

BEFORE THE INDEPENDENT HEARING COMMISSIONERS

Under the Resource Management Act 1991

In the matter of

Proposed Plan Change 55 to the Manawatu District Plan

And

Transpower New Zealand Limited

Submitter ref S11 Further Submitter ref FS7

Statement of Evidence in Chief of Rebecca Mary Eng for Transpower New Zealand Limited dated 5 December 2016

Introduction

1. My full name is Rebecca Mary Eng.
2. I am a Senior Environmental Planner at Transpower New Zealand Limited (**Transpower**).
3. I have a Master's of Resource and Environmental Planning degree from Massey University, and am an Intermediate member of the New Zealand Planning Institute. I have been working for Transpower since July 2015.
4. The primary remit of my role is to lead regulatory policy projects, including implementing the National Policy Statement on Electricity Transmission (**NPSET**). The role includes reviewing second generation district plans and plan changes on a nationwide basis, and preparing submissions, further submissions and evidence in support of Transpower's interests.
5. I am also responsible for preparing environmental consenting strategy advice and assessments for Transpower capital expenditure projects, such as regional and territorial resource consent applications, and outline plans of work for Transpower's designated sites. My experience and formal qualifications are contained within **Attachment A**.
6. I am familiar with the National Grid assets within the Manawatu District, which are listed in Paragraph 19 of **Mr Dougall Campbell's** evidence.
7. I have read the statement of evidence of **Mr Campbell** and have taken this statement into account in preparing this statement of evidence.

Code of Conduct

8. I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. As I am employed by Transpower, I acknowledge I am not independent; however, I have sought to comply with the Code of Conduct. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

9. My evidence will cover:

- (a) Summary of evidence;
- (b) Manawatu District Plan Review Approach;
- (c) The National Policy Statement on Electricity Transmission 2008, the “King Salmon” Supreme Court decision and the Regional Policy Statement 2014 (One Plan);¹
- (d) Further amendments sought to:
 - i. Objectives 1, 2 and 3;
 - ii. Policy 2.4;
 - iii. Policy 3.1;
 - iv. Definitions of “earthworks”, “minor upgrading” and “network utilities”
 - v. Rule 3A.4.5: Non-complying activity status for network utilities in outstanding natural landscapes;
 - vi. Rule 3D.4.3: Activity status for earthworks within the National Grid Yard;
 - vii. Rule 3F.4.3: Activity status for temporary activities in the National Grid Yard;
- (e) Benefits of the amendments sought by Transpower; and
- (f) Conclusion.

10. I have read the section 42A report prepared by Ms Harris, and agree with some of the recommendations contained within it. In order to keep my evidence concise, within the main body of the evidence I have only addressed the matters for which my opinion differs from Ms Harris’s and I consider amendments are appropriate. For clarity, **Attachment B**

¹ Environmental Defence Society Inc. v The New Zealand King Salmon Company Limited (2014) NZSC 38 (17 April 2014).

lists out my position in relation to each of the s42A report recommendations insofar as they relate to Transpower's relief.

Summary of Evidence

11. Having read the s42A report recommendations I support some of the recommendations made and note that some of these reflect pre-hearing discussions between Council, Transpower and other parties. However, in relation to the Network Utilities provisions in Chapter 3A in particular, the policy framework as recommended fails to meet Council's obligations under section 75 of the RMA, National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement (the One Plan).
12. The scope of this failure is in relation to two key areas, particularly with regard to the recommended objective and policy framework:
 - the extent to which regionally and nationally important infrastructure including the National Grid is enabled, including specific policy direction for decision makers where new infrastructure may need to be located in sensitive environments; and
 - The extent to which the Plan will ensure adverse effects on regionally and nationally important infrastructure including the National Grid are avoided.
13. Overall the objective and policy framework is not appropriately directive in key areas that are required by the One Plan, particularly in the context of the King Salmon decision. There are a number of other areas where I disagree with the s42A report recommendations and have provided a rationale for this in each case.

District Plan Review Approach

14. I understand that the Council is conducting its District Plan review on a staged basis and Plan Change 55 is just one of a number of district plan changes that will be subject to statutory consultation processes over the coming years.

15. The operative District Plan has given effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) in part, via Plan Change 45: Feilding Growth. That plan change included some provisions to manage the effects of urban growth on the existing National Grid network, which gives effect to Policy 10 of the NPSET within the relevant Feilding Growth Precincts. The chapter includes a policy reference to protecting the National Grid and a number of land use, earthworks and subdivision rules. There are currently no other District Plan provisions that give effect to the NPSET in terms of facilitating National Grid or managing the effects of other activities on the National Grid within other zones of the District.
16. Within the Network Utilities chapter of the District Plan proposed by Plan Change 55, Transpower's submission sought to establish a comprehensive objective and policy framework to give effect to the policy direction of the NPSET and the Regional Policy Statement 2014 (One Plan). The policy direction within the Network Utilities chapter will not be relevant to all of the activities that are controlled by rules within the chapter (such as dwellings), but it is understood that this will be completed as part of forthcoming plan changes. This is fundamental to the approach I have taken in responding to the s42A report recommendations within this brief of evidence.

National Policy Statement on Electricity Transmission 2008 (NPSET), the "King Salmon" Supreme Court decision and the Regional Policy Statement

17. In this section I have made a number of observations on the statutory policy context that is relevant to the National Grid. It provides a background context for my position on a number of the recommendations within the s42A report.
18. The National Policy Statement on Electricity Transmission was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid, and establishes national policy direction to recognise the benefits of transmission, the effects of the National Grid and the need to appropriately manage activities and development close to it.

19. The objective of the NPSET is important in setting the background context to the relief that Transpower has sought. My interpretation of the NPSET is that it requires the Council to give effect to three key matters within the District Plan, and these are derived from the NPSET Objective. They are:

- i. Recognise the national significance of the electricity transmission network and **facilitate** the National Grid (both existing and new assets);
- ii. Manage the adverse **effects of the National Grid on the environment**; and
- iii. Manage the adverse **effects of other activities on the National Grid**.

20. The policies within the NPSET set out how the objective will be achieved, and I interpret that the language of these policies gives direction to the Council in its obligation to give effect to the NPSET within the District Plan.² Policies 8, 10 and 11 are particularly relevant (bold text is my emphasis):

Policy 8 *"In rural environments, planning and development of the transmission system should **seek to avoid** adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities."*

Policy 10: *"In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to **avoid** reverse sensitivity effects on the electricity transmission network **and to ensure that** the operation, maintenance, upgrading and development of the electricity network is **not compromised**."*

Policy 11: *"Local authorities must consult with the operator of the national grid, to identify an appropriate buffer **corridor within which it***

² Section 75(3)(a) of the RMA requires that District Plans must "give effect" to a National Policies 10 and 11.

can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent."

21. In recommending to reject Transpower's relief in relation to Objective 2, Ms Harris makes a number of statements that while Transpower:

*"seeks consistency with the NPS the use of "avoid" is an absolute and has a specific meaning from recent case law which ultimately would see the plan prohibiting activities in key areas. This was not likely to be the intention of the submitter."*³

22. On the contrary, based on my knowledge of the specific wording of the NPSET outlined earlier, I interpret that this is the direct intention of the submitter to use the word "avoid" in the policy framework with regard to activities that have the potential to compromise the operation, maintenance, upgrading and development of the National Grid. My reading is that the s42A report supposes that the King Salmon decision changes the meaning of the word "avoid" within the NPSET to the extent that it isn't intended to prevent certain activities. Rather, in my opinion the direct opposite is true and the King Salmon decision provides greater clarity to the use of the word "avoid" in practice.

23. The objectives and policies within the Network Utilities chapter of the District Plan will set the direction for activities that may be controlled in other chapters of the District Plan that have the potential to adversely affect or compromise the National Grid (such as residential and rural zones). If I have understood the council's intended process for the District Plan review correctly, then it is appropriate that the objectives and policies within the Network Utilities chapter are carefully worded to set a direction that is consistent with the NPSET.

24. With regard to Policy 8 of the NPSET, where the requirement is for the National Grid to "seek to avoid" adverse effects on outstanding natural landscapes (and other features). In my opinion the wording "seek to" preceding "avoid" is a qualifier that the requirement is not absolute in

³ The case law being referred to is not specified within the recommendations, however based on my knowledge of case law regarding the word "avoid" in an RMA context, I have assumed that the reference is to Supreme Court King Salmon decision.

relation to the National Grid. I address this later in relation to the recommended activity status for network utilities (see paragraphs 52 and 53 of this evidence).

Further Amendments Sought

3A.3 Objectives and Policies: Objective 1

25. The s42A report recommends that Transpower's relief in relation to Objective 1 is rejected and that the notified wording is retained. In my opinion, the recommended wording of Objective 1 is not the most appropriate way to achieve the purpose of the RMA. To provide context to my rationale for this I have set out the officer's recommended version and Transpower's version below:

Objective 1 as notified, with no changes recommended: "To ensure network utilities are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of natural and physical resources while recognising the environment they are located in"

Objective 1 wording sought by Transpower: Regionally significant infrastructure, including the National Grid and other network utilities, are able to operate, upgrade and develop efficiently and effectively, (while managing any adverse effects on the environment, having regard to locational, technical and operational constraints.)

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26. The officer's report reasons for rejecting Transpower's relief are:⁴

"the requested wording narrows the focus of the objective from what was originally intended. The requested wording also removes reference to the environment that the infrastructure is located in which was considered to be a key aspect of the objective. There is a policy under this objective about the locational, technical and operational requirements of network utilities. It is considered unnecessary to repeat this within the objective."

⁴ S42A report recommendation in relation to Transpower New Zealand Limited submission point reference S11/017.

27. I refer to the Environment Court's "Long Bay Criteria".⁵ Criterion 8 requires "each proposed objective in a District Plan (change) is to be evaluated in terms of the extent to which it is the most appropriate way to achieve the purpose of the Act." Objective 1 does not meet this criterion as it fails to recognise the National Grid as a matter of national importance established by the NPSET, and in particular, by enabling its operation, upgrade and development.⁶ In my view the wording of Objective 1 provides insufficient direction to decision makers due to its absence of a clear outcome statement. Objective 1 also fails to give effect to the One Plan, specifically Objective 3-1 which is relevant to the National Grid as a resource of national importance and states:

"Have regard to the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading."

28. I disagree with the officer's comments that Transpower's relief "removes reference to the environment that the infrastructure is located in." The proposed wording directly references the "environment" and makes a clear statement of intent to manage any adverse effects on it, resulting from the network utility infrastructure. Furthermore, RMA section 75(1)(b) requires that District Plans must state policies to implement the objectives. The wording of the objective proposed by Transpower requires decision makers to have regard to locational, technical and operational constraints, and the subsequent wording of policy 1.4 provides further direction regarding how the objective shall be implemented.
29. Read in context with Policies 1.1-1.5, the wording of Objective 1 proposed by Transpower will give effect to the One Plan and the NPSET. I agree with the recommended wording of Policy 1.1 which includes clear enabling statements for Network Utilities.

⁵ *Long Bay-Okura Great Park Soc Inc v North Shore CC* (NZEnvC Auckland A078/08, 16 July 2008)

⁶ NPSET Objective

Objective 2

30. Objective 2 is concerned with managing potential adverse effects of activities on network utilities. While I broadly support the recommended policies that sit within Objective 2, my opinion is that it is not consistent with the One Plan for the reasons that I explain below.
31. The One Plan Policy 3-2a gives effect to Policies 10 and 11 of the NPSET. Table 1 below enables a comparison of One Plan Policy 3-2a and the recommended wording of Objective 2 in the s42A report:

Table 1: Comparison of One Plan Policy 3-2a and s42A report recommendations version of Objective 2

One Plan Policy 3-2a	S42A recommendations version of Objective 2
<p><i>"The Regional Council and Territorial Authorities must ensure that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms.</i></p> <p><i>a. Ensuring that current infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance, or upgrading of those activities is</i></p>	<p><i>"To protect the operation, maintenance, replacement and upgrading of existing network utilities, including infrastructure of regional and national importance and the planned development of new network utilities [from the potential adverse effects of subdivision, use, development and other land use activities."</i></p>

<i>avoided as far as reasonably practicable."</i>	
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32. One Plan Policy 3-2a makes a clear outcome statement whereby adverse effects on nationally or regionally important infrastructure must be avoided as far as reasonably practicable.
33. My reading of the outcome statement for the recommendations version of Objective 2 is: to protect network utilities from potential adverse effects. This wording does not reflect the strength of direction set by the One Plan policy and fails to set a robust direction for the policies fall under the Objective. For example, "must ensure adverse effects...are avoided as far as reasonably practicable". I have been unable to locate any statement within the s42A recommendations regarding the extent to which the proposed policy as worded will give effect to the One Plan.
34. I note that the recommendations versions of the Policies under Objective 2 (such as Policy 2.4) incorporate use of the word "avoid" in relation to activities that have the potential to compromise the National Grid. However, when read together the objective and policies framework falls short of meeting the One Plan direction without revision to Objective 2.
35. In my opinion this would be remedied by accepting Transpower's relief (subject to a subtle wording change that I propose to reflect the District Plan and One Plan terminology). As follows:

→ To avoid the establishment of subdivision, development and land use activities that could adversely affect (including through reverse sensitivity) the safe, effective and efficient operation, maintenance, upgrading and development of regionally and nationally important infrastructure of regional or national importance important infrastructure and other network utilities, including the National Grid."⁷

⁷ Transpower "clean" submission version of Objective 2 shown with proposed amendments to reflect OnePlan terminology for "regionally and nationally important infrastructure".

Section 3A.3 Objectives and Policies: Policy 2.4

36. In principle, I support the inclusion of Policy 2.4 where Transpower's relief has been accepted in part. The recommended wording of Policy 2.4(b) in the s42A report differs from Transpower's relief by stating that farm buildings (in addition to intensive farming) "are excluded from establishing within the National Grid Yard".
37. I refer to Mr Campbell's evidence which explains the range of activities that can generally occur within the National Grid Yard (subject to standards) without adversely affecting the National Grid. My interpretation is that as proposed, the policy would go further than necessary to effectively manage adverse effects of activities on the National Grid required by Policy 10 of the NPSET. I do not support the addition of the text "farm buildings" and propose that it should be deleted as follows:

...b. Sensitive activities, and intensive farming activities and farm buildings are excluded from establishing within the National Grid Yard.

Section 3A.3 Objectives and Policies: Objective 3

38. Transpower's relief in relation to Objective 3 and related policies has been accepted in part. I agree with the recommended amendments to Objective 3, but disagree with the proposed amendments to Policies 3.1.
39. This policy does not reflect the wording of NPSET Policy 8, which provides direction for decision makers in relation to National Grid activities in rural environments. Policy 8 of the NPSET includes the words "seek to avoid adverse effects in outstanding natural landscapes." With reference to my earlier statements regarding the meaning of "avoid" in the King Salmon decision, the words "seek to" in relation to avoid are not a bottom line, "must" or "ensure" requirement. This is important in the context of the proposed non-complying activity status for network utilities within outstanding natural features and landscapes discussed later.

40. Policy 3.1 as proposed also fails to recognise the range of matters that the Council must have regard to in within One Plan Policy 3-3 when considering the effects of new regionally or nationally important infrastructure. In addition, One Plan Policy 3-3 does not differentiate between the type of environment that could be affected by the proposed infrastructure in making an assessment of the effects of such development. In order to properly reflect the significance of the National Grid and the qualification within the wording "seek to avoid", in my opinion a specific policy would be appropriate in line with Transpower's original relief:

3.1A
Additonal Policy

"Seek to avoid adverse effects generated by the National Grid on areas of significant landscape value while taking in to account the locational, technical and operational requirements and constraints of the National Grid and the contribution it makes to the functioning and well-being of the community and beyond in assessing its location, design and appearance."

Definition of "Earthworks"

41. Paragraphs 26-35 of Mr Campbell's evidence describe the potential risks that earthworks can pose to the National Grid. This includes activities that have the potential to reduce minimum ground to conductor clearance.
42. I agree in part with the recommended amendments to the definition of earthworks as proposed in the s42A report, which broadly align with Transpower's relief. However, I do not agree with the proposed inclusion of the word "formation" in the list of exclusions. The effect of this change is that formation of farm tracks would be excluded from the National Grid Yard rules in Chapter 3D. As formation of farm tracks is not within the list of exclusions stated within Clause 2.2.4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), it would not be consistent to exclude formation from any level of control within the District Plan.

Definition of "Minor Upgrading"

43. I note that the officer has accepted Transpower's relief in part with regard to the definition of "minor upgrading". Transpower sought amendments to the definition to ensure consistency with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), which applies to existing National Grid assets as at January 2010. I do not agree with the reporting officer's recommendations in relation to two aspects of Transpower's relief which I address below.

44. Firstly, the three metre threshold for support structure replacement that has been incorporated in the definition is more restrictive than Regulation 14 of the NESETA, which relates to alteration, relocation and replacement of National Grid transmission line support structures. It restricts the location of replacement towers relative to existing buildings, and restricts the replacement of poles within 5 metres (measured horizontally) from their base position.⁸ Under section 43B(1) of the RMA, the Plan cannot include rules that are more restrictive than the NESETA because there is no provision within the NESETA that provides for a more restrictive district plan rule in this case.

45. Secondly, the s42A recommendation is to reject in part Transpower's relief seeking the addition of (j) to the definition which stated

"(j) Increase in support structure height required to comply with NZECP34:2001 by not more than 15% of the base height of the support structure, and where the base height is defined as the height of the structure at the date of public notification of the Plan."

46. The s42A report rejected the 15% base height limit increase due to a lack of justification. The standard is derived directly from Regulation 14(3)(a) of the NESETA. In my opinion it is appropriate to include the threshold within the definition as it is consistent with the NESETA.

Definition of "Network Facilities"

⁸ NESETA Regulation 14(3) and 14(8)

47. I note the s42A report recommendation to accept the New Zealand Defence Force's (NZDF) relief⁹ "New Zealand Defence Force facilities" within the definition of network utilities in the District Plan. Transpower lodged a further submission in opposition to NZDF's relief.
48. The rationale given for the recommendation within the s42A report is:
- "...the One Plan (in Policy 3-1) identifies infrastructure of national and regional significance. The infrastructure in Policy 3-1 includes those network utilities under the Act and other regionally important facilities such as New Zealand Defence Force facilities and solid waste facilities. To give effect to the One Plan, it is recommended to extend the definition of network utilities to also include NZDF."*
49. I do not agree that it is appropriate to include NZDF facilities within the definition of network utilities. I note that NZDF facilities are included Policy 3-1(b) of the One Plan as **facilities** of regional or national importance. This is distinct from Policy 3-1(a) that lists specific **infrastructure** of regional and national importance (my emphasis). While these activities are all physical resources of regional or national importance under the One Plan, my interpretation of the One Plan is that this does not make these resources mutually inclusive "network utilities".
50. This is a nuance of the One Plan that has not been recognised in the officer's recommendation and it is a change that could have significant unintended consequences through the permitted activity rules and standards for Network Utilities. These activities are distinct in their differing effects, and simply because they are listed as significant physical resources, does not mean that it is appropriate to manage their effects in the same way.
51. For example, Rule 3A.4.1 permits network utilities throughout the District, provided that they comply with the permitted activity standards. This means that all network utilities are permitted within the National

⁹ Submission reference New Zealand Defence Force (S8/003), Transpower New Zealand Limited further submission reference (FS7/004).

Grid Yard. A consequence of the s42A report recommendation is that NZDF facilities would also be permitted within the National Grid Yard with very limited controls.¹⁰ While the size of structures would be controlled by the permitted activity standards, there is no definition of “New Zealand Defence Force facilities” within the District Plan. This would create uncertainty as it is not clear what these facilities would consist of and whether they would be compatible with other network utilities activities that are enabled by the rule framework in this chapter.

Non-Complying Activity Status for network utilities in ONFs and ONLs

52. In its relief Transpower sought discretionary activity status instead of Non-Complying for any Network Utility located within an Outstanding Natural Feature or Landscape in Appendix 1C. This is to recognise the particular “seek to avoid” wording of the NPSET Policy 8 in relation to outstanding natural landscapes.
53. As an alternative to Transpower’s original relief I propose that the Discretionary Activity rule is amended to apply only to the National Grid instead of all network utilities. This would enable an assessment of any proposal for new National Grid infrastructure in a manner that is consistent with Policy 8 of the NPSET, and reflect the National Grid specific policy in Transpower’s original relief. I have proposed the following wording:

3A.4.5 Except for the National Grid, any network utility located within an Outstanding Natural Feature or Landscape in Appendix 1C is a non-complying activity

Rule 3D.4.5 Non-Complying Activity Status for Earthworks

54. In its relief Transpower sought non-complying activity status for earthworks activities within the National Grid Yard that do not comply with the permitted activity standard. The s42A report recommends that Transpower’s relief be rejected, stating that this would not be consistent

¹⁰ Permitted activity standard reference 3A.4.2g(i) and (ii) requires that buildings and structures within the National Grid Yard must comply with NZECP34 and not exceed a maximum height of 2.5m and an area of 10m².

with the existing National Grid earthworks rules for the Feilding Growth Precinct, where any earthworks that do not comply with the permitted activity standard are restricted discretionary. This is not correct. Under Rule B 1.6.1 A b) earthworks activities within the National Grid Yard that do not comply with specified permitted activity standards are a non-complying activity: this includes those activities that would result in unstable batters and/or unsafe ground-to-conductor clearances under the New Zealand Electrical Code of Practice NZECP34:2001.

55. Transpower's relief sought that this rule would apply where any permitted activity standard for earthworks is breached. This goes further than the existing rule. In order to be consistent with the operative rule, I propose that the non-complying activity status would only apply to activities that breach permitted activity standard 3D.4.2(f)(ii) and (iii). The restricted discretionary activity rule would then only apply to all other earthworks activities that do not comply with the permitted activity Rule 3D.4.1(b)(iv) or permitted activity standards within the National Grid Yard.
56. In addition, given that the earthworks rules proposed as part of this plan change will apply District Wide, I recommend that they are altered further to ensure consistency with NZECP34:2001 and reflect the full range of National Grid support structure types that are located within the Manawatu District. I therefore propose the following rules for earthworks within the National Grid Yard. In order to maintain consistency with the drafting framework and to enable easier readability for plan users, I propose that the earthworks are stated as permitted under 3D.4.1 and all of the permitted activity standards listed together under 3D.4.2.

3D.4.1 Permitted Activities

The following are permitted activities in all zones, except in the Rural and Flood Channel zones and provided that they comply with the standards in Rule 3D.4.2 below.

b. Earthworks in the National Grid Yard

3D.4.2 Permitted Activity Standards

The Permitted Activities specified above must comply with the following standards:

f. **Earthworks in the National Grid Yard**

For National Grid support poles and stay wires:

- (i) **depth shall be no greater than 300mm within 2.2m of the pole or stay wire; and**
- (ii) **depth shall be no greater than 750mm between 2.2m and 5m of the pole or stay wire; and**

For National Grid support towers (including any tubular steel tower that replaces a steel lattice tower):

- (iii) **depth shall be no greater than 300mm within 6m of the outer edge of the visible foundation of the tower; and**
- (iv) **depth shall be no greater than 3m between 6m and 12m of the outer edge of the visible foundation of the tower; and**
- (v) **Shall not compromise the stability of a National Grid support structure; and**
- (vi) **Shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.**

Provided that, the following earthworks activities are exempt from Rule 3D.4.2(f)(i)-(iv):

- By a network utility operator within a transport corridor as part of a transmission activity or for electricity infrastructure; or
- As part of agricultural or domestic cultivation; or
- repair, sealing or resealing of a road, footpath driveway or farm track, or
- Vertical holes not exceeding 500mm in diameter are exempt provided they:
 - Are more than 1.5m from the outer edge of a pole support structure or stay wire; or
 - Are a post hole for a farm fence or horticulture structure more than 6m from the outer visible edge of a tower support structure foundation.

3D4.3 Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities:

a. Any earthworks undertaken in the National Grid Yard that do not comply with the standards for permitted activities under Rule **3D.4.2(f)(i)-(iv)** above.

3D4.4 Non-Complying Activities

Any earthworks within the National Grid Yard that do not comply with Permitted Activity standard 3D.4.2(f)(v) or (vi) is a non-complying activity.

3F.4.3 Discretionary Activity Status for Temporary Activities

57. Transpower sought non-complying activity status for any temporary activity within the National Grid Yard. The s42A report rejected this relief, stating that a discretionary activity status enables consideration of the full range of effects and that a non-complying status would be overly onerous.
58. I do not agree with the officer's recommendation, particularly because the activity status fails to take in to account the potentially differing scale of effects between one temporary activity that may breach a permitted activity standard such as the maximum duration, and another that has the potential to compromise nationally significant infrastructure such as the National Grid. The activity status of discretionary treats all activities the same way. It is inconsistent with Policy 10 of the NPSET which directs councils to ensure that the National Grid is not compromised. On that basis, my opinion is that the appropriate activity status for temporary activities in the National Grid Yard should be non-complying.

Benefits of the amendments sought by Transpower

59. The amendments I consider necessary to better give effect to the NPSET and set a clear policy direction for future plan changes that will take place as part of the Manawatu District Plan review. As a consequence, the proposed amendments will contribute to the following benefits:
- (a) Improved safety to persons and property from reduced likelihood of accidents involving the transmission system;

- (b) Reduced inspection, operation, maintenance, replacement, and upgrade costs;
- (c) Reduced unintended electricity supply outages;
- (d) Reduced process costs for Transpower in operating, maintaining and developing the National Grid; and
- (e) Deferral of new transmission lines, reducing costs and the environmental footprint of the National Grid.

60. Contributing to these benefits will result in improvements to efficiency and help to provide for the economic, social and cultural wellbeing of the people living in the Manawatu District, the Manawatu-Whanganui Region and New Zealand.

Rebecca Eng

Rebecca Eng

5 December 2016

Attachment A

Career Summary

Senior Environmental Planner, Transpower New Zealand Ltd: July 2015 – present

Principal Policy Analyst, Parks & Recreation Policy - Central, Auckland Council:
January 2014 – July 2015

Senior Planner, Barker & Associates, Auckland: February 2012 – January 2014

Associate, RPS Group plc, London, United Kingdom: September 2006 – May 2011

Planner, Beca, Wellington & Tauranga: December 2002 – June 2006

Qualifications

Master of Resource & Environmental Planning, Massey University (2004)

Bachelor of Resource & Environmental Planning (First Class Hons)(Massey
Scholar), Massey University (2002)

Affiliations

Intermediate Member of the New Zealand Planning Institute

Attachment B – S42A Report Recommendations

The following table lists all of the recommendations set out within the s42A report, alongside a statement confirming my position in relation to the recommendation. The matters for which I have suggested amendments are set out in the main body of this evidence.

No.	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
3	2. Definitions Earthworks	Transpower New Zealand Limited S11/001	Support in part	Is generally supportive of the definition of earthworks but seeks three minor amendments to ensure that the National Grid is adequately protected from third party activities.	It is understood that Transpower and Federated Farmers have discussed the content of this submission. With regards to farm tracks, Rule 3D.4.1 permits the repair, sealing or resealing of a farm track in the National Grid Yard. Therefore, excluding the National Grid Corridor in the definition does not unnecessarily restrict the maintenance and repair of farm tracks. On that basis reference to the National Grid Yard is considered unnecessary. Regarding fences and fence lines, Rule 3D.4.1 permits vertical holes for farm fence subject to specific sizes. This enables the activity of post holes that Federated Farmers is seeking. On advice from Transpower the request in the submission should refer to an exclusion in the National Grid Yard, not the National Grid Corridor. Based on the other provisions already provided for in Chapter 3 reference to the National Grid Yard is supported. Similarly, Transpower is only seeking aggregate extraction to be restricted in the definition to the National Grid Yard. This again is supported.	Recommend that submission S11/001 by Transpower is accepted in part, FS9/002 by Federated Farmers is rejected, FS10/003 by Horticulture NZ is rejected and the definition of earthworks amended.	Disagree. [4] - [42]
5	2. Definitions Infrastructure of Regional and National Importance	Transpower New Zealand Limited S11/002	Support	Supports the proposed definition.	Support is noted.	Recommend that submission S11/002 by Transpower is accepted.	Agree.
7	2. Definitions – Minor Upgrading	Transpower New Zealand Limited S11/003	Support in part	Is generally supportive of this definition but seeks amendments to ensure that the National Grid is appropriately enabled.	The definition of upgrading is intended to enable maintenance activities to ensure infrastructure can be effective and efficient. There is a need to relocate and replace support structures over time. A 3m distance is considered to be small and appropriate. Recognition of the NZECP safe distances from conductors is an important consideration. Agree with the submitter request to add an additional element to the definition of minor upgrading to reflect the changes that could be required to ensure	Recommend that submission S11/003 by Transpower is accepted in part and the definition is amended.	Disagree [43] - [46]

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
					community safety. With regards to the increase in height by 15% there is no supporting evidence on why is this required, or why the provision relating to the safe distances as required by the NZCEP are not sufficient.		
8	2. Definitions National Grid Corridor	Transpower New Zealand Limited S11/004	Support	Supports the proposed definition of National Grid Corridor because it provides an appropriate buffer area around National Grid Lines that have been determined in accordance with technical considerations such as conductor swing.	Support is noted.	Recommend that submission S11/004 by Transpower is accepted and FS11/004 by First Gas is accepted.	Agree
8	2. Definitions National Grid Yard	Transpower New Zealand Limited S11/005	Not stated	To properly reflect the range of National Grid assets that are located within the Manawatu District and to enable proper interpretation of the District Plan.	Support a clearer diagram to be inserted in the District Plan to provide greater certainty and clarity for plan users.	Recommend that submission S11/005 by Transpower is accepted and FS10/004 by Horticulture NZ is accepted and a new diagram is included in the District Plan as follows: [DIAGRAM PROVIDED BY TP]	Agree
9	2. Definitions Network Utility	Transpower New Zealand Limited S11/006	Support	Support definition as it includes part 'c' transformation, transmission or distribution of electricity. This captures the activities of the National Grid.	Support is noted.	Recommend that submission S11/006 by Transpower is accepted.	Agree
9	2. Definitions - Network Utility	New Zealand Defence Force (S8/003) Further Submission Transpower New Zealand Limited (FS7/004)	Oppose	A network utility is defined as an activity or operation of a network utility operator and includes those facilities which provide an essential service to the public. Defence facilities and activities are critical to the health, safety and wellbeing of people and communities. This is recognised in Policy 3.1 of the One Plan. To give effect to this plan, NZDF considers it appropriate for 'defence facilities' to be added as a bullet point on this list.	Defence facilities are not included in the definition of a Network Utility Operation under the Resource Management Act. However, the One Plan (in Policy 3-1) identifies infrastructure of national and regional significance. The infrastructure in Policy 3-1 includes those network utilities under the Act and other regionally important facilities such as New Zealand Defence Force facilities and solid waste facilities. To give effect to the One Plan, it is recommended to extend the definition of network utilities to also include NZDF facilities.	Recommend that submission S8/003 by NZ Defence Force is accepted in part and FS7/004 by Transpower is rejected and the definition amended. <i>N Vance One Plan Infrastructure Utilities</i>	Disagree (47) - (51)
11	2. Definitions Sensitive Activities	Transpower New Zealand Limited S11/007	Oppose in part	Transpower supports the inclusion of a definition for 'sensitive activities' and is not opposed to the principle of cross referencing this definition to the definition of 'noise sensitive activities'. However, opposes the definition of noise sensitive activities and requests amendments to ensure that the full range of sensitive activities (as defined in the NPSET) are suitably distanced from the	It is understood that the inclusion of the definitions listed is consistent with the NPSET, however many of the changes are actually already part of the definitions in the District Plan. For instance, the assisted living accommodation definition in the Plan includes retirement villages; and education facilities includes day care centres and change res. Family flats and sleepouts are not terms currently	Recommend that submission S11/007 by Transpower is accepted in part and FS10/005 by Horticulture NZ and FS12/003 by the Oil Companies is accepted and the definition amended.	Agree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
16	3.1 Introduction	Transpower New Zealand Limited S11/008	Oppose	<p>National Grid operation and activities.</p> <p>Transpower opposes this statement as it is unclear. It is not clear what is meant by 'more specific' and 'they shall apply'. It is assumed that 'they' refers to the zoning rules, however it is not explicit. Request this statement is replaced with a statement that more clearly described the relationship between the zone rules and the District Wide rules.</p>	<p>used in the District Plan. While there are no hospitals in the Manawatu District, there could be a 'hospital' wing in a retirement complex. Therefore, the inclusion of hospital would be appropriate.</p> <p>The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply. To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified. Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.</p>	<p>Recommend that submission S11/008 by Transpower is accepted in part and FS3/002 by NZ Defence Force is accepted in part and FS11/002 by First Gas is accepted in part and FS13/001 by Powerco is accepted in part and the introduction amended.</p>	<p>Accept with caveat that this may need to be reviewed in the fullness of time, following completion of the zone chapter review which will enable a better understanding of how the provisions will relate to one another.</p>
19	3A.1 Introduction	Transpower New Zealand Limited S11/009	Support in part	<p>Support the approach to the introduction in principle but request that additional explanatory text is included to acknowledge that network utilities can have adverse effects on the environment, and that it may not always be possible to avoid, remedy or mitigate these effects. It has been proposed here as a general statement applicable to all types of network utilities, but is derived from the NPSET and is therefore directly relevant to the National Grid, particularly where new National Grid infrastructure is proposed.</p>	<p>There are instances where network utilities can have effects due to their locational, operational or technical requirements. There is often a need to balance the needs of the network utility operation, the need to manage environmental effects and the benefits to the community and beyond. Agree with the submitter that additional commentary in the plan to reflect this would be appropriate.</p>	<p>Recommend that submission S11/009 by Transpower is accepted in part and FS9/0010 by Federated Farmers is accepted and FS10/009 by Horticulture NZ is accepted and FS13/002 by Powerco is accepted and the introduction is amended.</p>	<p>Agree</p>
28	3A.2 Resource Management Issues (Issue 1)	Transpower New Zealand Limited S11/010	Oppose in part	<p>Seeks the addition of text to recognise that network utilities (including infrastructure of regional and national importance) may create</p>	<p>The maintenance and upgrading of existing network utilities is essential to maintain the levels of service expected by the community. This should also be</p>	<p>Recommend that submission S11/010 by Transpower is accepted in part FS9/011 by Federated Farmers is accepted and FS10/0010</p>	<p>Agree</p>

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
				adverse effects on the environment. This is consistent with NPSET Policy	included in the issue. With the recommended addition of a new issue through submissions S23/001, S1/003, S3/008 the need for the last addition to issue 1 is considered unnecessary.	by Horticulture NZ is accepted and FS11/009 by First Gas is accepted and issue 1 is amended.	
31	3A.2 Resource Management Issues (Issue 2)	Transpower New Zealand Limited S11/011	Support	Support and seeks that it is retained.	Support is noted. Other submissions request changes to the issue but do not change the reasons for the support.	Recommend that submission S11/011 by Transpower is accepted recognising recommended changes in response to other submissions.	Agree
32	3A.2 Resource Management Issues (Issue 3)	Transpower New Zealand Limited S11/012	Oppose in part	Seeks issue is amended to include the word 'development'. In relation to existing National Grid assets 'development' applies to situations where Transpower is required to move an existing line to facilitate third party development. An example would be to facilitate a NZTA project.	Reference to development is open ended and could mean different things to different plan users. For instance, does development refer to upgrades or changes in location that are approved via consent or designation, or development that is in concept stage? Development could be understood to mean the construction of new infrastructure which is not intended by this provision. The term lacks clarity in how it is used within the issue statement.	Recommend that submission S11/012 by Transpower is rejected and FS11/0010 by First Gas is rejected.	Agree
35	3A.2 Resource Management Issues (Issue 4)	Transpower New Zealand Limited S11/013	Not stated	Transpower seeks that issue 4 is deleted because issue 1 adequately identifies adverse effects.	Issue 1 is not considered to identify adverse effects, rather it is about providing for network utilities. This issue was originally included when considering those sites of significance that often have high visual amenity, for instance, outstanding natural landscapes and features. It is therefore appropriate to retain this	Recommend that submission S11/013 by Transpower is rejected.	Agree
36	3A.2 Resource Management Issues (Issue)	Transpower New Zealand Limited S11/014	Neither support nor oppose	Transpower is neutral with respect to issue 5.	Submission is noted.	Neutral. Recommend that submission S11/014 by Transpower is accepted.	Agree
38	3A.2 Resource Management Issues (Issue 6)	Transpower New Zealand Limited S11/015	Neither support nor oppose	Transpower is neutral with respect to issue 6.	Submission is noted.	Recommend that submission S11/015 by Transpower is accepted.	Agree
39 Oppose	3A.2 Resource Management Issues (Issue 7)	Transpower New Zealand Limited S11/016	Oppose	Delete issue 7 because issue 1 adequately identifies adverse effects. Electromagnetic and other forms of radiation are a perceived health effect and the NPSET/NESETA set out appropriate limits based on International Commission on Non-ionizing Radiation Protection and the World Health Organisation monograph.	Issue 1 is not considered to identify adverse effects, rather it is about providing for network utilities. This issue was originally included to recognise that some network utilities can emit electromagnetic and other forms of radiation. While the NPSET and NESETA covers the submitter's obligations, there are other operators who do not fall under these provisions. It is considered appropriate to retain this issue without amendment.	Recommend that submission S11/016 by Transpower is rejected.	Agree
40	3A.3 Objectives and	Transpower New Zealand	Oppose	The intent of the additions and	The requested wording narrows the	Recommend that submission	Disagree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
	Policies (Objective 1)	Limited S11/017		amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	focus of the objective from what was originally intended. The requested wording also removes reference to the environment the infrastructure is located in which was considered to be a key aspect of the objective. There is a policy under this objective about the locational, technical and operational requirements of network utilities. It is considered unnecessary to repeat this within the objective.	S11/017 by Transpower is rejected and FS3/005 by NZ Defence Force is rejected and FS10/015 by Horticulture NZ is accepted and FS13/008 by Powerco is rejected.	[25]-[29]
43	3A.3 Objectives and Policies (Policy 1.1)	Transpower New Zealand Limited S11/018	Oppose in part	The intent of the additions and amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	The definition of network utilities already includes those matters of regional or national significance including the National Grid. The reference to replacement should be included for consistency with the recommended rule changes. A definition for replacement is recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S11/018 by Transpower is accepted in part and FS10/018 by Horticulture NZ is accepted and Policy 1.1 is amended.	Agree
49	3A.3 Objectives and Policies (Policy 1.3)	Transpower New Zealand Limited S11/020	Support	Support wording and seek that it is retained as notified.	Support is noted.	Recommend that submission S11/020 by Horizons is accepted.	Agree
52	3A.3 Objectives and Policies (Policy 1.4)	Transpower New Zealand Limited S11/021	Oppose in part	The intent of the additions and amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	The requested changes recognise that there are constraints in some cases that need to be considered when assessing new network utilities. The changes add additional clarity for plan users. Recommend that submission S16/012 by Powerco is accepted in part and the Policy amended as follows: To require that encourage all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground. Recommend that submission S17/007 by Spark is accepted and FS7/019 by Transpower is rejected and Policy 1.3 is amended as follows: To require that encourage all new cables and lines, including	Recommend that submission S11/021 by Transpower is accepted and FS13/009 by Powerco is accepted and Policy 1.4 is amended.	Agree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
					electricity distribution lines (but not the National Grid) are installed underground. Recommend that submission S18/008 by Chorus is accepted and FS7/020 by Transpower is rejected and Policy 1.3 is amended as follows: To require that encourage all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.		
56	3A.3 Objectives and Policies (Policy 1.5)	Transpower New Zealand Limited S11/022	Oppose	The use of the word 'ensure' within Policy 1.5 is too directive with respect to the location of network utilities particularly when read in contrast to Policy 1.4 which only requires 'recognition' of locational requirements. Transpower requests that Policy 1.5 is deleted because their new policy adequately identifies and requires consideration of adverse effects.	The intent of Policy 1.5 is to ensure network utilities are constructed and located in a way that recognises the environment they are located in, specifically the amenity and landscape values. For instance, an urban area vs a rural one; heavily modified vs an unmodified more pristine area. The submission refers to a new policy, however one was not included in the amendments sought to the Plan through any submission. Deletion of Policy 1.5 is considered inappropriate.	Recommend that submission S11/022 is rejected.	Agree
60	3A.3 Objectives and Policies (Objective 2)	Transpower New Zealand Limited S11/023	Oppose	The intent of the amendment to Objective 2 is to manage effects of others' activities on network utilities, and importantly recognise that there is not only a need to protect the operation of existing utilities (i.e. how they operate now) but also how they may be upgraded or developed in the future.	While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter. The requested wording, in part, provides a clearer objective for the issues of concern, which is to manage the effects of others' activities on network utilities. The phrase 'planned development' has also been defined for the purposes of the Plan (see S16/015). In response to another submission the objective has been recommended to change to provide greater clarity for plan users. A definition for replacement is also recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S11/023 by Transpower is accepted in part and FS3/006 by NZ Defence Force is accepted and FS4/009 by Horizons is accepted and FS9/012 by Federated Farmers is rejected and FS10/020 by Horticulture NZ is rejected and FS13/0010 by Powerco is accepted and Objective 2 is amended.	Agree
65	3A.3 Objectives and Policies	Transpower New Zealand Limited S11/027	Oppose	A policy specific to protecting the National Grid is sought because of the direction given by the NPSET (policies 10 and 11). The policy wording also seeks to narrow the type of activities that shall be avoided, and those that can be	The provisions requested by the submitter are already covered by proposed Policies 1.3, 2.1, 2.2, and 2.3. However, a specific policy that recognises the National Grid would provide clarity for plan users. It is understood that a discussion has taken	Recommend that submission S11/027 is accepted in part and FS9/009 by Federated Farmers is accepted and FS10/007 by Horticulture NZ is accepted and FS10/022 by Horticulture NZ is accepted and a new policy under	Disagree [36] - [37]

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
				managed to the extent that National Grid is not compromised.	place between Transpower and Federated Farmers, and they have both agreed that reference should be made to sensitive activities and intensive land uses. Transpower seek to limit intensive land use structures from establishing in the National Grid Yard. In this case, uninhabited barn structures would be acceptable, but structures associated with factory farming or milking sheds are not. The District Plan already has definitions for intensive farming and farm buildings. There is no existing definition for intensive land uses, which could cause confusion for plan users. It is not considered appropriate that any farm building or intensive farming is located within the National Grid Yard, given the importance of the National Grid. On that basis the recommended changes include the existing definitions contained in the District Plan.	Objective 2 is added.	
66	3A.3 Objectives and Policies (Policy 2.1)	Transpower New Zealand Limited S11/024	Oppose	The intent of the amendment to Objective 2 is to manage effects of others' activities on network utilities, and importantly recognise that there is not only a need to protect the operation of existing utilities (i.e. how they operate now) but also how they may be upgraded or developed in the future.	Changes requested alter the intent from a policy to a method. The requirement to comply with the Electricity (Hazards from Trees) Regulations 2003 is already appropriately covered in the Rules.	Recommend that submission S11/024 is rejected and FS10/021 by Horticulture NZ is rejected.	Agree
68	3A.3 Objectives and Policies (Policy 2.2)	Transpower New Zealand Limited S11/025	Not stated		Support is noted.	Recommend that submission S11/025 by Transpower is accepted.	Agree
72	3A.3 Objectives and Policies (Policy 2.3)	Transpower New Zealand Limited S11/026	Oppose	Seeks that the notified Policy 2.3 specifically excludes the National Grid and that the new policy requested applies instead. With regard to the National Grid, there are some activities that can take place within proximity to National Grid assets provided certain standards are met. The use of the words 'avoid adverse effects' is a very broad and onerous restriction on subdivision and development which Transpower considers to be inappropriate.	A new policy has been recommended under Objective 2 that specifically refers to the National Grid. It is therefore unnecessary to include this reference in Policy 2.3.	Recommend that submission S11/026 by Transpower is rejected and FS10/023 by Horticulture NZ is rejected and FS13/011 by Powerco is accepted.	Agree
77	3A.3 Objectives and Policies (Objective 3)	Transpower New Zealand Limited S11/028	Oppose	Oppose Objective 3 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the	Recommend that submission S11/028 by Transpower is accepted in part and FS11/014 by First Gas is accepted in part and Objective 3 is	Agree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
				<p>nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not.</p> <p>Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.</p>	<p>district that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.</p>	<p>deleted and a new objective is inserted.</p>	
81	3A.3 Objectives and Policies	Transpower New Zealand Limited S11/031	Oppose	<p>Oppose Objective 3 and its policies as they do not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not.</p> <p>Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district</p>	<p>While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter. This submission point links to the other requests of the submitter to delete proposed Policies 3.1 and 3.2, and replace them with this new policy. This approach would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan. The intent of the requested changes is already provided for in</p>	<p>Recommend that submission S11/031 by Transpower is rejected as FS4/019 by Horizons is accepted and FS5/027 by Heritage NZ is accepted and FS10/013 by Horticulture NZ is rejected.</p>	Agree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
83	3A.3 Objectives and Policies (Policy 3.1) Oppose	Transpower New Zealand Limited S11/029	Oppose	<p>and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.</p> <p>Oppose Policy 1.3 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not. Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.</p>	<p>Policies 1.1 and 1.4, and Objective 2 and Policy 2.2. On that basis the new policy is considered unnecessary.</p> <p>The intention of Policy 3.1 was to protect the values of those areas specifically scheduled in the District Plan as Outstanding Natural Features and Landscapes. While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter. This submission point links to the other requests of the submitter for a new policy that specifically relates only to Transpower, which is recommended for inclusion in the District Plan (see S11/027). The deletion of Policy 3.1 is not supported as the approach would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.</p>	<p>Recommend that submission S11/029 by Transpower is rejected and FS4/017 by Horizons is accepted and FS5/025 by Heritage NZ is rejected.</p>	<p>Disagree</p> <p>[38] - [40]</p>

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
85	3A.3 Objectives and Policies (Policy 3.2)	Transpower New Zealand Limited S11/030	Oppose	<p>Oppose Policy 3.2 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not.</p> <p>Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.</p>	<p>The intention of Policy 3.2 was to restrict development in those areas scheduled in Appendix 1 of the existing District Plan. While the submitter seeks consistency with the NPS the use of the word 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submit. This submission point links to the other requests of the submitter for a new policy that specifically relates only to Transpower. This is not supported as it would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.</p>	<p>Recommend that submission S11/030 by Transpower is rejected and FS4/018 by Horizons is accepted and FS5/026 by Heritage NZ is accepted and FS13/015 by Powerco is rejected.</p>	Agree
92	3A.4 Rules	Transpower New Zealand Limited S11/032	Support	<p>Generally, support the whole permitted activity framework. While compliance with the Electricity (Hazards from Trees) Regulations 2003 is required, the rule framework for network utilities does not specifically permit the works necessary to ensure compliance. Transpower otherwise supports permitted activities listed in 3A.4.1(a)(o) and seeks that they be retained.</p>	<p>For many network utilities the trimming and removal of vegetation is an important maintenance activity. While this is considered to be maintenance and permitted under Rule 3A.4.1. a, a specific rule would avoid any confusion and uncertainty.</p>	<p>Recommend that submission S11/032 by Transpower is accepted and a new clause added to Rule 3A.4.1.</p>	Agree
111, 114, 115, 116, 118	3A.4.1 Permitted Activities (Guidance Notes 1, 2, 3, 4 and 5	Transpower New Zealand Limited S11/033/034/035/036/037	Support	<p>Supports the guidance notes and seeks that they are retained as notified.</p>	<p>Support is noted</p>	<p>Support is noted. Recommend that submission S11/033 by Transpower is accepted.</p>	Agree

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
129	3A.4.2 Standards for Permitted Activities (g - i)	Transpower New Zealand Limited S11/038	Oppose		The changes requested provide additional clarity for plan users, and ensures the correct title of the NZECP is used.	Recommend that submission S11/038 by Transpower is accepted and FS10/027 by Horticulture NZ is accepted and Rule 3A.4.2. g is amended.	Agree
137	3A.4.2 Standards for Permitted Activities (i)	Transpower New Zealand Limited S11/039	Oppose	Standard is subjective in the context of 'must not result in adverse effects on the values or characteristics' and therefore not appropriate as a permitted activity standard.	The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District to protect the values and/or characteristics of those areas. To delete the provision would mean that the District Plan was not giving effect to the provisions of the One Plan, in particular Policy 6-6.	Recommend that submission S11/039 by Transpower is rejected and FS4/020 by Horizons is accepted and FS5/028 by Heritage NZ is accepted.	Agree
148	3A.4.3 Restricted Discretionary (a - i)	Transpower New Zealand Limited S11/040	Support	Transpower supports the restricted discretionary activity status for those network utilities not able to meet permitted activity standards. Transpower also generally supports the assessment criteria against which restricted discretionary activities will be assessed but seeks amendments to properly recognise the policy considerations for new National Grid infrastructure as set out in the NPSET.	This change is consistent with other recommendations in response to submissions.	Recommend that submission S11/040 by Transpower is accepted and Rule 3A. 4.3.i is amended.	Agree
154	3A.4.3 Restricted Discretionary (a - vii)	Transpower New Zealand Limited S11/041	Support	Transpower supports the restricted discretionary activity status for those network utilities not able to meet permitted activity standards. Transpower also generally supports the assessment criteria against which restricted discretionary activities will be assessed but seeks amendments to properly recognise the policy considerations for new National Grid infrastructure as set out in the NPSET.	Most of the changes requested are consistent with the policy guidance provided for in Policy 1.3 and are supported. However, reference to 'alternative locations' is an essential part of the assessment criteria and the deletion of this word is not supported.	Recommend that submission S11/041 by Transpower is accepted in part and Rule 3A.4.3.vii is amended.	Agree
155	3A.4.4 Discretionary	Transpower New Zealand Limited S11/042	Oppose	Transpower considers that nationally significant infrastructure should be classified as a Discretionary Activity (not Non-Complying) in an outstanding natural feature or landscape because of the constraints on that infrastructure (locality, technical and operational) as well as the benefits it delivers to the community and beyond. NPSET Policy 8, which	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed (although the plan change is yet to be notified). Council's landscape expert considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not	Recommend that submission S11/042 by Transpower is rejected and FS4/021 by Horizons is noted and FS13/027 by Powerco is rejected.	Disagree [S11] - (53)

No.	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
157	3A.4.5 NonComplying	Transpower New Zealand Limited S11/043	Oppose	<p>provides a framework for National Grid activities in rural environments, specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line requirement (i.e. must avoid which would necessitate a Non-Complying activity status) and render a Discretionary activity status appropriate.</p> <p>Transpower considers that nationally significant infrastructure should be classified as a Discretionary Activity (not Non-Complying) in an outstanding natural feature or landscape because of the constraints on that infrastructure (locational, technical and operational) as well as the benefits it delivers to the community and beyond. NPSET Policy 8, which provides a framework for National Grid activities in rural environments, specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line requirement (i.e. must avoid which would necessitate a Non-Complying activity status) and render a Discretionary activity status appropriate.</p>	<p>anticipated in the District. In considering the potential areas of Outstanding Natural Features and Landscapes there are few areas where existing infrastructure is located within the scheduled areas. Council's landscape expert considers that the Non-Complying Activity status signals to plan users that development in Outstanding Natural Features and Landscapes is not anticipated. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. This is considered to be consistent with the intent of the NPSET Policy 8. The Noncomplying status is also seen to implement the provisions of the One Plan.</p> <p>A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed (although the plan change is yet to be notified). Council's landscape expert considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. In considering the potential areas of Outstanding Natural Features and Landscapes there are few areas where existing infrastructure is located within the scheduled areas. Council's landscape expert considers that the Non-Complying Activity status signals to plan users that development in Outstanding Natural Features and Landscapes is not anticipated. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. This is considered to be consistent with the intent of the NPSET</p>	<p>Recommend that submission S11/043 by Transpower is rejected and FS4/022 by Horizons is noted and FS13/028 by Powerco is rejected.</p>	<p>Disagree [50]-[53]</p>

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
206	3D.2 Resource Management Issue (new issue) Add a new issue as follows:	Transpower New Zealand Limited S11/045	Oppose	A new issue is sought in order to establish that earthworks can have adverse effects on network utilities, and also in light of the objective, policy and rule framework introduced by the plan change to earthworks pertaining to the National Grid.	Policy 8. The Noncomplying status is also seen to implement the provisions of the One Plan. The submission correctly acknowledges that earthworks in the vicinity of network utilities can have a potential effect on their effective functioning. This should be recognised as an issue in the Plan. Note as a result of another similar submission the wording recommended is slightly different.	Recommend that submission S11/045 by Transpower is accepted and a new issue added to Section 3D.2.	Agree
207	3D.2 Resource Management Issues (Issue 1)	Transpower New Zealand Limited S11/044	Oppose	The wording of this issue is not clear because it suggests that adverse effects from earthworks do not detract from amenity values which isn't always the case. This wording may be an error.	It is accepted that the wording of this issue is confusing. Earthworks can reduce or effect the amenity values of areas within the District. Changes are recommended to improve the clarity of this issue.	Recommend that submission S11/044 by Transpower is accepted and the issue amended.	Agree
230	3D.3 Objectives and Policies (Objective 3)	Transpower New Zealand Limited S11/046	Support	Generally, support earthworks objectives and policies but seek amendments to provide for recognition that earthworks can compromise access to the National Grid, which can compromise its ongoing operation, maintenance and upgrading (among other activities).	Support is noted.	Recommend that submission S11/046 by Transpower is accepted.	Agree
232	3D.3 Objectives and Policies (Policy 3.1)	Transpower New Zealand Limited S11/047	Support	Generally, support earthworks objectives and policies but seek amendments to provide for recognition that earthworks can compromise access to the National Grid, which can compromise its ongoing operation, maintenance and upgrading (among other activities).	The changes requested by the submitter add clarity and certainty for plan users. Earthworks that change or limit access to the National Grid would be inappropriate and cause national security of supply issues.	Recommend that submission S11/047 by Transpower is accepted and FS10/037 by Horticulture NZ is accepted and Policy 3.1 is amended.	Agree
239	3D.4.1 Permitted Activities (b iv - b)	Transpower New Zealand Limited S11/048	Support in part	Support the permitted activities listed in 3D.4.1 in principle but seeks revision to ensure it is not more permissive than Clause 2.2.3 of NZECP34.	Works must be more than 6m away from the visible edge of a tower support structure under section 2.2.3(a) of the NZECP. On that basis it is appropriate to make the change as requested.	Recommend that submission S11/048 by Transpower is accepted and Rule 3D.4.1. b(iv)b is amended.	Disagree (S4) - (S6)
242	3D.4.2 Standards for Permitted Activities (a)	Transpower New Zealand Limited S11/049	Support	Support the standards for permitted activities listed in 3D.4.2 and seeks they are retained.	Support is noted. Other submissions seek changes to the provision, but retain the intent of the provision is retained.	Recommend that submission S11/049 by Transpower is accepted and FS10/040 by Horticulture NZ is accepted, recognising the changes proposed by S16/052 by Powerco and S21/012 by the Oil Companies.	Disagree (S4) - (S6)
251, 252	3D.4.3 Restricted Discretionary Activities (a) 3D4.5 Non-Complying Activities	Transpower New Zealand Limited S11/050 Transpower New Zealand Limited S11/054	Oppose	Opposes the restricted discretionary activity status that do not comply with the permitted activity standards. Transpower proposes permitted activity standards that seek to enable earthworks activities within the National Grid Yard to the extent that these activities meet Policy 10	Earthworks near the National Grid Yard that do not meet the permitted activity conditions are currently a restricted discretionary activity in the District Plan under Rule B1 1. 4. The proposed rule retains the classification and includes more specific guidance for plan users on the matters which are of most concern.	Recommend that submission S11/050 by Transpower is rejected.	Disagree (S4) - (S6)

No:	Provision	Submission point	Support/oppose	Reasons	Officer comment	Officer recommendation	R.Eng evidence comment
258	3F Temporary Activities	Transpower New Zealand Limited S11/052	Support	<p>of the NPSET and minimise compliance costs for landowners/occupiers. These standards are set at such a level that any activity which exceeds the standard have the potential to compromise the safe, efficient and effective operation of the National Grid.</p> <p>Transpower does not wish to restrict temporary activities but notes that the temporality of structures, buildings and other activities poses a potentially significant risk to the National Grid if located in proximity to it. For this reason, seeks non-complying activity status for temporary activities within the National Grid Yard, where any proposal for a temporary activity within the National Grid Yard would need to satisfy the particular statutory tests for noncomplying activities.</p>	<p>To have a non-complying activity (as requested by submission S11/054) is considered to be too onerous for landowners. The restricted discretionary activity still allows Council to decline consent if the works would compromise the safe, efficient and effective operation of the National Grid. This approach is considered to be consistent with Policy 10 of the NPSET.</p> <p>The proposed plan provides for these activities as a discretionary activity. This allows all potential effects to be considered. Classifying the activity as a Non-Complying Activity is considered unnecessary and overly onerous.</p>	<p>Recommend that submission S11/052 by Transpower is rejected and FS3/008 by NZ Defence Force is accepted.</p>	Disagree (57) - (58)
263	3F.4.2 Standards for Permitted Activities (f)	Transpower New Zealand Limited S11/051	Support in part	Support	Support is noted	Recommend that submission S11/051 by Transpower is accepted.	Agree
265	3G Relocated Buildings	Transpower New Zealand Limited S11/053	Support	<p>Transpower supports the requirement for relocated buildings to comply with all of the standards for permitted activities within the relevant zone and other parts of the Plan. This is required to control the potential effects of buildings relocating within the National Grid Yard.</p>	<p>Support is noted. While changes are proposed to the rules in this chapter, the need to comply with the standards in other parts of the Plan is recommended to be retained.</p>	Recommend that submission S11/053 by Transpower is accepted.	Agree

