensure that the same standards are enforced by each Council. The national environmental standards relevant to this Plan change include:

- The National Environmental Standard for Electricity Transmission Activities (2009)
- The National Environmental Standard for Telecommunication Facilities (2008)

National Environmental Standard for Electricity Transmission Activities

The National Environmental Standard for Electricity Transmission Activities (NESETA) sets the standards for the operation, maintenance and upgrading of existing electricity transmissions lines. It also standardises the activity classifications and definitions throughout the country.

This Plan Change references the NESETA in the rules section of the Plan as a Permitted Activity. The objectives and policies in the Plan provide for electricity transmission lines.

National Environmental Standard for Telecommunication Facilities

The National Environmental Standard for Telecommunication Facilities (NESTF) was developed in accordance with sections 43 and 44 of the Act. These regulations provide for the establishment and operation of telecommunication facilities, subject to structure standards, noise limits, radiofrequency standards or other protected features in the proximity.

This Plan Change retains the Permitted Activity status for telecommunication facilities (the same as the NESTF) and specifically references the Standard as a matter of discretion when assessing non-complying cabinets, masts or antenna. This is in line with the standard.

5.3 Regional Policy Statement and Regional Plan (the One Plan)

The One Plan is relevant to Plan Change 44 as it includes requirements relating to the implementation of the National Policy Statements and National Environmental Standards as well as the need to protect the transportation network.

An assessment of how the provisions in Plan Change 44 compare with the Objectives and Policies of the One Plan are considered in Table 1 below.

One Plan – Regional Policy Statement Chapter 3 – Infrastructure and Energy		Proposed Plan Change 44
Objectives	Policy	Evaluation
Objective 3-1: Infrastructure and other physical resources of regional or national importance	Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance	The One Plan was developed subject to the same National Policy Statements and Environmental Standards. Therefore the proposed changes give effect to the One Plan in terms of utilities and renewable energy. Policy 3-2 states that Territorial Authorities must ensure that infrastructure is protected from adverse effects caused by traffic integration and land use planning. The parking section has made provision for alternative transport and set minimum standards for vehicle access. Therefore the Plan change gives effect to this policy.
Objective 3-2: Energy An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the Region.	Policy 3-2&3: Adverse effects of other activities on infrastructure and other physical resources of regional or national importance on the environment	
	Policy 3-4: The strategic integration of infrastructure with land Use	
	Policy 3-6: Renewable energy	
	Policy 3-7: Energy efficiency	

There are no other relevant sections of the One Plan to consider as part of this Plan change.

5.4 Other Plans & Strategies

Another matter to which Council must have particular regard is other management plans and strategies. Those which are relevant to the District's District Wide provisions are discussed below. They have informed the preparation of this section 32 analysis.

Leading Edge Strategy 2015

Whanganui District Council adopted the Leading Edge Strategy at the end of 2015 as an overarching document to guide the work undertaken by Council. Plan change 44 meets the new direction of Council by recognising the changing transport and technology needs of the community and providing for development.

Whanganui Urban Transportation Strategy (2011)

The Whanganui Urban Transportation Strategy (WUTS) identifies key transportation objectives over a 30 year lifetime. It seeks to improve management of the road infrastructure by planning ahead to:

- *Support environmental sustainability*
- *Assist economic development*
- *Provide transport infrastructure to meet the city's long term needs*
- *Enhance and promote public health and personal safety*
- *Facilitate real transport choices including improved access and mobility*
- *Integrate transport systems and land use planning*

The strategy sets out objectives and key actions under each theme. The objectives and key actions relating to parking, loading and vehicle crossings have been incorporated into this Plan change by the provision for cycle parks and disability parks, the addition of Mosston Road as a Limited Access Road and the provision for financial contributions for inadequate provision of vehicle parking.

Whanganui Parking Management Plan (2012)

The Whanganui Parking Management Plan partly implements the WUTS objectives to better manage parking within the town centre. The timeframe for this Plan is 20 years. Actions under this document relating to the District Plan include:

Action No.	Links to WUTS	Actions	Plan Change 44
1.9	Obj. 1.3, 2.1, 2.3 Action 14	<i>District Plan Provisions - Shared Parking</i> <i>a. Amend District Plan to ensure any new onsite parking provision has excellent links to Victoria Avenue.</i> <i>b. Review District Plan parking in the city centre to consider ways to encourage use of shared vehicle access and parking rather than independent access and parking for each site e.g. financial contributions of cash in lieu of parking.</i>	<i>Shared parking (particularly around Victoria Avenue) such as Council provided car parks are a permitted activity. This can be encouraged further by providing for Financial Contributions as an alternative to provision of individual car parks for each activity. This is considered further under Plan Change 40 – Financial Contributions.</i>
2.10	Obj. 2.3 Action 14	<i>Encourage Residential Parking Off Street</i> <i>Encourage lease of private off street parking in association with residential activities, through District Plan provisions, not necessarily on the same</i>	<i>It has been the practice at Whanganui to consider legal leasing of car parks elsewhere when determining if there is sufficient car parking for an activity.</i>

		<i>site.</i>	<i>The proposed policies and rules maintain this approach.</i>
6.1	Obj 6.3	<i>District Plan – Mobility Parking</i> <i>Review existing design and manoeuvring requirements for parking spaces in the District Plan, to better accommodate the needs of disabled and aged community members.</i>	<i>The District Plan now directly states the minimum requirements for disabled car parks as provided for in the Building Code.</i> <i>Provision has also been made in the Plan to provide for businesses that want to provide more than the minimum number of disabled parks by having a policy that considers larger parks for elderly, mobility or campervans.</i>
6.3	Obj 6.2 & 6.3	<i>Align District Plan and Parking Infrastructure Provision</i> <i>Ensure consistency between the Council provision of public parking facilities and District Plan requirements for private parking provision.</i>	<i>The new parking rules were developed in consultation with the Infrastructure Team to facilitate better alignment of policies.</i>

Also mentioned within the Parking Management Plan, but not allocated to the District Plan review is the increase in demand for bicycle parking. Provision for bicycle parking has been provided within the transport rules as a Permitted Activity.

6.0 Section 32 Evaluation

- 6.1 The Act requires that when a Council undertakes a plan change that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation. (Refer to Appendix 4)
- 6.2 A re-evaluation has been completed as required by s32AA of the Act to reflect the amendments proposed as a result of submissions.

7.0 SUBMISSION ANALYSIS

The following are the assessment of submissions and further submissions with recommendations by the Planning Officer. These have broadly been ordered by topic for ease of analysis.

7.1 Submissions relating to Definitions

Submitter Name: [Powerco Limited](#)

Submission No: 2.1pc44

Summary:

Supportive in part towards the definitions of the Plan change, as described below:

1. Retain the definition of 'Electricity Lines' as drafted as it includes Powerco's sub transmissions and distribution networks.
2. Amend the definition of 'Lines' to clarify that it applies to telecommunication and radiocommunication lines and is distinct from 'electricity lines'.
3. Retain the definition of 'Infrastructure Facilities' as drafted as it includes Powerco's sub transmissions and distribution networks.
4. Delete or amend the definition of 'Reverse Sensitivity' as the current definition refers only to when a complaint is made. The concept is well defined through case law and it is not necessary for a definition.

Decision Sought:

1. That the definition of 'Electricity Lines' is retained as drafted
2. That the definition of 'Lines' is amended to specifically cover telecommunication and radiocommunication lines.
3. That the definition of 'Infrastructure Facilities' is retained as drafted.
4. That the definition of 'Reverse Sensitivity' is deleted or amended to refer to effects rather than complaints.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.2pc44

Summary:

Neutral towards submission 2.1 in relation to the suggested definition changes. Transpower understands that this definition is not within the scope of the proposed Plan change. Transpower has sought relief in respect of this term as part of Plan Change 36 (under appeal).

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.1pc44

Summary:

Opposed to submission 2.1 in relation to the definition of reverse sensitivity.

The definition is clear and will assist the Plan.

Submitter Name: [Transpower New Zealand Limited](#)

Submission No: 3.1pc44

Summary:

Supportive in part of Plan change as it relates to definitions, as described below:

1. Retain the definitions of 'Infrastructure' and 'Network Utilities' as drafted as they provide clarity that network utilities are infrastructure and that they are defined by section 166 of the RMA.
2. Requests a new definition for 'National Grid Yard' that refers to the National Policy Statement on Electricity Transmission 2008 as the Plan is currently inconsistent on how it is defined.
3. Delete the definition of 'Electricity Transmission Yards and Corridors' and instead reference 'National Grid Corridors and Yards'. Create a definition for 'National Grid Subdivision Corridor'. This will provide clarity for Plan users.

Decision Sought:

1. Retain the definitions of 'Infrastructure' and 'Network Utilities' as drafted.
2. Requests a new definition for 'National Grid Yard' that refers to the National Policy Statement on Electricity Transmission 2008.
3. Delete the definition of 'Electricity Transmission Yards and Corridors'.
4. Create a definition for 'National Grid Subdivision Corridor'.

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.2pc44

Summary:

Supportive of submission 3.1 in relation to the definitions for 'National Grid Yard' and 'electricity transmission yards and corridors'.

The proposed changes would give effect to the NPSET. The focus should be on the National Grid Yard to give effect to the NPSET.

Submitter Name: [Chorus New Zealand Limited](#)

Submission No: 4.3pc44

Summary:

Supportive of the definitions for 'Antenna or Aerial', 'Infrastructure Facilities' and 'Lines'.

Decision Sought:

That the definitions for 'Antenna or Aerial', 'Infrastructure Facilities' and 'Lines' are retained.

Submitter Name: [Spark New Zealand Trading Limited](#)

Submission No: 5.3pc44

Summary:

Supportive of the definitions for 'Antenna or Aerial', 'Infrastructure Facilities' and 'Lines'.

Decision Sought:

That the definitions for 'Antenna or Aerial', 'Infrastructure Facilities' and 'Lines' are retained.

Submitter Name: [New Zealand Defence Force](#)

Submission No: 10.1pc44

Summary:

Supportive to the intent of proposed Plan change, but would like to make comment on the following:

1. That the definition of 'Infrastructure Facilities' is amended to include 'defence facilities' as they play an important part of the nation's security and provides for the health and wellbeing of people and communities.

Decision Sought:

1. Amend the definition of 'Infrastructure Facilities' to include 'defence facilities'.

7.2 Officer Comments:

1. The comments of Powerco Limited, Transpower New Zealand Limited, Horticulture NZ, Chorus New Zealand Limited and Spark New Zealand Trading Limited are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
 - The definition of '**Lines**' was proposed to be altered by Powerco to apply to 'Telecommunication and radio communication lines'. The purpose of this was that electricity lines would be exempt from this definition, as they have their own definition and provisions. After email discussion with Spark and Chorus who submitted to retain the current definition, the proposed solution is to retain the definition in its current form (which is in line with the Telecommunication Act 2001) and instead alter Permitted Activity rule 22.4.1(a)ix to remove reference to 'radio communication'. This will then clearly draw the line between what is electrical lines and what is telecommunication lines.
 - The definition for '**Reverse Sensitivity**' was reviewed under Plan Change 27 (definition currently under appeal) and was not open for submissions as part of this Plan Change. Therefore the submission and further submissions relating to this definition are beyond the scope of Plan Change 44 and should be rejected.
 - A new definition for '**National Grid**' is proposed for the Plan in order to provide for consistency. The term 'National Grid' is used within the zones of the Plan. Therefore it is appropriate to define it. However, rather than

solely referring to the NPSET it is more user friendly to use the definition in the NPSET with a note that it is the same as the policy statement.

- The definitions of '**Electricity transmission yard**' and '**Electricity transmission corridor**' are to be deleted and replaced with 'National Grid Yard' and 'National Grid Subdivision Corridor'. This will give effect to the NPSET and provide clarity to Plan users. This is the current terminology that will be used for these areas. When the rest of the zones are reviewed, these are the terms that will be used. Therefore, rather than have two sets of terminology across the Plan, it is reasonable to update now during the network utility review.

Consequential changes to the terminology in the zones and subdivision chapters will also need to occur.

- The NZDF have requested that 'Defence Facilities' are added to the definition of '**Infrastructure Facilities**'. Defence Facilities are defined as Regional Infrastructure in the One Plan and Policy 22.3.2 of the District Plan. It is also noted that in Plan change 43 Temporary Military Training Activities is moved into the Network Utility Chapter in order for all the relevant provisions to be grouped together.

Therefore it is reasonable to include 'Defence Facilities' in the definition of Infrastructure Facilities, and retain the rest of the definition.

7.3 Officer Recommendations:

That submissions 3.1 Transpower New Zealand Limited, 10.1 from NZ Defence Force and further submissions 7.1 from Horticulture NZ be **accepted**.

And that submissions 2.1, 4.3 and 5.3 from Powerco Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited and further submission from Horticulture NZ and 5.2 from Transpower New Zealand Limited be **accepted in part**.

The following amendments are recommended as a result of these submissions.

Chapter 2 - Definitions

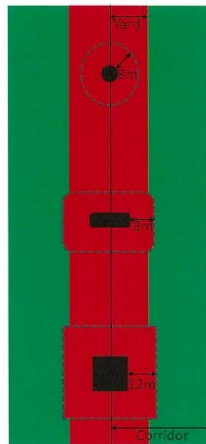
Electricity transmission yard (shown in red) means:



- The area located 12 metres in any direction from the outside visible edge of an electricity transmission support structure; and
- The area located 10 metres either side of the centreline of a 110kV electricity transmission line on poles; or
- The area located 12 metres either side of the centreline of a 110kV electricity line on pi poles or towers.

Electricity transmission corridor (shown in red and green)

Measured either side of the centreline of the electricity transmission line equals:



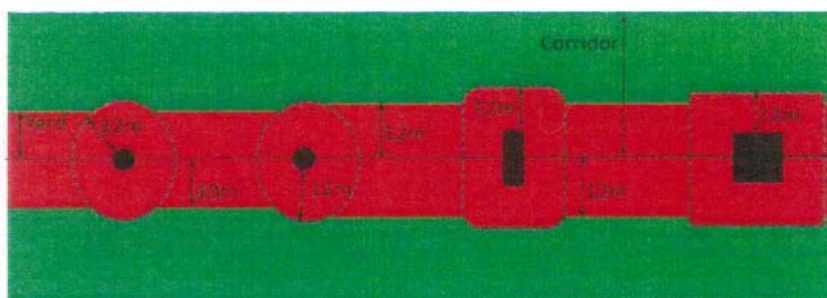
LEGEND
● Single Pole
■ Pi Pole
■ Tower

- a. 14 for 110kV transmission line on single poles.
- b. 16m for 110kV transmission line on pi-poles or towers.
- c. 32m for 110kV transmission lines on towers.
- d. 37m for 220kV transmission lines on towers.

National Grid means the assets used or owned by Transpower NZ Limited. Note that this definition is the same as in the National Policy Statement on Electricity Transmission 2008.

National Grid Yard means:

- The area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- The area located 12 metres either side of the centerline of any overhead National Grid line.



LEGEND
— Centreline ● Single Pole ■ Pi Pole ■ Tower

National Grid Subdivision Corridor means the area measured either side of the centerline of the above ground National Grid line as follows:

- 16 metres for 110kV on pi poles

- 32 metres for 110kV lines on towers
- 37 metres for the 220kV transmission lines

Infrastructure facilities: means any land, building, installation, device, reticulation line to support land use activities and to provide for the convenience, health and welfare of people and communities, and includes roading, bridges, water supply, liquid and solid waste collection, treatment and disposal systems, network utilities, defence facilities open space, sports fields and other similar facilities

Consequential changes to the operative District Plan text to replace the terminology replacing Electricity Transmission Yard and Electricity Transmission Corridor with the National Grid Yard and National Grid Subdivision Corridor will also be required.

Chapter 22 – Network Utilities

22.4.1 Permitted Activities.

- a. The investigation, construction, operation, maintenance, repair and upgrading and removal of the following network utilities provided they comply with Performance Standards 22.5:
 - ix. Underground or above ground telecommunication ~~or radio communication~~ lines masts and antennas, including microwave dishes, with a diameter of 5 metres or less, provided:

7.4 Submissions relating to Parking, Loading and Vehicle Crossings

Submitter Name: [KiwiRail Holdings Limited](#)

Submission No: 6.1pc44

Summary:

Supportive of Plan change 44 in respect to Chapter 12 (Parking, Loading and Vehicle Access). In particular the following:

1. Objective 12.2.1 is supported as it protects the transport network from adverse effects of land use.
2. Policy 12.3.3 is supported as it limits the size and location of vehicle crossings in order to achieve a safe and efficient transport network.
3. Policy 12.3.5 is supported as the reverse sensitivity direction is supported by KiwiRail.
4. The note under Rule 12.4.1 is supported in part as written approval from KiwiRail is required no matter if the work complies with the District Plan. The text should be altered to reflect this.
5. Performance Standards 12.5.7 and 12.5.8 are supported.

Decision Sought:

1. Retain Objective 12.2.2 as drafted.

2. Retain Policy 12.3.3 as drafted.
3. Retain Policy 12.3.5 as drafted.
4. Amend the note under Rule 12.4.1 as suggested in the submission.
5. Retain Performance Standards 12.5.7 and 12.5.8 as drafted.

Submitter Name: [NZ Transport Agency](#)

Submission No: 7.1pc44

Summary:

Supportive of the proposed Plan change, in particular Issue 12.1.1, Policies 12.3.3 & 12.3.5, Rule 12.4.1 and Performance Standards 12.5.5(b) and 12.5.5(c).

Decision Sought:

Retain as drafted Issue 12.1.1, Policies 12.3.3 & 12.3.5, Rule 12.4.1 and Performance Standards 12.5.5(b) and 12.5.5(c).

Submitter Name: [Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limits \(the Oil Companies\)](#)

Submission No: 8.1pc44

Summary:

Supportive of the intent of the proposed Plan change, but requests that the note under Rule 12.4.1 (Permitted Activities) is amended to only require written approval from the NZ Transport Agency when a breach of the District Plan occurs and the Agency is considered affected under Section 95E of the RMA.

Decision Sought:

That the advice note under Rule 12.4.1 is amended as sought in the submission.

7.5 Officer Comments:

1. The support of KiwiRail Holdings Limited, the New Zealand Transport Agency and the Oil Companies are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
 - The **advice notes** relating to the NZ Transport Agency and KiwiRail currently located under Rule 12.4.1 Permitted Activities refer to provisions outside the Act. As their purpose is to advise Plan users of additional requirements to the Plan, they are better located in the introduction to the Chapter 12. This is consistent with the wider Plan format as seen in Chapter 16 (Signage) and Chapter 17 (Noise). The minor amendments to the text recommended by the submitter are also supported as it clarifies the status of these advice notes as being outside the scope of the Act (although important to advise Plan users).

- The Oils companies also suggest altering the wording of the advice note to remove the requirement for the NZ Transport Agency's written approval. That statement pre-empts the notification assessment and although it is accepted that the intent to alert people to that potential requirement. It is not for Council to record this or other parties.

7.6 Officer Recommendations:

That submission 6.1 from KiwiRail Holdings Limited be **accepted** and submissions 7.1 and 8.1 from NZ Transport Agency and the Oil Companies be **accepted in part**.

The following amendments are recommended as a result of these submissions:

Chapter 12 – Parking, Loading and Vehicle Crossings

...

Notes:

1. Any work within the State Highway Road Reserve requires approval pursuant to Section 51 of the Government Rounding Powers Act 1989.
2. The written approval of the KiwiRail Holdings Ltd is required for any work on activity that requires access to the Railway Network.

7.7 Submissions relating to Issues, Objectives & Policies (Infrastructure)

Submitter Name: [Vector Gas Limited](#)

Submission No: 1.1pc44

Summary:

Support the proposed plan change in relation to the proposed rules for infrastructure signage and the proposed issue, objective, policy and rule for network utilities. The proposed changes are in line with Vector's requirements as a network utility.

Decision Sought:

Retain without modification the following provisions:

- a. Signage: Rule 16.5(e) and Rule 22.5.2(a).
- b. Network Utilities Issue 22.1.2, Objective 22.2.4, Policy 22.3.6 and Rule 22.4.1(b).

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.1pc44

Summary:

Support in part submission 1.1 in relation to issue 22.1.2. The submission is consistent with the relief sought in Transpower original submission but Transpower also sought additional wording pertaining to explicit reference to the National Grid because of its national importance.

Submitter Name: [Powerco Limited](#)

Submission No: 2.2pc44

Summary:

Supportive in part towards the Issues, Objectives and Policies of the Plan change, as described below:

1. Retain Issue 22.1.1 as drafted as it identifies the need to manage adverse effects associated with network utilities while also recognising their benefits and constraints.
2. Amend Issue 22.1.2 to remove the reference to visual amenity as it is not relevant in the context of considering effects on other activities on network utilities.
3. Amend Issue 22.1.3 to recognise the benefits of and encourage the use of renewable energy generation as stated in the introduction to the chapter.
4. Retain Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.5 as drafted as they are supported by Powerco.
5. Amend Objective 22.2.2 for grammatical reasons.
6. Retain Objective 22.2.6 as drafted as it seeks to avoid inappropriate land use and subdivision in proximity to significant infrastructure.
7. Amend Policy 22.3.1 to avoid unnecessary repetition with Policy 22.3.4 and focus on the benefits of network utilities.
8. Amend Policy 22.3.2 to fix a typographical error. Powerco supports this policy which gives effect to the One Plan Policy 3-1.
9. Retain Policies 22.3.3-22.3.13 as drafted as they are supported by Powerco.

Decision Sought:

1. Retain Issue 22.1.1 as drafted.
2. Amend Issue 22.1.2 to remove the reference to visual amenity.
3. Amend Issue 22.1.3 to recognise the benefits of and encourage the use of renewable energy generation.
4. Retain Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.5 as drafted.
5. Amend Objective 22.2.2's grammar.
6. Retain Objective 22.2.6 as drafted.
7. Amend Policy 22.3.1 to avoid unnecessary repetition with Policy 22.3.4 and focus on the benefits of network utilities.
8. Amend Policy 22.3.2 to fix a typographical error.
9. Retain Policies 22.3.3-22.3.13 as drafted.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.3pc44

Summary:

Support in part submission 2.2 in relation to issue 22.1.2, objective 22.2.6 and policy 22.3.1 for the following reasons:

1. Transpower supports the intent of the submission in regards to issue 22.1.1 and in submission 3.3 has sought additional wording to reflect that some adverse effects from network utilities may not be able to be avoided, remedied or mitigated.

2. Transpower supports the intent of the submission in relation to objective 22.2.3, but notes that this objective was developed as part of Plan Change 36 and is therefore not within the scope of this Plan change.
3. Transpower supports the intent of the submission in relation to policy 22.3.1, and in submission 3.3 has sought additional wording to reflect that there are also locational constraints and that benefits may extend beyond the District.

Submitter Name: [Transpower New Zealand Limited](#)

Submission No: 3.3pc44

Summary:

Supportive in part of Plan change as it relates to the Issues, Objectives and Policies of network utilities, as described below:

1. Create a new policy in the Residential Zone to manage reverse sensitivity around the National Grid.
2. Retain the Introduction to Chapter 22 with minor amendments to better reflect the nature of Transpower's activities without compromising its application to other utilities.
3. Replace Issue 22.1.1 which is currently focused on the need to manage effects with one that recognises the benefits of network utilities.
4. Amend Issue 22.1.2 to fully give effect to the NPSET. However, Transpower also questions the intent of the visual amenity reference.
5. Amend Objective 22.2.2 to capitalize 'National Grid'.
6. Amend Policy 22.3.1 to fully give effect to the NPSET without compromising its application to other utilities.
7. Amend Policy 22.3.2 to separately identify the National Grid's unique role and function. The proposed definition of 'National Grid' would be inclusive of Transpower's substations.
8. Retain Policy 22.3.3 as drafted as it acknowledges that not adverse effects can be avoided, remedied or mitigated.
9. Amend Policy 22.3.4 to fully give effect to the NPSET without compromising its application to other utilities.
10. Amend Policy 22.3.5 to recognise that some infrastructure such as the National Grid has requirements which do not enable co-siting at times.
11. Amend Policy 22.3.6 to specifically reference the National Grid to fully give effect to the NPSET without compromising its application to other utilities.

Decision Sought:

1. Create a new policy in the Residential Zone to manage reverse sensitivity around the National Grid.
2. Retain the Introduction to Chapter 22 with minor amendments as shown in the submission.
3. Replace Issue 22.1.1 which is currently focused on the need to manage effects with one that recognises the benefits of network utilities.
4. Amend Issue 22.1.2 to fully give effect to the NPSET. Explain the intent of the visual amenity reference.
5. Amend Objective 22.2.2 to capitalize 'National Grid'.
6. Amend Policy 22.3.1 to fully give effect to the NPSET.

7. Amend Policy 22.3.2 to separately identify the National Grid's unique roll and function.
8. Retain Policy 22.3.3 as drafted.
9. Amend Policy 22.3.4 to fully give effect to the NPSET.
10. Amend Policy 22.3.5 to recognise that some infrastructure such as the National Grid has requirements which does not enable co-siting at times.
11. Amend Policy 22.3.6 to specifically reference the National Grid.

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.3pc44

Summary:

Supportive of submission 3.3 in relation to policies 22.3.1, 33.3.2 and 22.3.6.

The proposed changes would give effect to the NPSET.

Submitter Name: [Chorus New Zealand Limited](#)

Submission No: 4.1pc44

Summary:

Supportive of the intent of Plan change, and recommends the following in regards to the introduction, issues, objectives and policies of Chapter 22 (Network Utilities):

1. The third paragraph of the introduction is supported as it recognises the benefits of utilities as well as the constraints, however the first sentence needs to be deleted as it is not a relevant consideration to the provision of utilities under the RMA. The word 'essential' is also requested to be added to strengthen the importance of network utilities.
2. That Issue 22.1.1 is retained as it gives specific recognition to the benefits of infrastructure facilities and their requirements and that Issue 22.1.2 is amended to remove reference to visual amenity as it is not normally an issue for network utilities.
3. That Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.6 are retained as they appropriately recognise and provide for radiocommunications and telecommunications and are consistent with the RMA.
4. That Policies 22.3.1, 22.3.2, 22.3.3, 22.3.5, 22.3.6, 22.3.10 and 22.3.12 are retained as they appropriately recognise and provide for radiocommunications and telecommunications and are consistent with the RMA.

Decision Sought:

1. Modify paragraph 3 of the introduction to Chapter 22 (Network Utilities) in line with submission.
2. Retain Issue 22.1.1 and amend Issue 22.1.2 to remove reference to 'visual amenity'.
3. Retain Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.6.

4. Retain Policies 22.3.1, 22.3.2, 22.3.3, 22.3.5, 22.3.6, 22.3.10 and 22.3.12.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.5pc44

Summary:

Support in part submission 4.1 in relation to issue 22.1.2 and policies 22.3.1, 22.3.2, 22.3.5 and 22.3.6. Transpower supports the relief sought by the submitter with minor changes to policy 22.3.1, 22.3.5 and 22.3.6 in its original submission (3.3).

Submitter Name: [Spark New Zealand Trading Limited](#)

Submission No: 5.1pc44

Summary:

Supportive of the intent of Plan change, and recommends the following in regards to the introduction, issues, objectives and policies of Chapter 22 (Network Utilities):

1. The third paragraph of the introduction is supported as it recognises the benefits of utilities as well as the constraints, however the first sentence needs to be deleted as it is not a relevant consideration to the provision of utilities under the RMA. The word 'essential' is also requested to be added to strengthen the importance of network utilities.
2. That Issue 22.1.1 is retained as it gives specific recognition to the benefits of infrastructure facilities and their requirements and that Issue 22.1.2 is amended to remove reference to visual amenity as it is not normally an issue for network utilities.
3. That Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.6 are retained as they appropriately recognise and provide for radiocommunications and telecommunications and are consistent with the RMA.
4. That Policies 22.3.1, 22.3.2, 22.3.3, 22.3.5, 22.3.6, 22.3.10 and 22.3.12 are retained as they appropriately recognise and provide for radiocommunications and telecommunications and are consistent with the RMA.

Decision Sought:

1. Modify paragraph 3 of the introduction to Chapter 22 (Network Utilities) in line with submission.
2. Retain Issue 22.1.1 and amend Issue 22.1.2 to remove reference to 'visual amenity'.
3. Retain Objectives 22.2.1, 22.2.3, 22.2.4 and 22.2.6.
4. Retain Policies 22.3.1, 22.3.2, 22.3.3, 22.3.5, 22.3.6, 22.3.10 and 22.3.12.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.7pc44

Summary:

Support in part submission 4.1 in relation to issue 22.1.2 and policies 22.3.1, 22.3.2, 22.3.5 and 22.3.6. Transpower supports the relief sought by the submitter with minor changes to policy 22.3.1, 22.3.5 and 22.3.6 in its original submission (3.3).

Submitter Name: [KiwiRail Holdings Limited](#)

Submission No: 6.2pc44

Summary:

Supportive of Plan change 44 in respect to Chapter 22 (Network Utilities). In particular the following:

1. Issue 22.1.1, Objective 22.2.1 and Policy 22.3.4 are supported as they recognise that sometimes there are technical, locational and operational requirements that influence where infrastructure facilities can occur and this needs to be balanced against the environmental effects.
2. Issue 22.1.2, Objective 22.2.4 and Policy 22.3.6 are supported as the reverse sensitivity direction is supported by KiwiRail.
3. Policies 22.3.2 and 22.3.3 are supported as they provide for network utilities.
4. Rules 22.4.1 and 22.4.2 are supported as they provide for rail activities within the designation as a Permitted Activity and those outside the designation as a Restricted Discretionary Activity.
5. Performance Standards 22.5.1 is supported as it clarifies that earthwork provisions do not apply to network utilities.

Decision Sought:

1. Retain Issue 22.1.1, Objective 22.2.1 and Policy 22.3.4 as drafted.
2. Retain Issue 22.1.2, Objective 22.2.4 and Policy 22.3.6 as drafted.
3. Retain Policies 22.3.2 and 22.3.3 as drafted.
4. Retain Rules 22.4.1 and 22.4.2 as drafted.
5. Retain Performance Standard 22.5.1 as drafted.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.9pc44

Summary:

Support in part submission 6.2 in relation to the Chapter 22 issues, objectives and policies.

The submission is generally consistent with the relief sought in Transpower's original submission, but Transpower has sought additional wording to some provisions to give effect to the NPSET.

Submitter Name: [New Zealand Defence Force](#)

Submission No: 10.2pc44

Summary:

Supportive of the intent of proposed Plan change, but would like to make comment on the following:

1. That Objective 3.2.2 (Rural) is retained as it appropriately recognises that some activities have a functional necessity to be located within the rural environment.
2. That Policy 22.3.2 is amended to include 'defence facilities' as they play an important part of the nation's security and provides for the health and wellbeing of people and communities.
3. That Policy 22.3.6 is retained as it to acknowledges that reverse sensitivity is a significant issue for infrastructure provides and associated activities.

Decision Sought:

2. Retain Objective 3.2.2 as drafted.
3. Amend Policy 22.3.2 to include 'defence facilities'.
4. Retain Policy 22.3.6 as drafted.

Submitter Name: [NZ Transport Agency](#)

Further Submission No: 3.1pc44

Summary:

Supportive of submission 10.2 in relation to policy 22.3.6. Reverse sensitivity is an important issue for infrastructure providers.

7.8 Officer Comments:

- 1 The support of Vector Gas Limited, Powerco Limited, Transpower New Zealand Limited, Horticulture NZ, Chorus New Zealand Limited, Spark New Zealand Trading Limited, KiwiRail Holdings Limited, the New Zealand Defence Force and the New Zealand Transport Agency are noted and appreciated.
- 2 The submission remedies sought are supported, except where commented on below:
- 3 The Introduction
 - Amendments to the Introduction were proposed by Chorus, Spark and Transpower and do not contradict each other. The amendments do not

alter the substance of the paragraph which is to inform Plan users that utilities are essential and that all adverse effects cannot be resolved. Therefore it is recommended that the changes are accepted.

4 The Issues

- Issue 22.1.1 intends to inform the Plan user that infrastructure facilities have particular requirements and therefore all environmental effects cannot be mitigated. Powerco, Chorus, Spark and KiwiRail have supported the notified version, while Transpower has offered an alternative version that focuses more on the benefits. An issue is an existing or potential problem that is to be resolved through the implementation of the objectives and policies. Therefore it is recommended that the notified version is adopted with a minor alteration to better reflect the benefits emphasised by Transpower's submission.
- Issue 22.1.2 intends to inform Plan users about the potential reverse sensitivity issues for network utilities. The amendments proposed by Spark, Chorus, Powerco, Transpower, Vector and KiwiRail improve the wording of that intent, however an emphasis for the National Grid is not required as policy 22.3.2 and the NPSET clearly state that the National Grid is an essential network utility. Listing each utility for every part of the Plan is not user friendly.
- Issue 22.1.3 intends to promote the purpose of the Act and the NPSREG. The amendments proposed by Powerco improve the issue and should be adopted.

5 The Objectives

- The minor typographical and grammar amendments proposed for Objective 22.2.2 by Powerco and Transpower are accepted as they improve the clarity of what is to be achieved by the Chapter.
- There are no submissions opposed Objective 22.2.3 or changes requested, therefore Transpower's comments regarding the scope of the submissions is unnecessary to consider.
- There have been submissions regarding Objectives 3.2.1 and 3.2.2, however they are outside the scope of Plan change 44 as they are part of Plan change 36 and therefore cannot be considered.

6 The Policies

- Policy 22.3.1 received submissions from Transpower, Powerco, Chorus, Spark and Horticulture NZ. I support the amendments proposed by Powerco as there is no need to repeat statements that are covered by Policy 22.3.4 as recommended by the other submitters.

- Policy 22.3.2 lists the regional and national important infrastructure as required by the One Plan. Minor changes have been submitted by Powerco, Transpower and the New Zealand Defence Force. As these do not substantially affect the purpose of the policy and improve its clarity, it is recommended that they are adopted.
- Policy 22.3.4 emphasises the need to understand the technical requirements of network utilities when assessing applications. The amendments proposed by Transpower achieve this.
- Policy 22.3.5 encourages co-siting where efficient and practical only. The proposed amendments do not add anything to the policy and should be disregarded.
- Policy 22.3.6 does not need the National Grid specifically mentioned as Policy 22.3.2 clearly identifies the National Grid as an infrastructure facility.
- Transpower have requested an additional policy to the Residential Chapter of the Plan regarding the National Grid. This is outside the scope of Plan change 44, as residential provisions were handled under Plan change 26 and there was no intention indicated that they might be altered as part of this Plan change when notified. There are general reverse sensitivity provisions proposed as part of Chapter 22 (Network Utilities) that will apply to activities in the Residential Zone and these are sufficient to address the submitters concerns for now. I note that as this rolling review has progressed, that Transpower have refined the provisions they wish to see in each chapter. It is proposed that once the majority of the rolling review is completed, that a general plan change is developed to resolve these kind of inconsistencies between the zones.

22.5 Performance Standards

- Minor amendments to the Earthworks provisions were suggested in order to provide for the situations where full reinstatement is not possible. The version put forward by Powerco provides the more reasonable approach as to why full reinstatement may not be possible and it is recommended that the wording proposed is inserted into the Plan.
- Vector have requested that section 22.5.2 relating to signage is retained. Minor changes to this section to include a cross reference rather than repeat the rule is recommended to be adopted to prevent a network utility needing a consent under two sections of the Plan in case of a breach of the rule and to prevent a conflict should one change in the future. The substance of the rule will not be changing.
- It is proposed by the submissions that 22.4.1(a)(ii) (Existing sub stations) is relocated to 22.4.1(b) and that this section is slightly re-worded. The difference between (a) and (b) in this section is that (a) provides for new

activities and (b) provides for the continued use of existing activities. This minor change will reduce confusion and retain the outcomes requested by Vector.

7.9 Officer Recommendations:

That submissions 1.1, 2.2, 3.3, 4.1, 5.1, 6.2 and 10.1 from Vector Gas Limited, Powerco Limited, Transpower New Zealand Limited, Chorus New Zealand Limited, Spark New Zealand Trading Limited, KiwiRail Holdings Limited, the New Zealand Defence Force and further submissions 5.1, 5.3, 7.3, 5.5, 5.7, 5.9 and 3.1 from Transpower New Zealand Limited, Horticulture NZ and New Zealand Transport Agency be **accepted in part**.

The following amendments are recommended as a result of these submissions.

Chapter 22 - Introduction

...

~~Though many network utility operators are now private companies seeking to make a profit from service provision,~~ Special recognition for network utilities is made in the District Plan because they provide an essential and important function in terms of the viability of the District as a place for people to live and work. Although these network utility operations, improvements and maintenance, upgrading and development can have adverse effects on the environment, it is recognised in the Plan that due to their technical, locational and operational constraints it might not be possible or practicable to avoid, remedy or mitigate all adverse effects of network utilities. In such circumstances there is a need to carefully consider both the benefits that the network utility will provide to the District (and beyond), the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection and the significance of the adverse effects on the environment.

...

The relevant National Environmental Standards shall apply with no further alteration or modification by this Plan:

- b. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. The (NESETA) contains provisions (including rules) that apply to the operation, maintenance, upgrading relocating, or removal of National Grid assets existing as at 14 January 2010.

Issues

22.1.1 The need to manage the benefits and the technical, locational and operational requirements of infrastructure facilities against the actual and potential adverse environmental effects (including visual and amenity effects) arising from infrastructure facilities, while also recognising their benefits and their technical, locational and operational requirements.

22.1.2 Inappropriate subdivision, land use or development in the vicinity of network utilities can lead to adverse effects on the visual amenity and the safe and

efficient operation, maintenance, upgrading and development of national, regional and local infrastructure.

22.1.3 Whanganui has a largely untapped potential to develop a range of renewable energy generation options at a domestic or commercial scale. While the benefits of such options should be recognised and their development encouraged, there will be a need to appropriately manage the , which could potentially adversely effects of such activities on the visual amenity and physical environment.

Objectives

22.2.2 Recognise and provide for the importance of infrastructure facilities, including the National Grid, to the local, regional, and national social and economic well-being.

Policies

22.3.1 To recognise the technical and operational requirements and constraints of network utilities, and the benefits that they provided by network utilities to the economic, social and cultural wellbeing, and the health and safety of the District.

22.3.2 To recognise the following infrastructure is of regional or national importance and the benefits derived from these activities:

- i. The national grid and electricity distribution, transmission networks and all associated substations and other works to convey electricity;
- ii. Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;
- iii. The road and railway networks;
- iv. The Whanganui airport
- v. Telecommunication and radio communication facilities;
- vi. Public or community sewage treatment plants and associated reticulation and disposal systems;
- vii. Public water supply intakes, treatment plants and distribution systems;
- viii. Public or community drainage systems, including stormwater systems;
- ix. The Port of Whanganui.
- x. Defence facilities
- xi. The National Grid

22.3.4 When assessing the environmental effects of network utilities consider the locational, technical and operational requirements of network utilities and how any potential adverse effects are to be avoided, remedied or minimised, including through route, site and method selection.

22.4.1 Permitted Activities.

The following infrastructure activities are permitted throughout the District provided they comply with Performance standards within this chapter and the underlying zone, overlay or other relevant chapters:

- a. The investigation, construction, operation, maintenance, repair and upgrading and removal of the following network utilities provided they comply with Performance Standards 22.5:
 - ii. Existing electricity substations—The electricity network including:
 - Electricity lines and associated transformers of a voltage up to and including 110kV;
 - Maintenance or minor upgrading of any existing lines; or
 - Ancillary equipment.
- b. The operation, maintenance, repair, upgrading and removal of the following network utilities:
 - i. Existing pipelines and necessary incidental equipment exceeding 2000 kPa
 - ii. Existing electricity substations

22.5 PERFORMNCE STANDARDS – Network Utilities

22.5.2 Signage.

- a. Identification and/or health and safety signs in association with the infrastructure to which they relate not exceeding 0.5m² and attached to the corresponding infrastructure or immediate vicinity when infrastructure is underground.

Signage shall comply with the signage rules in Chapter 16.

7.10 Submissions relating to Performance Standards (Network Utilities)

Submitter Name: [Powerco Limited](#)

Submission No: 2.3pc44

Summary:

Supportive in part towards the Rules and Performance Standards in Chapter 22 of the Plan change, as described below:

1. Include a new statement under the Rule heading to correctly and clearly explain the relationship between Chapter 22 and the remainder of the Plan; amend the statement under 22.4.1 Permitted Activities and delete the statement under the Performance Standards heading. This will clarify to Plan users how network utility activities are considered.
2. Retain Rule 22.4.1(a)(i) as drafted as it specifically provides for above and below ground electricity lines and associated equipment.
3. Relocate Rule 22.4.1(ii) (existing electricity substations) to form part of 22.4.1(b) for the clarity of Plan users.

4. Retain Rule 22.4.2(a) as drafted as a default of restricted discretionary status for upgrading or replacing existing network utilities activities not otherwise permitted is appropriate.
5. Retain Rule 22.4.3 as drafted as a default of discretionary status for network utilities activities not otherwise permitted and new electricity substations is appropriate.
6. Amend Performance Standard 22.5.1(a) to recognise that it is not always appropriate to reinstate the ground to its original condition.
7. Retain Performance Standard 22.5.1(b) as drafted as it confirms that Chapter 14 (Earthworks) does not apply to network utilities.
8. Delete Performance Standard 22.5.2 and instead cross reference Plan users to (Signage Chapter 16) Performance Standard 16.5.1(e) to prevent a parallel consent process for the same issue if the permitted activity status was breached. The Signage Chapter is the more appropriate location in this case as it also references the Signage By-law.
9. Retain Performance Standard 22.5.5 as drafted as it specifically provides for electricity lines and support structures.
10. Amend Performance Standard 22.5.6 to also recognise that the undergrounding of lines may not be appropriate where there are technical or operational constraints or where existing distribution is overhead.

Decision Sought:

1. Include a new statement under the Rule heading to correctly and clearly explain the relationship between Chapter 22 and the remainder of the Plan; amend the statement under 22.4.1 Permitted Activities and delete the statement under the Performance Standards heading.
2. Retain Rule 22.4.1(a)(i) as drafted.
3. Relocate Rule 22.4.1(ii) (existing electricity substations) to form part of 22.4.1(b).
4. Retain Rule 22.4.2(a) as drafted.
5. Retain Rule 22.4.3 as drafted.
6. Amend Performance Standard 22.5.1(a) to recognise that it is not always appropriate to reinstate the ground to its original condition.
7. Retain Performance Standard 22.5.1(b) as drafted.
8. Delete Performance Standard 22.5.2 and instead cross reference Plan users to Chapter 16 Performance Standard 16.5.1(e).
9. Retain Performance Standard 22.5.5 as drafted.
10. Amend Performance Standard 22.5.6 to also recognise that the undergrounding of lines may not be appropriate where there are technical or operational constraints or where existing distribution is overhead.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.4pc44

Summary:

Support in part submission 2.3 in relation to the rules are performance standards for the following reasons:

1. Transpower agrees that clarity on the application of the Chapter 22 provisions is required. However this is outlined in submission 3.4. Transpower has also sought that the zone based provisions relating to earthworks and structures apply to all activities within close proximity to the National Grid, inclusive of network utilities.
2. Transpower has sought the separation of new and existing lines in rule 22.4.1(a). The relief sought by the submitter is also supported to the extent it includes over and underground lines and support structures.
3. Opposed to submission 2.3 in relation to moving Rule 22.4.1(a)(ii). It should stay in its location as rule 22.4.1(b) relates more to gas pipelines and pressure.
4. Supportive of retaining activity status for the upgrading or replacement of network utilities and new substations (22.4.2(a) and 22.4.3).
5. Supportive of performance standard recognising that it is not always possible to reinstate ground levels to the original state.
6. Supportive of performance standard 22.5.5 as drafted.

Decision Sought:

1. The statement under the Network Utilities chapter is modified as outlined in submission 3.4 and takes into account the need to comply with zone rules when doing work within the National Grid corridor.
2. That Rule 22.4.1(a) is re-worded in line with submission 3.4.
3. That Rule 22.4.1(a)(ii) is retained.
4. That Rules 22.4.2(a) and 22.4.3 are retained.
5. That the Performance Standard relating to ground levels is retained.
6. That the Performance Standard 22.5.5 is retained.

Submitter Name: [Transpower New Zealand Limited](#)

Submission No: 3.4pc44

Summary:

Supportive in part of Plan change as it relates to the Rules and Performance Standards of network utilities, as described below:

1. Amend Rule 22.4.1 (Permitted Activities) to delete the reference to the zone rules and relevant chapters, reword (a)(i) and introduce a provision (c) to permit trimming or removal of any vegetation that is required to maintain safe separation distances from the electricity line. This is to give effect to the NPSET.
2. Amend Rule 22.4.3 (Discretionary Activities) to specifically refer to 'electricity lines' in order to provide clarity to Plan users.
3. Amend Performance Standard 22.5.1 (Earthworks) to recognise that it may not always be possible to achieve the same ground level.

4. Retain Performance Standards 22.5.2 (Signage) and 22.5.5(a) (Structures) as drafted.
5. Clarify Performance Standard 22.5.6 does not relate to 'Electricity Lines' by way of an advice note.

Decision Sought:

1. Amend Rule 22.4.1 (Permitted Activities) to delete the reference to the zone rules and relevant chapters, reword (a)(i) and introduce a provision (c) to permit trimming or removal of any vegetation that is required to maintain safe separation distances from the electricity line.
2. Amend Rule 22.4.3 (Discretionary Activities) to specifically refer to 'electricity lines'.
3. Amend Performance Standard 22.5.1 (Earthworks) to recognise that it may not always be possible to achieve the same ground level.
4. Retain Performance Standards 22.5.2 (Signage) and 22.5.5(a) (Structures) as drafted.
5. Clarify Performance Standard 22.5.6 does not relate to 'Electricity Lines' by way of an advice note.

Submitter Name: [Powerco Limited](#)

Further Submission No: 4.1pc44

Summary:

Supportive and Opposed in part to submission 3.4 in relation to rule 22.4.1(a)(i) for the following reasons.

1. While Powerco understands that the trimming or removal of vegetation for the purposes of maintaining the safe operation of electricity lines is already permitted by the Plan, the proposed new clause 'c' explicitly clarifies this position and is supported.
2. The amendment to the zone rules reference is supported and in line with submission 2.
3. The proposed amendment of clause (i) is opposed. It is important to provide for both above and below ground electricity lines/cables and for all ancillary equipment including switchgear associated with electricity transmission and distribution. This is not provided by the proposed wording.

Submitter Name: [Chorus New Zealand Limited](#)

Submission No: 4.2pc44

Summary:

Supportive of the intent of Plan change, and recommends the following in regards to the Rules and Performance Standards of Chapter 22 (Network Utilities):

1. There is inconsistency and confusion in the wording around which parts of the plan apply to network utilities. There is the general statement at the start of the

rules and more specific references in the performance criteria. It is requested that the first paragraph under Rule 22.4.1 is deleted to remove the confusion.

2. That Rule 22.4.1(ix) is retained as drafted as it appropriately provides for standalone masts and associated antennas and building mounted antennas.
3. That Performance Standard 22.5.6(a)(i, ii & iv) appropriately provides for new and additional lines and customer connections.
4. That Performance Standard 22.5.1(b) appropriately exempts network utilities from compliance with earthworks standards as they typically require minimal earthworks and are often within the road corridor.

Decision Sought:

1. That the first paragraph under Rule 22.4.1 referring to other parts of the Plan is deleted.
2. That Rule 22.4.1(ix) is retained.
3. That Performance Standard 22.5.6(a)(i-iii) is retained.
4. That Performance Standard 22.5.1(b) is retained.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.6pc44

Summary:

Opposed in part submission 4.2 in relation to the first paragraph under Rule 22.4.1.

Transpower agrees that clarity on the application of the Chapter 22 provisions is required. However this is outlined in submission 3.4. Transpower has also sought that the zone based provisions relating to earthworks and structures apply to all activities within close proximity to the National Grid, inclusive of network utilities.

Submitter Name: [Spark New Zealand Trading Limited](#)

Submission No: 5.2pc44

Summary:

Supportive of the intent of Plan change, and recommends the following in regards to the Rules and Performance Standards of Chapter 22 (Network Utilities):

1. There is inconsistency and confusion in the wording around which parts of the plan apply to network utilities. There is the general statement at the start of the rules and more specific references in the performance criteria. It is requested that the first paragraph under Rule 22.4.1 is deleted to remove the confusion.
2. That Rule 22.4.1(ix) is retained as drafted as it appropriately provides for standalone masts and associated antennas and building mounted antennas.
3. That Performance Standard 22.5.6(a)(i, ii & iv) appropriately provides for new and additional lines and customer connections.

4. That Performance Standard 22.5.1(b) appropriately exempts network utilities from compliance with earthworks standards as they typically require minimal earthworks and are often within the road corridor.

Decision Sought:

1. That the first paragraph under Rule 22.4.1 referring to other parts of the Plan is deleted.
2. That Rule 22.4.1(ix) is retained.
3. That Performance Standard 22.5.6(a)(i-iii) is retained.
4. That Performance Standard 22.5.1(b) is retained.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.8pc44

Summary:

Opposed in part submission 4.2 in relation to the first paragraph under Rule 22.4.1.

Transpower agrees that clarity on the application of the Chapter 22 provisions is required. However this is outlined in submission 3.4. Transpower has also sought that the zone based provisions relating to earthworks and structures apply to all activities within close proximity to the National Grid, inclusive of network utilities.

7.11 Officer Comments:

- 1 The support of Powerco Limited, Transpower New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited is noted and appreciated.
- 2 The submission remedies sought are supported, except where commented on below:

The explanation paragraph under Rule 22.4 and Rule 22.4.1

- 3 There have been multiple submissions regarding the introduction paragraph to the rules that explains the relationship between network utilities and the rest of the Plan. The version provided in submission 2.3 by Powerco outlines the relationship the clearest, when combined with the advice note regarding the National Grid provisions provided in further submission 5.4 by Transpower. The similar paragraph under the section 22.5 Performance Standards can then be deleted in order to prevent conflict and misunderstanding between the provisions.
- 4 There have been multiple submission regarding the opening sentence of the Permitted Activities rule. It is standard in this District Plan to say at the start of the Permitted Activities list, when the rule applies. However it is accepted that the current sentence does not promote that correctly and conflicts the

explanation paragraph under Rule 22.4. Therefore it is recommended that submission 2.3 by Powerco is adopted and the reference to other chapters and zones is deleted.

Rule 22.4.1(a-c) – Permitted Network Utilities

- 5 Powerco have suggested in their submission that Rule 22.4.1(a)(ii) (**Existing sub- stations**) is relocated to 22.4.1(b) and that this section is slightly re-worded. The difference between (a) and (b) in this section is that (a) provides for new activities and (b) provides for the continued use of existing activities. Therefore it is logical to group these activities together and will prevent confusion.
- 6 Transpower desired in submission 3.4 that rule 22.4.1(a)(i) and (ii) (**Electricity Lines and existing substations**) was separated into three distinct categories. The reason for this was to give effect to the NPSET. The NPSET does not require specific separation in the rules, only that the rules are in line with the objectives and policies of the statement. Powerco have further submitted that the version proposed by Transpower will exclude ancillary equipment. I therefore recommend the notified version is adopted as it includes all the relevant equipment and still provides for maintenance or minor upgrades under (a).
- 7 Transpower have also suggested that recognition of the need to trim vegetation be recognised in this chapter as a permitted activity. A reference to this is reasonable and will provide clarity as long as it cross references Chapter 10 – Natural Environment which has restrictions on some **vegetation trimming**.

Rule 22.4.3 Discretionary Activities

- 8 Transpower have recommended that 'electricity lines' are specifically mentioned for discretionary activities. The more exact term improves Plan clarity and is supported.

22.5 Performance Standards

- 9 Minor amendments to the **Earthworks provisions** were suggested in order to provide for the situations where full reinstatement is not possible. The version put forward by Powerco provides the more reasonable approach as to why full reinstatement may not be possible and it is recommended that that wording is inserted into the Plan.
- 10 The Earthworks provisions of Chapter 14 will not apply to Network Utilities, however there is still be a duty to avoid, remedy or mitigate adverse effects relating to earthworks under section 17 of the Act. Therefore while the provisions of performance standard 14.5.2(f) will not apply to network utilities as it is outside the scope of this Plan Change to put those provisions in Chapter 22, the requirement to meet the performance standards will still apply.

- 11 Powerco have rightly pointed out that section 22.5.2 relating to **signage** is the same rule as in Chapter 16 – Signage. Their submission recommends a cross reference as used elsewhere in this section, to prevent needing consent under two sections of the Plan where a rule is breached and to prevent a conflict should one rule version change in the future. However as this was the only relevant rule for network utilities in relation to signage and it is considered easier for the Plan user to read the rule in the Network Utilities Chapter than to be referred elsewhere in the Plan. However Powerco are correct and it is recommended that a cross reference to Chapter 16 is used rather than the rule itself.

22.5.6 Undergrounding of lines and pipes

- 12 Powerco and Transpower recommend minor clarification changes to the provisions for the undergrounding of lines and pipes. The majority are supported by Chorus and Spark. I support these changes.
- 13 However Powerco have submitted an alternative version for performance standard 22.5.6(a)(iv) that would allow for the extension of the above ground network, which is currently not allowed, except in the Rural Zones. The purpose of the rule is so that over time, more of the line network is underground. The Powerco submission would see this reversed, with potentially more single pole support structures in the urban area over time as the network is upgraded for more dwellings or changing technology requirements. I do not support this alternative wording. This will result in any extension of the overhead network being considered on its merits through the resource consent process.

7.12 Officer Recommendations:

That submissions 2.3, 3.4, 4.2 and 5.2 from Powerco Limited, Transpower New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited and further submissions 4.1, 5.4, 5.6, 5.8 from Powerco Limited and Transpower New Zealand Limited be **accepted in part**.

The following amendments are recommended as a result of these submissions.

22.4 RULES

The rules and performance standards in this chapter apply to network utilities across the District. The rules and performance standards of the underlying zones do not apply to network utilities managed within this section unless specifically stated otherwise in Section 22.4 Rules or Section 22.5 Performance Standards. The rules and performance standards set out in the following District Plan Chapters apply on a district wise basis and will continue to apply to network utilities unless specifically stated otherwise: Chapter 9 Cultural Heritage, Chapter 10 Natural Environment; Chapter 11 Natural Hazards; Chapter 13 Subdivisions

and Infrastructure, Chapter 16 Signage; Chapter 17 Noise and Chapter 18 Hazardous Substances.

Note:

The zone based rules apply to all network utility earthworks and structures where in close proximity to the National Grid, apart from the following network utilities:

- In a transport corridor;
- As part of a transmission activity; or
- For electricity infrastructure.

22.4.1 Permitted Activities.

The following infrastructure activities are permitted throughout the District provided they comply with Performance standards within this chapter and the underlying zone, overlay or other relevant chapters:

- a. The investigation, construction, operation, maintenance, repair and upgrading and removal of the following network utilities provided they comply with Performance Standards 22.5:
 - ii. Existing electricity substations. The electricity network including:
 - Electricity lines and associated transformers of a voltage up to and including 110kV;
 - Maintenance or minor upgrading of any existing lines; or
 - Ancillary equipment.
- ~~b. The operation, maintenance and repair of pipelines and necessary incidental equipment exceeding 2000kPa.~~
- b. The operation, maintenance, repair, upgrading and removal of the following network utilities:
 - i. Existing pipelines and necessary incidental equipment exceeding 2000 kPa
 - ii. Existing electricity substations.
- c. Trimming or removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the electricity line provided that the activity complies with Chapter 10.

22.4.3 Discretionary Activities.

The following are discretionary activities throughout the District:

- iii. Transformers and electricity lines and support structures for conveying electricity at a voltage exceeding 110kV.

22.5 PERFORMAMNCE STANDARDS – Network Utilities

The rules and performance standards relating to Heritage, Natural Environment and Natural Hazards in Chapters 9- 11 and relating to subdivision, Signage, Noise and Hazardous Substances, contaminated sites, relocated buildings, temporary military training activities and financial contributions in Chapters 14-20 shall also be complied with where relevant, unless specifically provided for below.

22.5.1 Earthworks.

- a. Where the construction, maintenance, upgrade or removal of a network utility involves disturbance to the ground, at the completion of the work the ground shall be reinstated to the same or similar condition existing prior to commencement of the work unless covered by a building, structure or landscaping.

22.5.2 Signage.

- a. Identification and/or health and safety signs in association with the infrastructure to which they relate not exceeding 0.5m² and attached to the corresponding infrastructure or immediate vicinity when infrastructure is underground.

Signage shall comply with the signage rules in Chapter 16.

22.5.6 Undergrounding of lines and pipes.

The following conditions apply to lines and pipes but not to incidental equipment which require an above ground location:

- a. Lines shall be located underground except in the following circumstances:
 - i. where they traverse any Rural zones or roads within the Rural zone; or
 - ii. where it is not practicable due to geological, or topographical, technical or operational constraints; or

...

Note: This performance standard relates to 'lines' as defined in the District Plan. It does not relate to 'electricity lines'.

7.13 Submissions relating to ancillary or cross topics

7.14 Submitter Name: [Transpower New Zealand Limited](#)

Submission No: 3.2pc44

Summary:

Supportive in part of Plan change as it relates to the zoning chapters, as described below:

1. Retain the discretionary activity status in the Rural Lifestyle and Residential Zones for network utilities that do not comply with Chapter 22 as it is in line with the NPSET.
2. Create a new restricted discretionary and non-complying activities for earthworks within the National Grid in the Residential Zone as there is no provision elsewhere in the Chapter.

Decision Sought:

1. Retain the discretionary activity status in the Rural Lifestyle and Residential Zones for network utilities that do not comply with Chapter 22.
2. Create a new restricted discretionary and non-complying activities for earthworks within the National Grid in the Residential Zone.

7.15 Officer Comments:

The support of Transpower New Zealand Limited is noted and appreciated.

The submission remedies sought are supported, except where commented on below:

Transpower have requested that National Grid provisions relating to earthworks are inserted into the Residential Zone. This is beyond the scope of Plan Change 44 as it does not relate to network utility activities, but instead activities that can occur around network utilities. There was no intention indicated that the National Grid provisions in the Residential Zone might be altered as part of this Plan change when notified. The National Grid provisions have been inserted into the District Plan during Phases 2 and 5 of the rolling review in the past. I note that as this rolling review has progressed, that Transpower have refined the provisions they wish to see in each chapter. It is proposed that once the majority of the rolling review is completed, that a general plan change is developed to resolve these kind of inconsistencies between the zones.

7.16 Officer Recommendations:

That Submission 3.2 from Transpower New Zealand Limited be **accepted in part**.

No amendments are recommended as a result of this submission.

7.17 Submitter Name: [Horizons](#)

Submission No: 9.1pc44

Summary:

Support the proposed Plan change. The proposed provisions for network utilities are in general accordance with the One Plan.

Decision Sought:

1. That the policies 22.3.2 and 22.3.9 be retained as drafted.

2. That an advice note above rule 22.4.1, outlining the potential for Regional Council consent is added.
3. That proposed rules 22.4.2(a) xi and xii be amended to add greater certainty to the rules.
4. That a new definition for 'upgrade' be added to the District Plan.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.10pc44

Summary:

Neutral towards submission 9.1 in relation to amending rule 22.4.1(a)(xi).

Transpower notes that a definition of minor upgrading is provided for in the District Plan (out of the scope for this Plan change) – this definition would apply to upgrades of the National Grid, although it is noted that the term is defined in the context of Flood Risk Areas.

Transpower understands the relief sought by Horizons is specific to soil conservation, erosion control, river control and flood protection.

Submitter Name: [Wanganui Federated Farmers of New Zealand](#)

Further Submission No: 6.1pc44

Summary:

Supportive of submission 9.1 in relation to the definition of 'upgrade'.

Infrastructure developments, in particular those to network utilities, have the ability to create significant adverse effects to existing land uses. By defining 'upgrade', Federated Farmers believes that this will provide more certainty to all Plan users, in particular land owners, around developments undertaken on their properties.

As with our previous submission, Federated Farmers believes that the activity status for network utility activities should be discretionary, to fairly provide the land owner with the opportunity to be informed about what activities are intended to take place on their property, via the consent process.

Submitter Name: [Powerco Limited](#)

Further Submission No: 4.2pc44

Summary:

Supportive and opposed in part to submission 9.1 in relation to the advice note and the new definition for 'upgrade'.

An advice note to this effect is not considered necessary as all activities will be subject to any relevant provisions of both the District and Regional Plans in any case. However, if such a note is to be included, the proposed wording could be supported.

The inclusion of the definition of 'upgrade' used in the One Plan in the District Plan will provide further clarity around the scope of activities that can be considered as upgrading and can be supported.

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.4pc44

Summary:

Opposed in part to submission 9.1 in relation to the new definition for 'upgrade'.

There needs to be clarity as to what the submitter considers upgrades to include.

7.18 Officer Comments:

1. The support of Horizons Regional Council and the further submissions from Transpower New Zealand Limited, Wanganui Federated Farmers of New Zealand, Powerco Limited and Horticulture NZ are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
3. Minor changes have been made to **Policy 22.3.2** as discussed in section 7.8 of this report. The changes do not substantially affect the purpose of the policy and improve clarity. No changes are recommended to Policy 22.3.9.
4. Horizons have requested that an **advice note** to the start of Rule 22.4 outlining the potential for Regional Council consent. While it is not necessary, given that the activities that occur in this chapter are run by organisations well aware of the requirement, I recommend inclusion of the advice note to be consistent with the other 'activity specific' chapters and to avoid confusion about whether the Regional Council requirements apply.
5. Horizons request that a definition of '**upgrade**' is added and have recommended the definition used in the One Plan. Transpower has suggested that this is outside the scope of Plan change 44. Plan change 44 specifically provides for upgraded network utilities as a Permitted Activity, a definition for 'upgrade' is therefore within scope. The term 'upgrade' used to be defined in relation to network utilities in Chapter 10 (Natural Environment), however this is proposed to be removed in Plan change 45. The term is also used in rules relating to vehicle crossings, financial contributions and the earthwork and lines provisions of Chapter 22 (network utilities). Therefore the implications of defining this word are wider than just Chapter 22. The definition provided by Horizons is consistent with all these uses and would provide increased clarity to Plan users. There is no need to limit the definition to soil conservation, erosion control river control and flood protection as submitted by Transpower, as such a definition could also provide clarity beyond those activities.
6. Federated Farmers further submission comments regarding the **activity status** of Network Utilities are beyond scope as the matter is not raised by the original submission from Horizons. The issue is further addressed in their submission in section 7.23 of this report.

7. Horizons have recommended changes to Rule 22.4.1(a)(xi) (**Soil conservation etc**). to be consistent with the One Plan and to include maintenance and upgrades.

Council must ensure the District Plan is consistent with the Regional Plan. in this instance, it is unreasonable to have exactly the same rules as the One Plan. Horizon's submission is not supported as it would result in an duplicated consent process, adding no benefit to the environment not already achieved through the Regional Council consent process. I recommend reliance on the advice note at the start of the chapter advising Plan users of potential additional consents from the Regional Council.

8. The rule that this activity is listed under (a) already states maintenance and upgrading, so specifically listing for one activity in the list is redundant.

7.19 Officer Recommendations:

That Submission 9.1 from Horizons Regional Council and further submissions 4.2, 5.10 and 6.1 from Powerco Limited, Transpower New Zealand Limited, Wanganui Federated Farmers of New Zealand be **accepted in part**.

That Further submission 7.4 from Horticulture NZ be **rejected**.

The following amendments are recommended as a result of these submissions.

CHAPTER 2: DEFINITIONS

Upgrade: means bring a structure, system, facility or installation up to date or to improve its functional characteristics, provided the upgrading itself does not give rise to any significant adverse effects, and the character, intensity and scale of any adverse effects of the upgraded structure, system, facility or installation remain the same or similar.

22.4 RULES

Notes:

1. The zone based rules apply to all network utility earthworks and structures where in close proximity to the national Grid, apart from the following network utilities:
 - In a transport corridor;
 - As part of a transmission activity; or
 - For electricity infrastructure.
2. Consents may also be required from the Manawatu-Whanganui Regional Council.

7.20 Submitter Name: [Wanganui Federated Farmers of New Zealand](#)

Submission No: 11.1pc44

Summary:

Supportive of the intent of proposed Plan change, but would like to make comment on the following:

1. That Issue 3.1.4 and Objective 3.2.2 are amended to reflect the significance of the adversity that infrastructure can create on Rural Activities.
2. That the reference in Performance Standard 12.5.5(b) to 13.5.9 (vehicle crossing widths) is checked as there is no 13.5.9.
3. Supportive of the provisions for renewable energy as it will add more resilience to farm operations, particularly in the remote parts of the District.
4. The Introduction to Chapter 22 (Network Utilities), paragraph 3 should be amended to recognise the adverse effects on landowners generated by network utilities. The same wording should be used to create a new Objective.
5. A new Policy should be created and preceded all policies in Chapter 22 to recognise first and foremost the importance of ensuring that the existing communities are provided for when dealing with network utilities.

Decision Sought:

1. That Issue 3.1.4 and Objective 3.2.2 are amended so that Infrastructure does not compromise Rural Activities.
2. That the reference in Performance Standard 12.5.5(b) is confirmed as correct.
3. Retain provisions relating to renewable energy – particularly at a farm scale.
4. That the Introduction to Chapter 22 (Network Utilities), paragraph 3 is amended and a new Objective created to recognise the effects on Infrastructure on landowners as stated in the submission.
5. That a new Policy shall be introduced and given precedence over existing policies to avoid, remedy or mitigate the adverse effects of network utilities on adjacent land uses.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.11pc44

Summary:

Neutral towards submission 11.1 in relation to the issues and objectives of the Plan Change.

1. Issue 3.1.4 and objective 3.2.2 are not within the scope of the proposed Plan change as they are subject to Plan Change 36 – Rural Zones. Notwithstanding this, Transpower notes that the provisions are reflecting the NPSET and the fact that some infrastructure facilities have locational and operational requirements.
2. The suggested new objective and policy is considered unnecessary as the effects on established rural activities are adequately provided for in the provisions. Provisions related to policy precedence setting are not considered appropriate, especially in the context of the National Grid. Transpower considered the Plan provisions are required to focus on effects based provisions as opposed to property based provisions. Specific references to electricity liens causing adverse effects without compensation is inappropriate for inclusion in the District Plan.

Submitter Name: [Powerco Limited](#)

Further Submission No: 4.3pc44

Summary:

Opposed to submission 11.1 in relation to issue 3.1.4, objective 3.2.2, the introduction to chapter 22 and the suggested new policy.

1. It is Powerco's understanding that issue 3.1.4 and objective 3.2.2 are not part of the current plan change and, as such, there appears to be a scope issue with the submission. Notwithstanding this, Powerco opposes the changes sought. It is appropriate to recognise that regionally nationally significant infrastructure forms a part of the existing rural environment and the objectives and policies on Chapter 22 – Network Utilities already provide a policy framework around the need to manage the effects of such activities on the surrounding environment.
2. The proposed wording is opposed in both the introduction and as a new objective. In particular, it is not appropriately worded to form an objective. Compensation is not an RMA matter and should not be addressed in the District Plan. Similarly, landowner's rights and access issues are more appropriately addressed under the Electricity Act. The policy framework in Chapter 22 already requires management of the effects of network utilities on the surrounding environment, which landowners are part of.
3. The policy framework of Chapter 22 already requires management of the effects of network utilities on the surrounding environment, which landowners are a part of (Policy 22.2.3). Further, it is inappropriate to prioritise one element of the receiving environment (i.e farming) over others. The new policy is unnecessary and inappropriate and is opposed.

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.5pc44

Summary:

Supportive of submission 11.1 in relation to issue 3.1.4, objective 3.2.2 and the proposed new policy.

Infrastructure does not exist in isolation to the adjacent land uses which also need to be considered and provided for.

7.21 Officer Comments:

1. The comments from Wanganui Federated Farmers of New Zealand, Powerco Limited, Transpower New Zealand Limited and Horticulture NZ are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
3. Rural Provisions

Federated Farmers have requested changes to Issue 3.1.4 and Objective 3.2.2. These are rural provisions that were reviewed as part of Plan change 36 and beyond the scope of this Plan change. The provisions were in the marked up text for reference and shaded grey to indicate they were not part of this phase of the review.

4. Vehicle Crossings

Federated Farmers believe there is a reference error to the vehicle crossing provisions. Rule 12.5.5(b) refers to Rule 13.5.9 in the marked up text. Rule 13.5.9 is located in the subdivision chapter and was not part of this review. It is found in the operative Plan and relates to the widths for shared accessways and right of ways.

5. Infrastructure's effect on landowners

Federated Farmers have requested that the introduction to Chapter 22 is altered and a new objective and policy is created to prioritize landowners over network utilities. This is opposed by Transpower and Powerco. It is recommended that this submission is rejected for the reasons outlined in the further submission by Powerco:

"Compensation is not an RMA matter and should not be addressed in the District Plan. Similarly, landowner's rights and access issues are more appropriately addressed under the Electricity Act.

...

The policy framework of Chapter 22 already requires management of the effects of network utilities on the surrounding environment, which landowners are a part of (Policy 22.2.3). Further, it is inappropriate to prioritise one element of the receiving environment (i.e farming) over others."

7.22 **Officer Recommendations:**

That further submissions 4.3 and 5.11 from Powerco Limited and Transpower New Zealand Limited be **accepted**.

And that submission 11.1 from Wanganui Federated Farmers of New Zealand be **accepted in part**.

And that further submission 7.5 from Horticulture NZ is **rejected**.

No amendments are recommended as a result of these submissions.

7.23 **Submitter Name:** [Wanganui Federated Farmers of New Zealand](#)

Submission No: 11.2pc44

Summary:

Supportive of the intent of proposed Plan change, but would like to make comment on the activity status of network utilities:

1. That all network utilities currently Permitted Activities be made Discretionary Activities so that landholders will have the ability to be involved in the consultative process and participate in a resource consent process. The current Permitted Activity status will not consider the adverse effects on landowners and it is not reliant on any standards of consultation.
2. That survey infrastructure is added to the list of Permitted Activities for Network Utilities.

Decision Sought:

1. That all proposed Permitted Activities in Chapter 22 (Network Utilities) be re-classified as Discretionary Activities.
2. That survey infrastructure is added to the list of Permitted Activities for Network Utilities.

Submitter Name: [Spark New Zealand Trading Limited](#)

Further Submission No: 1.1pc44

Summary:

Opposed to submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities. Network utilities are significant physical resources that provide essential services to businesses and the community. On this basis it is considered that the provision for network utilities as a permitted activity subject to meeting reasonable standards is acceptable. Requiring discretionary activity status for all network utilities is unjustified and would have significant economic and social implications for Whanganui District.

Submitter Name: [Chorus New Zealand Limited](#)

Further Submission No: 2.1pc44

Summary:

Opposed to submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities. Network utilities are significant physical resources that provide essential services to businesses and the community. On this basis it is considered that the provision for network utilities as a permitted activity subject to meeting reasonable standards is acceptable. Requiring discretionary activity status for all network utilities is unjustified and would have significant economic and social implications for Whanganui District.

Submitter Name: [NZ Transport Agency](#)

Further Submission No: 3.2pc44

Summary:

Opposed to submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities. The Transport Agency is of the view that the activity status of network utilities should remain permitted. The Transport Agency has good practice standards in place and would consult with neighbouring properties independent of what activity status. The Transport Agency is a Requiring Authority and has a policy to designate for future projects.

Submitter Name: [Powerco Limited](#)

Further Submission No: 4.4pc44

Summary:

Opposed to submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities.

The submission is opposed and should be rejected. Discretionary activity status for all network utilities is unduly onerous, particularly in respect to the operation, maintenance and upgrade of existing network utilities and is not reflective of the level of effects generated by those activities. Landowner's rights and access issues are more appropriately addressed under the Electricity Act.

Submitter Name: [Transpower New Zealand Limited](#)

Further Submission No: 5.12pc44

Summary:

Opposed to submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities.

In addition to being inconsistent with the NPSET, the relief sought does not take into account the importance of network utilities, nor adopts an effects-based planning approach.

Submitter Name: [Horticulture NZ](#)

Further Submission No: 7.6pc44

Summary:

Supportive in part of submission 11.2 in relation to making all permitted activities in Chapter 22 discretionary activities.

There needs to be certainty that activities can be undertaken as permitted activities without adversely affecting adjacent land uses.

7.24 Officer Comments:

1. The comments from Wanganui Federated Farmers of New Zealand, Spark New Zealand Trading Limited, Chorus New Zealand Limited, NZ Transport Agency, Powerco Limited, Transpower New Zealand Limited and Horticulture NZ are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
3. Activity Status of Network Utilities

Federated Farmers have submitted that all Network Utilities should be discretionary activities instead of permitted activities. No evidence has been provided to justify this change in approach. Network Utilities are essential for people and communities to provide for their social and economic wellbeing, consistent with the purpose of the Act. National Policy Statements, National Environmental Standards and the regional documents all support a permitted status for network utilities. A permitted activity status is also consistent with adjoining territorial authorities and other second generation Plans.

As the submitter focuses on the effects on the landholders, I recommend that this is better handled under the Electricity Act 1992 or the Public Works Act

1981, which is where effects to and compensation for landholders is provided for.

4. Survey Infrastructure

Federated Farmers have submitted that survey infrastructure be specifically added to the list of Permitted Activities for Network Utilities. No evidence has been provided as to why survey infrastructure needs to be specifically included in the Plan. Council is not aware of any issues with survey infrastructure in the past 8 years (if not longer). I was unable to find evidence of it being included in any other District Plans. After discussion with a local surveyor, I do not believe this is an issue requiring regulation in the District Plan.

7.25 **Officer Recommendations:**

That submission 11.2 from Wanganui Federated Farmers of New Zealand and further submission 7.6 from Horticulture NZ be **rejected and** further submissions 1.1, 2.1, 3.2, 4.4 and 5.12 from Spark New Zealand Trading Limited, Chorus New Zealand Limited, NZ Transport Agency, Powerco Limited and Transpower New Zealand Limited be **accepted**.

No amendments are recommended as a result of these submissions.