

Before a Hearings Panel at Feilding

In the matter of the Resource Management Act 1991

And

In the matter of the submissions and further submissions of Powerco Limited to Proposed Plan Change 55 (District Wide Rules) to the Manawatu District Plan

Statement of Evidence of Karen Tracy Blair on behalf of Powerco Limited

(Powerco)

Date: 30 November 2016

1. INTRODUCTION

- 1.1 My full name is Karen Tracy Blair. I have practised as a planning professional for over 20 years. I hold a Bachelor of Planning degree from the University of Auckland and have been a full member of the New Zealand Planning Institute since 18 December 1995.
- 1.2 I have been employed by Burton Consultants for some 17 years, the last 10 or so years as a Director as well as a planner. Prior to that I worked for just over 2 years as a Policy Analyst with the Ministry for the Environment in Auckland, and over 3 years as a Planner at Waitakere City Council (now part of Auckland Council).
- 1.3 Over the years I have been involved in a wide range of matters affecting clients, both at a regional and district council level. My principal role at Burton Consultants has been to provide planning and resource management consenting and policy advice to clients in relation to various projects and planning instruments. This has included policy analysis, provision of strategic policy advice and preparation of submissions and evidence on behalf of Powerco. I have provided planning services to a range of other private, corporate and public sector clients including Z Energy Limited, Mobil Oil New Zealand Limited, BP Oil New Zealand Limited, Transpower New Zealand Limited, the former Auckland Regional Council and North Shore City Council (both now part of Auckland Council), Regional Facilities Auckland / Auckland Stadiums, the North Shore Events Centre, Trusts Arena and a range of individual commercial, retail and residential clients.
- 1.4 While Burton Consultants is based in Auckland, it operates on a nationwide basis and I have been involved in planning matters and with planning documents throughout the Country.
- 1.5 I appear today as a witness for Powerco. Powerco is New Zealand's second largest gas and electricity distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers.

Powerco supplies gas and electricity to the Manawatu District, and has telecommunication facilities to control its networks. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.

1.6 I have read the Environment Court's Practice Note 2014 as it relates to expert witnesses. My brief of evidence was prepared in compliance with the Code of Conduct and I agree to comply with it in giving my oral evidence. I am engaged by Powerco as an independent expert and Burton Consultants provides planning services to Powerco along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings. I confirm that my evidence is within my area of expertise and that I have not knowingly omitted to consider material facts known to me that might alter or detract from my expressed opinions.

1.7 In preparing this evidence, I have had regard to:

- (a) The Council's Section 42A Report and associated documentation;
- (b) The proposed Plan Change and supporting Section 32 report;
- (c) The submissions and further submissions of Powerco and other relevant submitters;
- (d) The RMA; and
- (e) The Horizons Regional Policy Statement (*the RPS*).

2. PURPOSE AND SCOPE OF EVIDENCE

2.1 This evidence relates to Powerco's submissions, including further submissions, on Proposed Plan Change 55 (*PPC55*).

2.2 For the convenience of the Panel, I have set out in **Appendix A**, a summary of Powerco's submissions and further submissions, the recommendation in the Section 42A Report and whether or not the recommendation is supported. Where the Reporting Planner's recommendations are supported, no further evidence is provided, and the Panel is urged to accept the recommendations of the Reporting Planner in those matters. Where the Reporting Planner's recommendations are not

supported, I have addressed the submission point in my evidence. Where I consider further changes are necessary and appropriate, I make a suggestion as to the relief that could be granted, and this is clearly identified as red text in my evidence.

- 2.3 For the purposes of my evidence, I have addressed matters in the order that they arise in the Section 42A Report. Accordingly, the order of matters does not represent the importance of the matter to Powerco.

NETWORK UTILITIES

3. DEFINITION OF REPLACEMENT

Submission S16/001 – Definitions

Submissions S16/009 – 3A.3 Objective 1; S16/010 -3A.3 Policy 1; S16/015 - 3A.3 Objective 2; S16/017 – 3A.3 Policy 2.2; S16/018 3A.3 Policy 2.3; S16/024 - 3A.4.1(a); S16/026 – 3A.4.1(g); S16/036 – 3A.4.2(l).

- 3.1 The Reporting Planner recommends including a new definition of ‘replacement’ as follows:

Replacement for the purposes of network utilities, means the repair or putting back in place the components of the network utility infrastructure so that it remains the same or similar in character, intensity and scale as what was originally in that location.

- 3.2 I support the recommendation of the Reporting Planner, although I do not fully support the proposed wording of the definition.

- 3.3 In my opinion ‘repair’ is ordinarily considered to be part of maintenance rather than replacement. Further, ‘putting back in place’ components of the network could be read to require the same part to be put back into its original location, whereas replacement generally involves new components. Accordingly, I support the following amendments to the proposed definition of replacement:

Replacement for the purposes of network utilities, means ~~the repair or putting new components back in place~~ the of existing components of the network utility infrastructure so that where # the network utility infrastructure remains the same or similar in character, intensity and scale ~~as what was originally in that location.~~

- 3.4 The changes relating to the last part of the sentence are intended to clarify that replacement activities are limited to only those where there is a same or similar character, intensity or scale (where that is the outcome of the works, rather than the purpose of them) and to simplify the definition by removing what I consider to be unnecessary phraseology.
- 3.5 An alternate option would be to confirm that maintenance includes replacement, however as there does not appear to be a definition of maintenance in the District Plan, I support the approach suggested by the Planner.
- 3.6 Having added a definition of replacement, the Section 42A Report consequently and appropriately responds to various other submissions by including or excluding the term 'replacement'. For example, in amended 3A.3 Objective 2, Policies 2.2 and 2.3 and Rules 3A.4.1 (a) and (g), reference to 'replacement' is added along with existing references to 'establishment or construction, maintenance, upgrading and development' and the like. If 'replacement' is incorporated into some lists of activities but not others, then it could be interpreted that it has been deliberately excluded. I consider that unless there is a genuine and specific reason to exclude 'replacement' as an activity in its own right, then it should be specifically included.
- 3.7 As such, as a consequential change to the inclusion of the new definition, I support the following further amendments:

- a. Section 3A.2 Issue 1 – *To provide for safe, effective and efficient operation, maintenance, replacement and upgrade of network utilities, including infrastructure of regional and national importance¹.*
- b. Section 3A.2 Issue 3 - *The safe and efficient operation, ~~[upgrading,] and maintenance, replacement [and upgrading]~~² of network utilities can be put at risk by inappropriate subdivision, use and development³.*
- c. Section 3A.2 Issue 4 - *The location, operation, ~~and maintenance, replacement and upgrading~~ of network utilities can create adverse effects on the environment.⁴*
- d. Section 3A.3 Policy 2.4 - *To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, replacement and upgrading ...*
- e. Rule 3A.4.1 – *The construction, operation, maintenance, replacement and minor upgrading of radiocommunication and/or telecommunication facilities, cables and lines ...*

4. STAND ALONE UTILITIES CHAPTER

S16/004, FS13/001 and FS13/004 – 3.1 Introduction

S16/022 – 3A.4 Rules

S16/023, S16/033 and S 16/034 – 3A.4.2 Standards for Permitted Activities

- 4.1 Powerco, along with other submitters, has lodged various submissions seeking that the utilities chapter ‘stand-alone’ and not be subject to the provisions in the various zone based chapters. The Reporting Planner states that 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

¹ See also Submission S16/006

² Note that the suggestion to shift the position of ‘upgrade’ is only for consistency in approach and does not reflect a material change.

³ See also Submission S16/007

⁴ See also Submission S16/008

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. She also states that to enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A and that this is considered to be beyond the scope of the current plan change as notified.

4.2 I do not consider that the zone based approach provides an efficient or effective way of dealing with network utilities, or that the provisions for each zone currently deal with network utilities in an adequate way.

4.3 There are in my opinion, a number of factors that in combination make network utilities unique activities and which justify them being dealt with separately. These include:

- a) Network utilities are essential functions that form part of the fabric of modern society;
- b) Due to their nature and function there is difficulty in avoiding, remedying or mitigating adverse effects (e.g. it is not possible to readily screen electricity poles), hence choice of location (route) is usually the primary means to reduce effects;
- c) Utilities are of strategic importance to the district and if society is to enjoy the benefits of such facilities it has to be prepared and most often does accept a greater level of effect from such facilities than for other types of developments;
- d) Existing utilities have to be maintained and upgraded to meet increasing demand;

- e) The unique role and function of network utilities and the problems they face is recognised in the RMA by allowing network utility operators to become requiring authorities;
- f) A standalone chapter would make the approach to the management of such network utilities more consistent and certain across the district particularly when seeking to manage linear network utilities that traverse multiple zones; and
- g) It is inappropriate to apply zone based provision that have been drafted with development of that nature in mind (eg: residential zone provisions are drafted with a view to managing residential development and industrial zone provisions with a view to managing industrial development). While I accept that some zone based provisions may be relevant, for example noise, I consider that these should be specifically identified as such, and cross referenced in the utilities chapter.

4.4 Considering utilities on a district-wide basis and containing all rules pertaining to utilities in a separate section is, in my opinion, more user-friendly, effective and efficient through the life of a Proposed Plan.

4.5 As an example, considering the Residential Zones in the Operative Plan , the relevant objectives and policies appear to be:

Objective 4.4 LU12

xii) Any impacts of non-residential activities on the residential environment are avoided, remedied or mitigated, particularly in terms of noise, traffic generation, parking requirements, outdoor storage space, potential danger and visual appearance.

Policy 4.4 LU12

(a) To ensure that new and existing development does not adversely affect the character and amenity of the Residential zone.

I accept neither of those provisions are likely to present an impediment to the types of activities Powerco is likely to want to establish in the Residential Zone.

- 4.6 However the residential rules are designed to accommodate anticipated residential activities. They include controls that are not, in my opinion, appropriate to apply to a range of network utilities. For example, in my experience it is not necessary or appropriate to apply building height, yard, site coverage or height in relation to boundary rules to above ground electricity lines connecting street poles to residential houses⁵.
- 4.7 It is also confusing and contradictory to include certain standards in the utilities chapter (eg: different height controls depending on the zone), if a more restrictive zone rule then applies. In my opinion, if it is specifically recognised in the utilities chapter that poles or towers associated with electricity transmission and distribution must not exceed a height of either 12m in the Residential and Inner Business Zones, or 25m in all other zones, then a lower height requirement in a zone should not be applied. The height rules in the utilities chapter have been developed to recognise and accommodate the likely building envelope for a utility. The height rules in the zone have generally been developed to recognise and accommodate a building envelope on a site for a certain type of building anticipated in that zone (in the Residential zone, a dwelling and garage, for example). Hence the height rules in the zone are unlikely to cater well for lineal infrastructure such as electricity lines.
- 4.8 Further I note that there are already standards in the utilities section which specifically require compliance with the noise standards in each zone (refer 3A.4.2(p)); control buildings and structures in the National Grid Yard (refer 3A.4.2(g)) and control specific buildings in the Flood Channel Zone (refer 3A.4.2(c) and (e)). Removal of the general requirement to comply with the zone standards would not override those provisions, as permitted activities would still be required to meet

⁵ The definition of building in the District Plan relates to any structure whether temporary or permanent, moveable or immovable and includes specific exclusions. The only utilities that are excluded are satellite dishes.

them. Likewise, as the Heritage Chapter would, presumably, be a district wide rather than a zone based chapter, compliance would still be required.

4.9 Accordingly, in my opinion, the rules should be amended as follows:

3.1 Introduction

~~This chapter is intended to be read in conjunction with the relevant zoning provisions. If the zoning rules are more restrictive than the provisions contained in this chapter, then the zone rules shall apply. The rules in this chapter supersede the zone rules. The zone rules shall only apply if specifically stated in this chapter.~~

3A.4 Rules

~~Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the other district wide rules, the District Plan maps, and relevant appendices and provisions of the applicable zone.~~

3A.4.2 Standards for Permitted Activities

~~For all zones, the permitted activities specified in Rule 3A.4.1 above must comply with the following standards:~~

5. DEVELOPMENT

Submission S16/007 - 3A.2 Resource Management Issues (Issue 3)

5.1 The Reporting Planner recommends amending Issue 3 to read as follows:

The safe, effective and efficient operation, upgrading and maintenance of network utilities can be put at risk by inappropriate subdivision, use and development.

5.2 Powerco sought to amend Issue 3 to include a reference to the safe and efficient

development (in addition to operation, maintenance, upgrading, etc) of network utilities being put at risk by inappropriate subdivision, use and development.

- 5.3 The recommendation in the Section 42A Report is to reject the submission on the grounds that reference to development is open ended and could mean different things to different plan users. The Reporting Planner asks, 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? She also states that development could be understood to mean the construction of new infrastructure which is not intended by this provision.
- 5.4 In response to other submissions the Reporting Planner has recommended including a definition of “planned development” which addresses such concerns, and that phrase is adopted in policy that stems from this issue (eg: 3A.3 Policy 2.1).
- 5.5 Accordingly, I support the following change being made to Issue 3 (note that the changes have been marked to the amended version of Issue 3 recommended to the Panel in Paragraph 3.7(b) of this evidence):

The safe and efficient operation, maintenance, replacement, upgrading and planned development of network utilities can be put at risk by inappropriate subdivision, use and development.

6. SUBSTITUTION OF ‘WHERE POSSIBLE’ WITH ‘WHERE PRACTICABLE’

Submission S16/011 – 3A.3 Objectives and Policies (Policy 1.2)
Submission S16/043 - 3A.4.3 Restricted Discretionary (v)

- 6.1 Powerco sought to amend Policy 1.2 by replacing the phrase “where possible” with the phrase “where practicable”. Policy 1.2 is recommended in the Section 42A report to read as follows:
- a. *To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible.*

- 6.2 The Reporting Planner recommends rejecting Powerco’s submission because the intention is that where it is possible, utility providers should co-locate their infrastructure to minimise adverse effects, reduce perceived clutter and encourage efficiencies. The Reporting Planner considers that the use of ‘where possible’ provides greater certainty to plan users.
- 6.3 While I understand the intent, I disagree that ‘where possible’ is a more appropriate phrase. Possible means that which is able to be done, whereas practicable means that which is able to be done successfully.
- 6.4 While co-location may be possible, it may not be practicable, and indeed may result in additional adverse effects. For example, additional height may be required to accommodate multiple services, the accommodation of multiple services may have adverse cumulative visual impact and/or it may be more appropriate to locate a service underground than to co-locate it on existing infrastructure.
- 6.5 Furthermore, in a general sense, the policy indicates that a location in the road reserve should be weighted ahead of other considerations, even if such a location, while possible, is not practicable. Applying the policy as currently worded would indicate that network utility operators should locate a new electricity line along the road reserve, rather than traversing private land, even if that means that the line is inefficient and has a potentially greater impact and significant additional cost due to requiring more line and support structures to traverse a longer alternative route than a more practical shorter route.
- 6.6 In my view the change to “practicable” is consistent with the policy intent expressed in Policy 1.4, as recommended to be amended by the Reporting Planner:

To recognise the locational, technical and operational requirements and constraints of network utilities and the contribution they make to the functioning

and wellbeing of the community and beyond when assessing their location, design and appearance.

6.7 Similarly, in my opinion the change better gives effect to the RPS Policy 3-3 which (in summary) seeks to manage adverse effects of infrastructure and other physical resources of regional or national importance on the environment. Policy 3-3 states that in managing adverse effects arising from infrastructure of regional or national importance, territorial authorities must:

- a. recognise and provide for the operation, maintenance and upgrading of all such activities once they have been established,
- b. allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and
- c. avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:
 - i. ...
 - ii. any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,
 - iii. whether there are any reasonably practicable alternative locations or designs, ...

6.8 Accordingly, I support replacing the phrase “where possible” with the phrase “where practicable” in Policy 1.2 as follows:

To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where ~~possible~~ practicable.

6.9 I also support making a consequential change to matter of discretion 3A.4.3(v) as follows:

v. the degree to which co-location has been considered and is ~~possible~~ practicable.

7. UNDERGROUNDING

Submission S16/012 3A.3 Objectives and Policies (Policy 1.3)

7.1 Powerco sought to amend Policy 1.3 to recognise that it may not be practicable to underground all new cables and lines, arguing that a blanket requirement failed to give effect to Policy 3-1 of the One Plan.

7.2 The Reporting Planner recommends accepting the submission in part and making the following changes:

To ~~require that~~ encourage all new cables and lines, including electricity distribution lines (but not the National Grid) are [sic] installed underground.

7.3 I consider that the rewording is an improvement, but I remain concerned that the policy simply encourages undergrounding, without providing an outcomes context. As outlined in Powerco's submission, in some situations, an above ground location can be entirely appropriate (and indeed more appropriate than a below ground location). For example, where:

- There are natural or physical features or structures, or technological and operational constraints that make underground placement impracticable or unreasonable;
- They are temporary or required for emergency purposes or critical events;
- They are of a nature that can only operate above ground;
- There is an existing above ground connection or connections;
- The cost of undergrounding is prohibitive; or
- They are attached to a bridge to cross a waterway rather than installed underground below the waterway.

7.4 While I acknowledge that there are other policies that help guide an assessment of location (eg: Policy 1.4), in the event that a new cable or line is proposed above ground, Policy 1.3 does not provide any guidance as to whether, and in what circumstances, that would be acceptable. Further, there does not appear to be any mandate in the RPS for encouraging all new cables and lines to be underground.

7.5 A grammatical correction is also required.

7.6 Accordingly, and acknowledging the inherent simplicity in the drafting of the objectives and policies, I support the following further changes to the recommendations of the Reporting Planner:

To encourage all new cables and lines, including electricity distribution lines (but not the National Grid) ~~are~~ to be installed underground, where it is practicable to do so.

8. RECOGNISING POTENTIAL ISSUES OF RISK

Submission S10/017 – 3A.3 Objectives and Policies (Policy 2.2)

8.1 Policy 2.2, as proposed to be amended by the Reporting Planner, reads as follows:

To require that appropriate separation of activities is maintained to enable the safe operation, maintenance, replacement and upgrading of network utilities, and avoid reverse sensitivity issues.

8.2 Powerco's submission sought to amend Policy 2.2 to include a reference to risk as well as reverse sensitivity issues in Policy 2.2. The Reporting Planner recommends rejecting the submission on the grounds that the reference to risk is subjective and would potentially cause uncertainty for plan users.

- 8.3 The change is intended to recognise that the development of network utilities can be put at risk by inappropriate subdivision, use and development of land, which is a separate concern to matters associated with reverse sensitivity.
- 8.4 A simple example of 'risk' is in respect of built development in close proximity to lines. Such development may not result in reverse sensitivity effects (insofar as there may not be any complaints by occupants of the development about the presence of the lines), but the development may nonetheless have the potential to generate risks. This is already recognised in the Rules section, through inclusion of provisions relating to the need to comply with the NZECP 34, and with the tree regulations. In those documents, separation is required to manage risks not reverse sensitivity effects.
- 8.5 As the provision is a policy, not a rule, my opinion is that it is sufficiently certain. Risk may need to be assessed in the circumstances of the situation, but the outcome is clear and the policy will enable an assessment on the merits to be made. In that sense, the policy achieves its function, which is to guide decision making.
- 8.6 Accordingly, I support a further change to Policy 2.2 as follows:
- To require that appropriate separation of activities is maintained to enable the safe operation, maintenance, replacement and upgrading of network utilities, and avoid reverse sensitivity and / or unacceptable risk issues.*

9. PREVENTING WORKS WITHIN SCHEDULED AREAS

Submissions S16/019 and S16/020 - 3A.3 Objectives and Policies (Objective 3 and Policy 3.1)

Submission S16/036 and Further Submissions FS13/020 and FS13/021 – 3A.4.2 Standards for Permitted Activities (I)

- 9.1 Powerco sought to amend Objective 3 and to delete Policy 3.1.

9.2 The Reporting Planner recommends that Objective 3 be deleted and replaced with the following:

To protect the values that are important to significant heritage and landscape areas from the development of network utilities.

9.3 Read on its own, the proposed redrafted Objective 3 could be interpreted to mean that in order to protect the values important to significant heritage and landscape areas, no development of network utilities should be provided for. My view is that such an outcome is not necessary to achieve the purpose of the RMA, and nor would it give effect to the RPS. Further, the objective is given meaning by the policies that stem from it and the redrafted Policy 3.1 clearly refers to protection from inappropriate development.

9.4 The Reporting Planner has recommended the following amendments to Policy 3.1:

To protect the values that cause an Outstanding Natural Feature and Landscape to be ~~identified~~ scheduled in Appendix 1C (Outstanding Natural Features) or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from inappropriate subdivision, use and development.

9.5 I accept that the redrafted Policy provides some more specific guidance as to those areas that are important to significant heritage and landscape areas. However it does not provide any guidance as to how 'inappropriate' may be interpreted or applied and an issue arises in that the relevant permitted activity standard [Rule 3A.4.2, Standard (I) as redrafted] vetos all works in such areas unless they are in the road reserve.

9.6 In my opinion, it would be better to amend the objective and policy to provide a degree of improved guidance as to what might constitute 'inappropriate' subdivision, use or development, as follows:

Objective:

To protect the values that are important to significant heritage and landscape areas from the inappropriate development of network utilities.

Policy:

To ensure that subdivision, use and development does not adversely affect the values that cause an Outstanding Natural Feature and Landscape to be scheduled in Appendix 1C (Outstanding Natural Features) or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).

- 9.7 Recognising that some activities would be able to be undertaken in significant heritage and landscape areas without adversely affecting the values of those areas, Powerco's submissions and further submissions to Rule 3A.4.2, Standard (I) sought to amend the standard so that it did not apply to the operation, maintenance, minor upgrading and replacement of existing utilities. Standard (I) as proposed to be amended by the Reporting Planner is as follows:

Works associated with any network utility, except within an existing road carriageway, must not be located within the areas scheduled ~~must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified~~ in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan.

- 9.8 Standard (I) means that unless a network utility is located in a road reserve **no work** can be carried out on the utility without resource consent. I consider that maintenance, minor upgrading or replacement activities should inherently be appropriate in scheduled areas, and I consider that such activities should be permitted. It would, in my opinion, be unnecessary, inefficient and ineffective to

require Powerco to obtain resource consents to, for example, replace older or failing equipment with its modern equivalent or replace equipment that is no longer working or is a safety risk. Permitting maintenance, minor upgrading or replacement is critical to ensuring a reliable and secure supply of electricity and gas in the Manawatu Region.

9.9 I do agree that new assets could have the potential to generate adverse effects in such areas and should be subject to resource consents, although I address that matter later in my evidence. At the present time I confine my discussion to specified works on existing utilities.

9.10 I am not aware that the Council is concerned about permitted activity status for operation and maintenance activities, and certainly Mr Hudson doesn't appear to have challenged it in his landscape evidence for the Council. Indeed Mr Hudson's evidence is predicted on the basis that operation and maintenance (at the very least) will be permitted activities, refer paragraph 8 where he states that:

... Essentially, we are discussing network utilities that are new and expanded (as existing operation and maintenance is a permitted activity) network utilities being considered as a non-complying activity within the areas identified as Outstanding Natural Features and Landscapes....

9.11 With regard to minor upgrading and replacement, the definition of each activity already inherently limits the scope of work associated with each activity. Both definitions include a requirement that the effects of the asset that has been replaced or is subject to minor upgrading remain the same or similar in character, intensity and scale. Accordingly such works should not generate adverse effects on the values of the area scheduled. It should also be remembered that those areas have been scheduled (or in this case are to be scheduled through a yet to be notified Plan Change) notwithstanding the presence of any existing assets, and in the knowledge that the effects of any such assets form part of the existing environment (with

adverse effects associated with the existing environment to be disregarded when assessing resource consents).

- 9.12 I accept that the One Plan anticipates the management of competing pressures for the subdivision, use and development of land that may affect outstanding natural features and landscapes being most appropriately dealt with at a territorial level (chapter 6, 6.1.3 – Para 3). However the District Plan is also required to give effect to the One Plan and that includes Chapter 3 which contains policy direction as to infrastructure and utilities and, importantly, Policy 3-3 of the One Plan, which reads as follows (my emphasis):

Policy 3-3: Adverse effects of infrastructure and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- a. *recognise and provide for the operation, maintenance and upgrading of all such activities once they have been established, ...*

[note that b and c relate to new activities].

- 9.13 In relation to Chapter 6, Indigenous Biological Diversity, Landscape and Historic Heritage, it also gives effect, in my opinion, to the following policy direction (in summary):

- a. manage subdivision, use and development directly affecting regionally important ONFL by avoiding significant adverse cumulative effects on their characteristics and values and otherwise, avoiding adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable,

remediating or mitigating adverse effects on their characteristics and values (Policy 6-6);

- b. for the purposes of managing indigenous biological diversity in the Region, ... territorial authorities must allow the maintenance, operation and upgrade of existing structures, including infrastructure of regional importance (Policy 6-2);
- c. in relation to the natural character of the component of the coastal environment which is not CMA and wetlands, rivers and lakes and their margins subdivision, use or development must generally (but without limitation) be considered appropriate if it ... is compatible with the existing level of modification to the environment (Policy 6-9); and
- d. include provisions in district plans to protect from inappropriate subdivision, use and development *historic heritage* of national significance, and give due consideration to the implementation of a management framework for other places of historic heritage (Policy 6-12).

9.14 Lastly, I consider that the reference to a road carriageway should be amended to refer to a road corridor. As I understand it, the carriageway of the road is that part intended for vehicles and most utility networks are located within the berm of the carriageway, rather than the carriageway itself. I consider that change can be made as a correction.

9.15 Accordingly, I support the further change to Standard 3A.4.2 (I) as follows:

Works ~~associated with any network utility, except that are undertaken outside of~~ within an existing road corridor carriageway or that are not operation, maintenance, replacement or minor upgrading works, must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value),

1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan.

10. PROVISION IN THE RULES FOR EXISTING ACTIVITIES

Submission 16/024 – 3A.4.1 Permitted Activities (a)

10.1 Permitted activity clause (a), as recommended to be amended by the Reporting Planner in the Section 42A Report, is as follows:

The operation, maintenance, replacement, minor upgrading or repair of network utilities existing as at [add decision date] or which have been lawfully established.

10.2 Powerco generally supported permitted activity (a) but sought to delete the date (to be added). Powerco reasoned that if a new facility is established then it should be able to be operated, maintained, and repaired/minor upgraded as a permitted activity. Powerco also questioned whether the inclusion of ‘repair’ is required. In the policy provisions ‘repair’ is not identified as a separate activity (ordinarily a part of maintenance) and other permitted activity rules (eg: (b), (c) and (g)) do not specifically permit repair.

10.3 In rejecting the submission to delete the date, the Reporting Planner argues that its inclusion recognises that some network utilities have been established as permitted activities in the past, and that to avoid any confusion, the reference to ‘existing as at the date of decision’ clearly protects that infrastructure and the interests of the network utility operators. I support that intent. While the phrase “*or which have been lawfully established*”, already recognises that some network utilities have been established in the past as permitted activities, establishing existing use rights can sometimes be difficult.

10.4 That said, the inclusion of the date has another effect, that may well be unintended, which is that it could be read to prevent activities established after [the date to be

added] from being operated, maintained, replaced or minor upgraded, unless such activities are specifically permitted by other rules (or resource consent).

10.5 Accordingly, I support further change to Rule 3A.4.1(a) as follows:

The operation, maintenance, replacement, or minor upgrading ~~or repair~~ of lawfully established or consented network utilities, or those that are existing as at [add decision date] ~~or which have been lawfully established.~~

11. PROVISION FOR MINOR UPGRADING

Submissions S16/033 and S16/034 - 3A.4.2 Standards for Permitted Activities

11.1 Powerco opposed the inclusion of minor upgrading activities in Rule 3A.4.2(a) - *New network utilities and minor upgrading must not exceed a maximum height of ...*

11.2 I agree that it is not necessary to place height restrictions on minor upgrading activities. Minor upgrading includes, for example, increases to the height of support structures to ensure compliance with NZECP34. It is, in my opinion, appropriate for minor upgrading to occur irrespective of the height of the infrastructure. The effects of minor upgrading activities must be assessed in the context of an existing line and where that line is already part of the existing environment, and the extent of the works must, in accordance with the definition, must not generate adverse effects that are of a different or dissimilar character, intensity and scale.

11.3 Accordingly I support amending Rules 3A.4.2(a) and (f) as follows:

a. New network utilities ~~and minor upgrading~~ must not exceed a maximum height of ...

f. ~~Poles or towers associated with e~~Electricity transmission and distribution lines must not, with the exception of minor upgrading activities, exceed a height of:

- 11.4 The additional changes reflect the fact that it is the line, and not just the support structures, that are subject to the standard.

12. NATIONAL CODE OF PRACTICE FOR UTILITY OPERATORS

Further Submission FS13/019 – 3A.4.2 Standards for Permitted Activities (k)

- 12.1 Powerco supported a submission by Chorus seeking to recognise that compliance with the National Code of Practice for Utility Operators Access to Transport Corridors 2011 is a matter which is controlled by Councils through Corridor Access Requests, and that cross referencing that Code in the District Plan is unnecessary.

- 12.2 The Reporting Planner recommends rejecting the submission and further submission on the grounds that the provision is intended to provide plan users with clarity around requirements, in the same way reference has been made to other Codes of Practice. The standard reads as follows:

k. For any construction work associated with any infrastructure that is undertaken in the legal road, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).

- 12.3 I agree with Chorus that inclusion of the standard is unnecessary. While it started out as an industry led Code of Practice, the National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) is now a legislated requirement under the Utilities Access Act 2010, an updated version having been approved in 2015, and with subsequent minor amendments in 2016. Having been approved by the Government as a deemed regulation, and being administered between the corridor managers and industry (and not third parties), it appears unnecessary to include it as a standard to be administered through the District Plan.

12.4 Accordingly, I support the deletion of 3A.4.2 Standards for Permitted Activities (k) as follows:

~~*k. For any construction work associated with any infrastructure that is undertaken in the legal road, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).*~~

12.5 If the Council prefers, as an alternative to deletion, I would also support reference to the Code being included as a Guidance Note.

13. INTERNALISING EFFECTS WITHIN A SITE

Submission S16/041 – 3A.4.3 Restricted Discretionary Assessment Criteria (iv)

13.1 Assessment Criteria (iv) reads as follows:

the degree to which the non-compliance can be mitigated to ensure the effects are internalised to the site.

13.2 Powerco's submission sought to recognise that the adverse effects of lineal network utilities could not be internalised to 'the site', as by their very nature lineal activities traverse multiple sites. If there is a non-compliance with the height rule, for example, then it is possible that non-compliance will be across the length of the line, and not just in one place.

13.3 The Reporting Planner states that the District Plan does not distinguish between lineal and non-lineal utilities, that the change is unnecessarily complicated and that there is no policy base for the change.

13.4 I am not clear what the policy basis is for internalising adverse effects to a site. I would suggest an amendment along the following lines:

the degree to which it is necessary and practicable to mitigate the non-compliance ~~can be mitigated~~ to ensure the effects are internalised to the site

14. DISCRETIONARY vs NON COMPLYING STATUS FOR NEW NETWORK UTILITIES

Submission 16/045 and Further Submission FS13/027 – 3A.4.4 Discretionary

Submission 16/046 and Further Submission FS13/028 – 3A.4.5 Non Complying

- 14.1 Powerco submitted that lineal infrastructure activities should be provided for as discretionary activities within an Outstanding Natural Landscape in Appendix 1C and not as non-complying activities.
- 14.2 The Reporting Planner states that the Council’s landscape expert considers that there is little difference in the visual presence of linear and non-linear infrastructure when considering Outstanding Natural Features and Landscapes, and that Mr Hudson considers Non-Complying Activity status to provide a clear signal as to the protection of such areas, and to indicate where new or expanded infrastructure is not anticipated in the District. The non-complying status is also seen to implement the provisions of the One Plan.
- 14.3 Mr Hudson’s conclusion is that infrastructure should be considered as a non-complying activity because (in summary):
- a. While there are different potential effects on landscape and amenity that arise through the various network utility activities, they will all result in some degree of disturbance, whether that be physical or visual (para 27);
 - b. The placement of utilities within outstanding natural features and landscapes should not be anticipated (para 27).
- 14.4 Mr Hudson also acknowledges, however, that in some circumstances consent could be granted to utilities in ONLF’s, including where (para 28):
- a. alternative options are not possible; and/or
 - b. the identified characteristics and values are not adversely affected.

14.5 I acknowledge Policy 6-6 of the RPS as follows:

Policy 6-6: Regionally outstanding natural features and landscapes

The natural features and landscapes listed in Schedule G Table G.1 must be recognised as regionally outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development directly affecting these areas must be managed in a manner which:

- a. avoids significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes, and*
- b. except as required under (a), avoids adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.*

14.6 Policy 6-6 applies to the natural features and landscapes listed in Schedule G, Table G.1 and does not apply to all ONFL identified by the council. For other ONFL, the Council has to determine an appropriate management approach, whilst giving effect to the RPS.

14.7 Applying non-complying activity status to such activities does not, in my view, have sufficient regard to Policies 3-1 and 3.3 of the RPS. Those policies are reproduced below:

Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance

(a) The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:

...

(ii) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity

(iii) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas

.....

- (c) *The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (b), have regard to the benefits derived from those activities.*

Policy 3-3: Adverse effects of infrastructure and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- a. recognise and provide for the operation, maintenance and upgrading of all such activities once they have been established,*
- b. allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and*
- c. avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:*
- i. the need for the infrastructure or other physical resources of regional or national importance,*
 - ii. any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,*
 - iii. whether there are any reasonably practicable alternative locations or designs, and*
 - iv. whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.*

- 14.8 In my opinion, applying non-complying activity status in the way proposed would clearly signal that regionally important utilities are not intended to be provided for in ONFL, which I consider to be inconsistent with the overall policy direction in the One Plan.

- 14.9 I don't consider it to be effects based either. The fact that all such activities 'will result in a degree of disturbance', as Mr Hudson puts it, does not in my opinion lead to the conclusion that all such activities should be not anticipated.
- 14.10 For example, non-complying resource consent would be required for the construction of a new distribution line exceeding 110 kV. Any such infrastructure is by definition regionally important. A non-complying activity is required to pass through the threshold test in Section 104D of the RMA, in that either the adverse effects will be minor or it will not be contrary to the objectives and policies of the plan.
- 14.11 Whether or not the threshold test can be met is at present uncertain, because while the ONFLs themselves have been identified, the District Plan section relating to ONFL has yet to be notified and determined. While that may be possible in relation to the utilities objectives and policies, such a proposal would have to meet all relevant objectives and policies of the district plan and this is by no means assured, especially for the still to be proposed ONL chapter, or for the life of the Plan. There will be a constant threat from any Plan Change that introduces new objectives and policies that may intentionally or otherwise affect network utilities. Further, given bundling and that non-complying activity status may well apply to the proposal as a whole, and not just to that part of an activity in the ONFL, it is also conceivable that the effects of the line in some parts may be more than minor, even if they are not so in the ONFL area.
- 14.12 In my opinion a discretionary activity status still enables an assessment against such provisions but it does not prevent consent from being granted in the way that a non-complying activity can.
- 14.13 A discretionary activity consent application should have no less scrutiny applied to it than a non-complying activity, but it would allow for the application to be considered without the need to pass the "threshold tests' and for that consent to be

granted. Non-complying status fails, in my opinion, to recognise the regional significance of electricity infrastructure and the benefits associated with a reliable and secure supply of electricity. Nor does it recognise the technical and operational constraints on the location of new electricity lines, which can include the requirement to connect two fixed points in an efficient manner: for example, to connect a generation source with the distribution network or to connect two substations. Non-complying status could potentially undermine the ability of a proposal to meet the S104D gateway tests, even if it meets the test of sustainable management and there are district or region-wide benefits.

14.14 Mr Hudson, at paragraph 24 of his evidence, accepts that it is easy to distinguish between lineal and non-lineal network utilities, but considers that all network utilities should be treated with the same status within ONFLs. That goes beyond the scope of the submissions, however, and I can support making regionally important lineal network utilities discretionary on the grounds that:

- a. There is scope to do so, and the limit to scope should not prejudice the grant of appropriate relief as sought;
- b. It is possible for the values of outstanding natural areas to remain intact even in the presence of lineal utilities, as is evidenced by the fact that some existing areas are traversed by such infrastructure;
- c. There is no evidence that all such resources are currently “at their limit”;
- d. Non-complying activity status does not recognise the constraints that apply to such lineal utility networks, and which may mean that some areas cannot be avoided and that remediation or mitigation may be appropriate;
- e. A lineal utility has to be managed as a whole. The bundling principle may mean that a whole line would become a non-complying activity which is problematic as described above; and
- f. Non-complying activity status does not recognise the nature of constraints that apply to lineal activities. Given that transmission assets extend beyond property, zone and special area boundaries, this is a particularly important

aspect of integrated management, one of the functions of the District Council.

14.15 Accordingly I support Amending Rules 3A.4.4 and 3A.4.5 as follows:

3A.4.4 Discretionary

Any network utility not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity, or is not specifically provided for in this Plan, shall be a Discretionary Activity

3A.4.5 Non-Complying

Any network utility located within an Outstanding Natural ~~Feature or~~ Landscape in Appendix 1C that is not a regionally important lineal utility and which is not otherwise provided for as a permitted or restricted discretionary activity is a Non-Complying Activity.

14.16 The deletion of 'Feature or', is required because those items require restricted discretionary activity consent in accordance with Rules 3A 4.2.I. (PA standards) and 3A 4.3.i (RDA), and so are currently duplicated. The inclusion of 'not otherwise provided for as a permitted or restricted discretionary activity' recognises that the operation, maintenance, replacement and minor upgrading of existing utilities is otherwise specified as permitted. Both changes are within the scope of Powerco's submission.

14.17 If there is discomfort at applying the change to lineal network utilities only, then consideration could be given to rectifying the lack of scope by proposing to delete Rule 3A.4.5 through the anticipated Plan Change 53.

EARTHWORKS

15. ELIMINATING RISK

Submission S16/048 – 3D.3 Objectives and Policies (Policy 1.3)

15.1 Policy 1.3 reads as follows:

To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C, except where earthworks are necessary to eliminate risk to human health and safety.

15.2 Powerco sought to amend Policy 1.3 to refer to the elimination of ‘unacceptable risk’, rather than to the elimination of risk per se. It is very difficult to eliminate risk; risk will often remain, even though it is managed to an acceptable level.

15.3 The Reporting Planner recommends rejecting the submission on the grounds that the inclusion of ‘unacceptable’ adds confusion and creates uncertainty for plan users because it is not clear who would decide if a risk was unacceptable.

15.4 I consider unacceptable risk to be an appropriate inclusion because the outcome is clear. Acceptability or otherwise can be assessed on a case by case basis (in much the same way that adverse effects are). Accordingly, I support making the following change:

To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C, except where earthworks are necessary to eliminate unacceptable risk to human health and safety.

15.5 However if the Panel prefers, an alternative amendment could be as follows:

To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C, except where earthworks are necessary to ~~eliminate~~ manage risk to human health and safety.

16. MANAGEMENT OF DUST

Submission S16/051 - 3D.3 Objectives and Policies (Policy 2.4)

Submission S16/052 - 3D.4.2 Standards for Permitted Activities (a)

16.1 Powerco sought to amend Policy 2.4 as follows:

To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite to ensure that particulate matter does not cause nuisance or pollution or affect the safety or operation of other activities.

16.2 The Reporting Planner recommends rejecting the submission on the grounds that the creation of a nuisance is often in the eye of the beholder and that the addition of these words into the policy does not provide certainty for plan users.

16.3 I accept that the intent of the policy is to manage effects on the site on which they occur. However Powerco's requested change seeks to acknowledge that where there are multiple users within a site, it may not be sufficient to contain the effects of earthworks to within that site. Where there are multiple parties within a site, for example, containing the effects of dust to within the site might comply with the policy per se, but not meet the policy intent (ie: to manage the effects of earthworks so that they do not create a nuisance or adverse effect on third parties]. In that context, in my opinion the changes sought by Powerco clarify the intent of the policy and therefore provide greater certainty than the policy in its current form.

16.4 Accordingly, I support making the changes sought in Powerco's submission as follows:

To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite to ensure that particulate matter does not cause nuisance or pollution or affect the safety or operation of other activities

16.5 Furthermore, I consider that some clarification is required as to the level of dust control measures to be implemented. At present Permitted Activity Standard 3D.4.2(b) requires that all dust and sediment control measures be installed prior to earthworks commencing, however there is no rule that actually requires dust control measures to be adopted.

16.6 Powerco sought to include a new permitted activity standard to the effect that dust shall be controlled so that it does not generate a nuisance. While I accept that what constitutes a nuisance would have to be determined on a case by case basis, there is guidance available to ensure that such an assessment is as objective as practicable (for example the MfE *Good practice guide for assessing and managing the environmental effects of dust emissions*).

16.7 Accordingly, I support the introduction of a new rule along the following lines:
Measures are to be adopted to control the discharge of dust so that it does not generate a nuisance.

TEMPORARY ACTIVITIES

17. MANAGING THE EFFECTS OF TEMPORARY ACTIVITIES ON NOISE SENSITIVE ACTIVITIES

Submission S16/027 – 3F.3 Objectives and Policies (Policy 1.2)

17.1 Policy 1.2 reads as follows:

To ensure temporary activities do not result in adverse amenity effects on noise sensitive activities.

- 17.2 Powerco opposed the policy on the grounds that there is no need to remedy or mitigate all adverse effects on noise sensitive activities, as some such effects may be acceptable given their duration, frequency, intensity, etc. Powerco accordingly sought to include a reference to 'significant' effects be included.
- 17.3 The Reporting Planner recommends that the submission be rejected on the grounds that short term effects may have a lesser impact than effects of permanent activities, but this is because the temporary nature of the activity can make it less significant (including between events that run for a few hours verses over a period of a month). The intent is for the assessment to be on the effects of an activity, not just those that are significant. Council's noise expert does not support inclusion of significant into the policy, as suggested by the submitter.
- 17.4 I can appreciate the position of both parties. In my opinion it needs to be acknowledged that adverse effects from temporary activities need to be managed having regard to scale, intensity, location, duration and frequency of the noise, irrespective of whether the effect is on a noise sensitive activity or not. In my view, the presence of a noise sensitive activity may have a stronger impact on intensity, location, duration and frequency of the noise associated with a temporary activity, but in principle it should not automatically mean that a noisier than usual temporary activity cannot occur.
- 17.5 Accordingly, I support the deletion of Policy 1.2, and reliance on Policy 1.1, as follows:

1.1 To restrict the scale, intensity, location, duration and frequency of temporary activities to manage any adverse effects on the surrounding environment.

~~*To ensure temporary activities do not result in adverse amenity effects on noise sensitive activities.*~~

18. CONCLUSION

- 18.1 In my opinion the changes that I have set out in my evidence, are required to give effect to the policy approach in the higher order documents and, ultimately, to promote the sustainable management of natural and physical resources. In particular I note my opinion that the utilities chapter should 'stand-alone', and that the protection of outstanding natural landscapes and provision for regionally significant infrastructure are not necessarily mutually exclusive outcomes.

Karen Blair

(BPlan, MNZPI)

Attachment A: Proposed Plan Change 55 of the Manawatu District Plan – Summary of the Position on the Staff Recommendations On Powerco’s Submissions (S16) and Further Submissions (FS13)

Provision	Summary of Submission <i>(additions to provisions <u>underlined</u>, deletions in strikethrough)</i>	Officer Recommendation (Officer Report and Page Number) <i>(additions to provisions <u>underlined</u>, deletions in strikethrough)</i>	Comment
DEFINITIONS			
S16/001 2. Definitions - Earthworks	Amend the definition of earthworks to exclude post holes and replacement works. Post holes are required for a variety of activities, such as erection of clotheslines and support structures for power lines. Maintenance works often involve repair and replacement of assets and earthworks may be required. Replacement and repair are all standard maintenance type activities that focus on retaining the integrity of the infrastructure. While repair is commonly viewed as a maintenance activity, it needs to be clear that replacement is also a maintenance activity, and this should be reflected in the definition.	Recommend that submission S16/001 be accepted and FS13/029 be accepted and make changes as follows: <i>Earthworks means the removal, deposit or relocation of soil that results in alteration between the existing and finished ground level. This includes but is not limited to, soil movement associated with subdivision and site works as defined in the Building Act 2004. For the purposes of this Plan, earthworks excludes the following:</i> <ul style="list-style-type: none"> • <i>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</i> • <i>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></i> • <i>trenching and backfilling ancillary to the installation of network utilities and services</i> • <i>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</i> • <i>cultivation, <u>including harvesting and maintaining of crops</u></i> • <i>aggregate extraction, <u>unless within the National Grid Yard.</u></i> 	Refer Section 3.0 of Evidence.
FS13/029 to S1/001 2. Definitions – Earthworks	Supported in part a submission by Federated Farmers that activities such as tilling or cultivation, harvesting and maintaining crops, post holes, drilling bores, offal pits, forming farm tracks, burial of dead stock and installation of water pipes and troughs should also be provided for in the exclusion.	(This cell is merged with the one above and contains the same content as the Officer Recommendation for S16/001)	(This cell is merged with the one above and contains the same content as the Comment for S16/001)

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		<p><u>Replacement for the purposes of network utilities, means the repair or putting back in place the components of the network utility infrastructure so that it remains the same or similar in character, intensity and scale as what was originally in that location.</u></p>	
<p>S16/002</p> <p>2. Definitions – Minor Upgrading</p>	<p>Amend the definition to include more specific examples of works that do not have an adverse effect on the environment as follows:</p> <p><u>(g) Adding electrical or telecommunication fittings</u></p> <p><u>(h) Replacement of cross arms with cross arms of an alternative design</u></p> <p><u>(i) Support structure replacement within the existing alignment of the line or within 5m of the existing support structures being replaced.</u></p> <p><u>(j) An increase in support structure height required to achieve compliance with NZECP 34:2001</u></p> <p><u>(k) An increase in support structure height by no more than 15% of the base height of the support structure, and where the base height is defined as height of the structure at the date of public notification of the Plan</u></p>	<p>Recommend that submission S16/002 be accepted in part and make the following changes:</p> <p><u>g. adding electrical or telecommunication fittings. ...</u></p> <p><u>i. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u></p> <p><u>j. an increase in support structure height required to achieve compliance with NZECP 34:2001.</u></p> <p>With regards to the increase in height by 15% there is no supporting evidence on why this is required, or why the provision relating to the safe distances as required by the NZECP are not sufficient.</p>	<p>Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.</p> <p>The increase in height by 15% does not need to be pursued, subject to the Council making other changes to the rules as sought.</p>
<p>S16/003</p> <p>2. Definitions -</p>	<p>Retain the definition, without further modification, insofar as it refers to 'electricity and gas transmission and distribution'.</p>	<p>Recommend that submission S16/003 be accepted.</p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is</p>

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Network Utility			supported.
FS13/030 2. Definitions - Network Utility	Opposed a submission by First Gas seeking to amend the definition by making the following change: <i>(d) Distribution or transmission by pipeline of gas or petroleum <u>inclusive of incidental equipment and facilities.</u></i>	Recommend that the further submission FS13/030 be accepted. The additional words are not included in the definition of network utility operation under the RMA. However, the definition in the Act is inclusive of the words requested by the submitter and are therefore considered unnecessary.	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
FS13/031 to S23/024 0 2. Definitions - Reverse Sensitivity (new) [PC52]	Include a definition for reverse sensitivity.	Recommend that further submission FS13/031 be accepted. A definition for reverse sensitivity has been introduced through PC52 Industrial Zone which was notified at the same time as PC55.	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
DISTRICT WIDE RULES			
S16/004 3.1 Introduction	Intent of chapter is unclear insofar both the district wide and zone rule provisions appear to apply and the relationship between those zone rules and district wide rules is not clear. Seek that the existing statement be replaced with one that very clearly states that the district wide rules prevail, and that the development standards of the zone are not relevant to utilities as follows: <i><u>The provisions in this chapter supersede the</u></i>	Recommend that submission S16/004 be rejected. Recommend that further submission FS13/004 be rejected. Recommend that further submission FS13/001 be rejected. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with	Refer Section 4.0 of Evidence.

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	<u>zone provisions. The zone provisions shall only apply if specifically stated within this chapter.</u>	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.	
FS13/004 to S20/005 1. Introduction	Supported a submission by First Gas that a stand-alone network utility chapter should be provided within the District Wide rules. The applicability of other chapters, making it difficult for users to interpret the provisions.	However the statement has been amended as follows: <i>This chapter is intended to be read in <u>conjunction</u> should be read along with the relevant zoning provisions. If the zoning rules are more <u>restrictive</u> specific than the provisions contained in this chapter, then they <u>the zone rules</u> shall apply.</i>	
FS13/001 to S11/008 3.1. Introduction	Supported in part a request by Transpower that the Plan be amended to more clearly describe the relationship between the zone rules and the District Wide rules.		
S16/005 3A.1 Introduction	It is appropriate to acknowledge that network utilities can have adverse effects on the environment, that these effects cannot always be avoided, remedied or mitigated, and that	Recommend that submission S16/005 be accepted in part, that further submission S13/002 be accepted and that further submission S13/003 be accepted, and	Powerco’s submission and further submissions are given effect and the recommendation of the Reporting Planner is supported.

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	this will need to be weighed in the decision making process along with other relevant matters such as the benefits of infrastructure and locational/operational constraints.	make the following changes: <i>Communities rely on network utilities to function. It is therefore critical the development, operation, upgrading and maintenance of these essential services are managed appropriately to ensure the social, economic and cultural wellbeing of those in the District <u>and beyond</u>. Such <u>infrastructure, services and facilities can also create significant direct or indirect adverse environmental effects, some of which may be quite specific to the utility.</u></i>	
FS13/002 to S11/009	Supported in part the addition of text to the introduction 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.	<i><u>Due to their locational, functional, technical and operational constraints, some utilities may generate adverse effects that cannot be practically avoided, remedied or mitigated. As such, these effects need to be balanced against the essential nature of facilities and the benefits these utilities provide to the social, economic, health and safety and wellbeing of people and communities in the Manawatu District and beyond.</u></i>	
FS13/003 to S1/002 3A.1 Introduction	Opposed in part a submission by Federated Farmers seeking that the introduction to 3A.1 is amended to include the following paragraph: <i><u>Utility Networks can create adverse effects on landholders trying to operate their legitimate businesses on land legally held by them. The District Plan seeks to manage these adverse effects and ensure planning provisions do not supplant Utility Network operator’s obligations towards landowners who host their infrastructure.</u></i>		
Issues, Objectives and Policies			
FS13/005 to S1/003 3A.2 Resource	Opposed submission by Federated Farmers / NZHPT seeking to include a new issue specifically relating to the adverse impact of network utilities on farming / historic heritage	Recommend that further submissions FS13/005 and FS13/006 be rejected and make a change as follows:	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.

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Management Issues	respectively.	<u>[new issue 8]: The location, operation, maintenance and upgrading of network utilities can create adverse effects on the environment.</u>	
S16/006 3A.2 Resource Management Issues (Issue 1)	It is important to recognise a balance between adverse environmental effects and the benefits network utilities provide to the social, economic and wellbeing of a community (given locational and operational constraints). Amend Issue 1 as follows: <i>To provide for the safe, effective and efficient operation of network utilities, including infrastructure of regional and national importance <u>which support the economic and social wellbeing of the district, recognising that this infrastructure may create adverse effects on the environment.</u></i>	Recommend that submissions S16/006 be accepted in part and make a change as follows: <i>To provide for safe, effective and efficient operation, <u>maintenance, and upgrade of network utilities, including infrastructure of regional and national importance.</u></i> With the recommended addition of a new issue through the submissions / further submissions discussed in the row above, the last addition to Issue 1 is considered unnecessary.	Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported. The addition of replacement is also supported. Refer Section 3.0 of Evidence.
S16/007 3A.2 Resource Management Issues (Issue 3)	Amend issue 3 as follows: <i>The safe and efficient operation, upgrading, and <u>maintenance and development</u> of network utilities can be put at risk by inappropriate subdivision, use and development.</i>	Recommend that submissions S16/007 be rejected. 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	Refer Section 5.0 of Evidence. The addition of replacement is also supported. Refer Section 3.0 of Evidence.

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		construction of new infrastructure which is not intended by this provision. The term lacks clarity in how it is used within the issue statement.	
16/008 3A.2 Resource Management Issues (Issue 4)	Delete issue 4 as this is addressed by the changes sought through Powerco's submission to issue 1.	Recommend that submission S16/007 be rejected. 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 issue.	This submission is not being pursued at this time.
S16/009 3A.3 Objectives and Policies (Objective 1)	Support intent, however is drafted in the manner of a policy rather than objective. Seek rewording to retain intent and better represent an objective. Delete Objective 1 and replace with the following: <i><u>To recognise and provide for the on-going operation, maintenance, replacement, upgrading and development of network utilities, whilst avoiding, remedying or mitigating significant adverse effects.</u></i>	Recommend that submission S16/009 be rejected. The requested wording narrows the 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. The wording is not outcomes focused, and merely repeats the intent of the Resource Management Act.	Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported. The addition of replacement is also supported. Refer Section 3.0 of Evidence.
FS13/008 to S11/017	Supported a submission by Transpower seeking to replace Objective 1 as follows:	Recommend that further submission FS13/008 be rejected.	

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3A.3 Objectives and Policies (Objective 1)	<p><u>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.</u></p> <p>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.</p>	<p>The requested wording narrows the 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</p>	
FS 13/007 to S1/004 3A.3 Objectives and Policies (Objective 1)	<p>Supported in part a further submission by Powerco insofar as it is appropriate to recognise that network utilities can create adverse effects, and to acknowledge that these effects cannot always be avoided, remedied or mitigated. However the wording was not supported.</p>	<p>Recommend that further submission FS13/007 be rejected.</p>	<p>Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.</p>
S16/010 3A.3 Objectives and Policies	<p>Amend Policy 1.1 as follows: <i>To enable the establishment, operation, maintenance, <u>replacement and minor upgrading and development</u> of network utilities.</i></p>	<p>Recommend that submission S16/10 be accepted in part and make the following changes:</p>	<p>Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.</p>

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(Policy 1.1)		<i>To enable the establishment, operation, maintenance, <u>replacement</u>, and minor upgrading of network utilities.</i>	
S16/011 3A.3 Objectives and Policies (Policy 1.2)	'Where possible' should be replaced with 'where practicable'. Possible means that which is to be done, whereas practicable means that which is able to be done successfully. Practicable is considered to be a more appropriate requirement - including being more consistent with the policy approach.	Recommend that submission S16/011 be rejected. The intention is that 'where possible' utility providers co-locate their infrastructure. This is to minimise cumulative effects, reduce perceived visual clutter and encourage efficiencies. The use of 'where possible' is considered to be more certain and is recommended to be retained.	Refer Section 6.0 of Evidence.
S16/012 3A.3 Objectives and Policies (Policy 1.3)	Amend Policy 1.3 to recognise that it may not be practicable to underground all new cables and lines. A blanket requirement is inappropriate and fails to give effect to Policy 3-1 of the One Plan. Policy is not helpful because in the event that a line is not able to be placed underground (as is already required by the rules), it provides no policy guidance as to the circumstances when an above ground location would be appropriate. An underground location does not necessarily equate to an efficient use.	Recommend that submission S16/012 be accepted in part and make the following changes: <i>To require that <u>encourage all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.</u></i>	Refer Section 7.0 of Evidence.
S16/013 3A.3 Objectives and Policies (Policy 1.4)	Lodged its own submission and supported a submission by Transpower seeking to amend Policy 1.4 to recognise operational requirements and constraints of network	Recommend that further submission FS13/009 be accepted and make the following changes: <i>To recognise the locational, technical and</i>	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.

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FS13/009 to S11/021 3A.3 Objectives and Policies (Policy 1.4)	utilities and also that their benefits extent beyond the immediate environment.	<i>operational requirements and constraints of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond when assessing their location, design and appearance.</i>	
S16/014 3A.3 Objectives and Policies (Policy 1.5)	Requirement to ensure construction and location that is sensitive to the amenity and landscape values is quite directive, particularly when read in contrast to Policy 1.4. Effects cannot always be avoided, remedied or mitigated. Delete Policy 1.5 and replace with a new policy as follows: <i><u>To ensure that significant adverse effects on the environment are avoided, remedied or mitigated.</u></i>	Recommend that submission S16/014 be rejected. The proposed wording is vague and does not provide plan users with certainty or guidance as to the effects of concern. The requested policy merely repeats the Act and is not outcomes focused, which the District Plan review is aiming to achieve	This submission is not being pursued at this time.
S 16/015 3A.3 Objectives and Policies (Objective 2)	Seek to include provision for upgrading. Unlike buildings or landuse activities, location of utilities is dictated by demand and availability of alternatives can be constrained such that it is more appropriate to upgrade than develop a new utility. Maintenance and replacement is essential work that must be carried out to ensure the safe and efficient operation of existing network utilities.	Recommend that submission S16/015 and further submission FS13/010 be accepted and make the following changes: <i>To protect the operation, <u>maintenance, replacement and upgrading of existing network utilities, including infrastructure of regional and national importance, and the planned development of new network utilities</u> from the potential adverse effects of subdivision, use, development and land use activities.</i>	Powerco’s submission and further submission are given effect and the recommendation of the Reporting Planner is supported.
FS13/0010 to S11/023 3A.3 Objectives	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		

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and Policies (Objective 2)	operation of existing utilities (i.e. how they operate now) but also how they may be upgraded or developed in the future. Amend Objective 2 to read as follows: <u>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 and other network utilities, including the National Grid.</u> protect the operation of network utilities, including infrastructure of regional and national importance, from the potential adverse effects of subdivision, use, development and other land use activities.	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, subject to the consequential inclusion of a definition of ‘planned development’ as follows: <u>Planned Development means network utility infrastructure that is the subject of a lodged or granted application for certificate of compliance or resource consent, or a notice of requirement, or a confirmed designation.</u>	
S16/016 3A.3 Objectives and Policies (Policy 2.1)	Retain Policy 2.1 without modification.	Recommend that submission S16/016 be accepted.	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
FS13/032 to S23/003 3A.3 Objectives and Policies (Policy 2.2)	Opposed a submission by Federated Farmers seeking to include a new definition for reverse sensitivity.	Recommend that further submission FS13/032 be accepted. A definition for reverse sensitivity has been introduced through PC52 Industrial Zone which was notified at the same time as PC55.	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.
S16/017 3A.3 Objectives	Seek to include provision for upgrading. Unlike buildings or landuse activities, location of	Recommend that submission S16/017 be accepted in part and the following	Refer Section 8.0 of Evidence.

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and Policies (Policy 2.2)	utilities is dictated by demand and availability of alternatives can be constrained such that it is more appropriate to upgrade than develop a new utility. Maintenance and replacement is essential work that must be carried out to ensure the safe and efficient operation of existing network utilities. Amend Policy 2.2 as follows: <i>To require that appropriate separation of activities is maintained to enable the safe operation, <u>maintenance, replacement and upgrading of existing network utilities</u>, and avoid reverse sensitivity <u>and/or risk issues</u>.</i>	changes made: <i>To require that appropriate separation of activities is maintained to enable the safe operation, <u>maintenance, replacement and upgrading of network utilities</u>, and avoid reverse sensitivity issues.</i> Reference to risk is subjective and would potentially cause uncertainty for plan users. The addition of risk to the policy is therefore not supported.	
FS13/011 to S11/026 3A.3 Objectives and Policies (Policy 2.3)	Opposed a submission by Transpower specifically seeking to exclude the National Grid from Policy 2.3.	Recommend that further submission FS13/011 be accepted.	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.
S16/018 3A.3 Objectives and Policies (Policy 2.3)	Amend to clarify that potential effects of planned network utilities (e.g. designations not yet given effect or utilities identified in structure plans) should also be managed. Amend Policy 2.3 as follows: <i>To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, <u>maintenance, replacement and upgrading of existing or planned network utilities</u>.</i>	Recommend that submission S16/018 be accepted and the following changes made: <i>To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, <u>maintenance, replacement and upgrading of existing or planned development of network utilities</u>.</i>	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.

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S16/019 3A.3 Objectives and Policies (Objective 3)	As currently drafted objective repeats Policy 3.2. Seek to broaden the objective to relate to effects of network utilities generally, whilst still ensuring consistency with the Act. Amend Objective 3 as follows: To protect restrict, except within an existing road carriageway, the development of network utilities within areas of significant heritage and landscape value recognising the values of Outstanding Natural Features and Landscapes from inappropriate development of network utilities.	Recommend that submission S16/019 be accepted in part and the following changes made: [Delete existing Objective 3] : <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities.</u>	Refer Section 9.0 of Evidence.
S16/020 3A.3 Objectives and Policies (Policy 3.1)	Delete Policy 3.1 as this policy is now incorporated into the amendments sought to Objective 3.	Recommend that submission S16/019 be rejected. This submission point links to the other requests of the submitter relating to changes to Objective 3. Those changes are not supported, however a new Objective 3 is recommended. Deletion of this policy is not supported as it would not provide policy support for the consideration of the effects of 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	Refer Section 9.0 of Evidence.

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S16/021 Objectives and Policies (Policy 3.2)	Term practicable should be added to recognise that there may be alternatives, but that these may not be practicable (i.e. unless there is no practicable alternative).	Recommend that submission S16/021 be accepted and further submissions FS13/012, FS13/013, FS13/014 and FS13/015 be rejected and make the following changes: <i>To restrict the development of network utilities, except within an existing road carriageway, within areas <u>scheduled of significant heritage and landscape value</u> in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no <u>practicable</u> alternative location.</i>	Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.
FS13/014 to S3/011 3A.3 Objectives and Policies (Policy 3.2)	Opposed in part a submission by HNZPT seeking to amend Policy 3.2 seeking to include a reference to the “area or setting” of scheduled items, on the grounds that it lacked clarity.		
FS13/015 to S11/030 Objectives and Policies (Policy 3.2)	Supported in part a submission by Transpower seeking to delete Policy 3.2 to the extent that the Policy should be retained, and if a specific exemption for the National Grid is to be applied, then a similar approach should be taken as suggested in relation to Policy 2.3. That is bracketed text should be added to clarify that: <i>(<u>This policy does not apply to the National Grid: Policy 3.X applies instead</u>)</i> .		
FS13/012 to S18/013 FS13/013 to S17/012	Supported in part a submission by Chorus / Spark (respectively) to the extent that that the wider community benefits of, and the technical requirement or functional need to locate, telecommunications and radiocommunication infrastructure in areas of significant heritage		

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Objectives and Policies (Policy 3.2)	and landscape value needs to be reflect in Policy 3.2 However, Powerco considers that the use of the phrase “items” is more appropriate than “areas” given that not all references relate to areas, and that the extent of an “area” is not clearly defined.		
RULES			
FS13/016 to S1/007 3A.4 Rules	<p>Opposed a submission seeking to make the following activities listed in 3A.4.1 discretionary activities (as relevant to Powerco).</p> <p><i>A, the operation, maintenance, minor upgrading or repair of utilities existing as at (notification date)</i></p> <p><i>C, radiocommunication and/or telecommunication facilities, cables and lines, including those underground</i></p> <p><i>G, the construction, maintenance and upgrading of any new electricity lines and associated transformers up to and including 110kv.</i></p> <p>Powerco specifically opposed making activities A, C and G discretionary, on the grounds that such activities are appropriately provided for as permitted activities.</p>	Recommend that further submission FS13/016 be accepted.	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
S16/030	Add a new permitted activity rule as follows:	Recommend that submission S16/030 be accepted and make the following change:	Powerco’s submission is given effect and the recommendation

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3A.4 Rules	<u>Trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the line.</u>	<u>The trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the telecommunication or electricity line.</u>	of the Reporting Planner is supported.
S16/022 3A.4 Rules	Amend introductory text to delete reference to the zone rules as follows; <i>Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps <u>and the</u> relevant appendices and provisions of the applicable zone.</i>	Recommend that submission S16/022 be rejected.	Refer Section 4.0 of Evidence.
S16/024 3A.4.1 Permitted Activities (a)	Support in principle but seeks the date is deleted from rule as not required. If a new facility is established then it should be able to be operated, maintained, and repaired/minor upgraded as a permitted activity. Also question whether the inclusion of repair is required as it is assumed, consistent with the policy approach, that these would fall to be considered as maintenance works	Recommend that submission S16/024 be accepted in part and make the following change: <i>The operation, maintenance, <u>replacement</u>, minor upgrading or repair of network utilities existing as it [add decision date] or which have been lawfully established.</i> Inclusion of the date was to recognise that some network utilities have been established as permitted activities in the past. To avoid any confusion in the future then the reference to ‘existing as at the date of decision’ would clearly protect the infrastructure and the interests of the	Refer Section 10.0 of Evidence.

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S16/025 3A.4.1 Permitted Activities (c)	Support in principle however Rule 3A.4.1(c) permits radiocommunication and/or telecommunication facilities, cables and lines, including those underground, provided that they comply with the standards of Rule 3A.4.2. As drafted the inclusion of 'including those underground' could be read to imply that underground works are not necessarily provided for in respect of other utilities. Amend Rule 3A.4.1(c) as follows: <i>Radiocommunication and/or telecommunication facilities, cables and lines including those underground.</i>	network utility operators. Recommend that submission S16/025 be accepted and make the following change: <i>Radiocommunication and/or telecommunication facilities, cables and lines including those underground.</i>	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.

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<p>S16/027</p> <p>3A.4.1 Permitted Activities (c)</p>	<p>Retain Rule 3A.4.1(c).</p>	<p>Recommend that submission S16/027 be accepted, however the following changes have been made: <i><u>The construction, operation, maintenance and minor upgrading of radiocommunication and/or telecommunication facilities, cables and lines, including those underground.</u></i></p>	<p>Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.</p> <p>The addition of replacement is also supported. Refer Section 3.0 of Evidence.</p>
<p>S16/028</p> <p>3A.4.1 Permitted Activities (f)</p>	<p>Retain Rule 3A.4.1(f).</p>	<p>Recommend that submission S16/028 be accepted.</p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.</p>
<p>S16/026</p> <p>3A.4.1 Permitted Activities (g)</p>	<p>Amend Rule 3A.4.1(g) as follows: <i>The construction, operation, maintenance, <u>replacement</u> and upgrading of any new electricity lines up to and including 110kV and associated <u>equipment such as transformers and switchgear</u></i></p>	<p>Recommended that submission S16/026 be accepted in part and the following changes made: <i>The construction, operation, maintenance, <u>replacement</u> and upgrading of any new electricity lines up to and including 110kV and associated equipment such as transformers and switchgear</i></p> <p>Regarding reference to transformers and switchgear, these components were included to clearly identify what is within the permitted activity. Use of associated ‘equipment’ is too broad and considered to be too uncertain for plan users.</p>	<p>Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.</p>
<p>S16/029</p>	<p>Retain Rule 3A.4.1(n).</p>	<p>Recommend that submission S16/029 be accepted.</p>	<p>Powerco’s submission is given effect and the recommendation</p>

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Permitted Activities (n)			of the Reporting Planner is supported.
FS13/017 to S5/042 3A.4.1 Permitted Activities (Guidance Note 2)	<p>Opposed in part amending the second guidance note under Rule 3A4.1 as follows: <i>Water takes, diversion and earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.</i></p> <p>Whilst Powerco is not necessarily opposed to the inclusion of specific reference to water takes and diversions, the additional text is not considered necessary given that water takes and diversion are only controlled by the regional council rules. This is in contrast to earthworks, where rules in both the regional and district plan apply.</p>	<p>Recommended that further submission FS13/017 be rejected and the following changes made: <i>Water takes, diversion and earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.</i></p> <p>The changes requested are designed to assist plan users on where the One Plan may also apply and are supported.</p>	This submission point is not being pursued at this time.
S16/031 3A.4.1 Permitted Activities (Guidance Note 4)	<p>Vegetation and planting around any electricity line, not just transmission lines, must comply with the Electricity (Hazards from Trees) Regulations 2003. As drafted the note could imply that compliance is only required in respect of the National Grid. Support inclusion of a more generic guidance note</p>	<p>Recommended that submission S16/031 be accepted and the following changes made: <i>Vegetation and planting around Transmission-all Electricity Lines (including the National Grid) shall comply with the Electricity (Hazards from Trees) Regulations 2003.</i></p>	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
S16/032 3A.4.1 Permitted Activities (Guidance Note 5)	<p>Support but seeks minor amendment to ensure Plan users appreciate that compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory.</p>	<p>Recommended that submission S16/032 be accepted and the following changes made: <i>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to the lines, and must be</i></p>	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.

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		<u>complied with.</u>	
S16/023 3A.4.2 Standards for Permitted Activities	Amend introductory text to delete reference to the zone rules as follows: For all zone, the <i>The permitted activities specified in Rule 3A.4.1 above must comply with the following standards:</i>	Recommended that submission S16/032 be rejected. Reference to zones was to provide clarity to plan users that the rules apply to all zones, unlike some other parts of the District Wide Rules. The reference remains appropriate.	Refer Section 4.0 of Evidence.
S16/033 3A.4.2 Standards for Permitted Activities (a - i)	Standard applies a permitted threshold dependant on which zone the utility is constructed and whether the utility is new or existing. However definition of minor upgrading only provides for increasing the carrying capacity or efficiency of an existing utility. Increasing the height, to achieve compliance with NZECP34:2001 may not be regarded as improving the carrying capacity or efficiency and therefore not comply with the permitted activity rules. Amend Rule 3A4.2(a) as follows: New <u>Unless otherwise specifically provided for, network utilities, with the exception of and</u> minor upgrading must not exceed a maximum height of: (i) 9m within the Residential or Village Zone, or (ii) 20m in all other zones.	Recommended that submission S16/033 be rejected. In response to another submission, the definition of ‘minor upgrading’ has been amended to include reference to the need to achieve compliance with NZECP34:2001. In response to other submissions, the permitted activity height limits have also been increased in all zones except the Residential and Village zones. On that basis the changes requested are unnecessary.	Refer Section 11.0 of Evidence.
S16/034 3A.4.2 Standards for Permitted Activities (f - i)	Standard applies a permitted threshold dependant on which zone the utility is constructed and whether the utility is new or existing. However definition of minor upgrading only provides for increasing the carrying capacity or efficiency of an existing utility.	Recommended that submission S16/034 be accepted in part and the following changes made: <i>Poles or towers associated with electricity transmission and distribution must not</i>	Refer Section 11.0 of Evidence.

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	<p>Increasing the height, to achieve compliance with NZECP34:2001 may not be regarded as improving the carrying capacity or efficiency and therefore not comply with the permitted activity rules.</p> <p>Amend Rule 3A.4.2 (f) as follows: <i>Poles or towers associated with electricity transmission and distribution must not, <u>with the exception of minor upgrading of poles or towers</u>, exceed a height of:</i></p> <ul style="list-style-type: none"> i. 12m in the Residential and Inner Business Zones, or ii. 20m in all other zones. 	<p><i>exceed a height of:</i></p> <ul style="list-style-type: none"> i. 12m in the Residential and Inner Business Zones, or ii. 2025m in all other zones. 	
<p>S16/035</p> <p>Standards for Permitted Activities (g - ii)</p>	<p>As drafted, the standard does not provide for electricity poles or towers to exceed the maximum height of 2.5m within an electricity transmission corridor.</p> <p>Amend Rule 3A.4.2 (g)(ii) as follows: <i>Buildings and structures within an electricity transmission corridor, including the National Grid Yard must: (i) Comply with the New Zealand Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001), and (ii) <u>With the exception of poles or towers associated with the electricity transmission or distribution</u>, not exceed a maximum height of 2.5m and an area of 10m².</i></p>	<p>Recommended that submission S16/035 be rejected.</p> <p>The exclusion requested by the submitter is broad and could undermine the operation of the National Grid. The provisions contained in the proposed rule reflect the existing rule in the District Plan that was introduced through Plan Change 45. Other zone based exclusions remain in the Residential Zone provisions. It is unclear what structures would be placed into the National Grid Yard that need exemption</p>	<p>This submission point is not being pursued at this time.</p>
<p>FS13/018 to S20/021</p> <p>3A.4.2</p>	<p>Supported a submission by First Gas seeking to recognise that in certain circumstances it may not be appropriate to replace vegetation above a gas transmission pipeline if there is the</p>	<p>Recommend that further submission FS13/018 be accepted and make the following change: <i>Where network utilities are located</i></p>	<p>Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.</p>

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Standards for Permitted Activities (j)	potential that the vegetation could compromise the operational integrity of the pipeline (e.g. root growth).	<i>underground, any disturbance of the ground surface and any vegetation (<u>apart from vegetation compromising the operational integrity of the network utility</u>) must be reinstated or replaced upon completion of the works within the first available planting season.</i>	
FS 13/019 to S18/025 3A.4.2 Standards for Permitted Activities (k)	Supported a submission by Chorus clarifying that Compliance with the National Code of Practice for utility operators access to transport corridors 2011 is a matter which is controlled by Councils through Corridor Access Requests. Cross referencing in the District Plan is unnecessary.	Recommend that further submission FS13/019 be rejected. The intention of this provision is to provide plan users with clarity around requirements, just in the same way reference has been made to other Codes of Practice. Deletion of the Rule is not supported.	Refer Section 12.0 of Evidence.
S16/036 3A.4.2 Standards for Permitted Activities (l)	Rule is inappropriate as it lacks clarity and certainty, is not readily enforceable and simply repeats the policy intent. The operation, maintenance, minor upgrading, replacement or repair of utilities or location of utilities in the road reserve will not result in adverse effects. Any new assets proposed in these area may or may not have adverse effects. Amend the standard to refer to new activities only and to ensure for clarity and to default to restricted discretionary activity if the standard is not met.	Recommend that submission S16/036 be accepted in part and further submission FS13/021 be accepted, and make the following changes: Works associated with any network utility, except within an existing road carriageway, <u>must not be located within the areas scheduled</u> must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), <u>1E (Buildings and Objects with Heritage</u>	Refer Section 9.0 of Evidence.
FS13/021 to S3/012 3A.4.2 Standards for	Supported in part a submission by NZHPT, but considered the amendments sought to lack certainty.		

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Permitted Activities (l)		Value) and 1F (Sites with Heritage Value) of this Plan.	
FS13/020 to S17/025 3A.4.2 Standards for Permitted Activities (l)	Supported a submission by Spark expressing concern about the lack of certainty in the provision.		
S16/037 3A.4.2 Standards for Permitted Activities (q)	The rule relating to vibration should not apply to construction activities, which should be required to meet a relevant construction vibration standard.	Recommend that submission S16/037 and further submissions FS13/022 and FS13/023 be accepted in part and make the following changes: <i>All activities <u>that result in vibration must be managed in accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide (August 2013) to manage</u></i> so that no vibration is discernible <i>beyond the site boundaries.</i>	Powerco’s submission is largely given effect and the changes recommended by the Reporting Planner are supported.
FS13/022 to S18/027 FS13/023 to S17/026 3A.4.2 Standards for Permitted Activities (q)	Supported a submission of Chorus / Spark (respectively) seeking to delete Rule 3A.4.2.q in its entirety, or rewrite it to determine what level of vibration is appropriate, measured at the site boundary, rather than being a subjective 'discernible' vibration beyond the site boundary.	To provide greater certainty for plan users, the provisions of the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide dated August 2013, could be included in this standard.	

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<p>S16/038</p> <p>3A.4.3 Restricted Discretionary (a)</p>	<p>The matters of discretion are drafted too broadly and include a range of matters that will not be relevant to every situation. It needs to be clear that discretion will only be restricted to effects that are relevant to the standard that is not being met.</p> <p><i>For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met</u></i></p>	<p>Recommend that submission S16/038 be accepted and make the following changes:</p> <p><i>For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met:</u></i></p> <p>Consequential changes are made to Rule 3B.4.6 as follows:</p> <p><i>For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met:</u></i></p> <p>Consequential changes are made to Rules 3D.4.3 and 3G.4.3 as follows:</p> <p><i>For this activity, <u>the Council has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met:</u></i></p> <p>To ensure consistency between all chapters, it is likely that a plan change will need to be made to change this statement across the plan at the conclusion of the sectional district plan review.</p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.</p>
<p>FS13/024 to S23/008</p>	<p>Opposed a submission by Federated Farmers seeking to amend Rule 3A.4.3 by adding an addition bullet point</p>	<p>Recommend that further submission FS13/024 be accepted.</p>	<p>Powerco’s further submission is given effect and the recommendation of the</p>

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3A.4.3 Restricted Discretionary (a)	<i>-potential reverse sensitivity effects</i>	The suggested matter raised by the submitter is vague and would not assist decision makers when considering any resource consent application.	Reporting Planner is supported.
S16/039 3A.4.3 Restricted Discretionary (a - i)	Powerco sought to amend to recognise that benefits can accrue to the wider community and beyond. Powerco also supported a submission by Transpower to the same effect.	Recommend that further submission FS13/026 be accepted and make the following change: <i>The proposed benefits of the network utility proposal to the wider community and beyond.</i>	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.
FS13/026 to S11/040			
S16/040 3A.4.3 Restricted Discretionary (a - ii)	Insert significant before adverse effects to ensure that less than minor or minor adverse effects are not considered alongside significant adverse effects. Significant adverse effects should be the main concern of the Council determining whether to grant resource consents.	Recommend that submission S16/040 be rejected.	The recommendation of the Reporting Planner is accepted.
FS13/025 to S23/009 3A.4.3 Restricted Discretionary (a - ii)	Seeks to include a reference to land uses, along with amenity values, in Rule 3A.4.3 ii).	Recommend that further submission FS13/025 be rejected.	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.
S16/041 3A.4.3	Clause should refer to all utilities except lineal utilities. Lineal utilities effects cannot be internalised to the site (i.e. one site).	Recommend that submission S16/041 be rejected.	Refer Section 13.0 of Evidence.

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Restricted Discretionary (a - iv)	Amend Rule 3A.4.3(iv) as follows: <i>except in relation to lineal utilities, the degree to which the non-compliance can be mitigated to ensure the effects are internalised to the site.</i>	The District Plan does not distinguish between lineal and non-lineal utilities. An easy to understand and useable plan is intended for plan users. This suggested amendment unnecessarily complicates the District Plan in a manner which is not supported by any objectives and policies.	
S16/042 3A.4.3 Restricted Discretionary (a - v)	Possible should be replaced with practicable. Impracticable placement could be entirely possible at a large cost to the utility provider although not entirely practical i.e. a proposal could require significantly more line and towers to travers a longer alternative route than a more practical shorter route. It is more appropriate for the practical route options to be assessed against each other and not all possible but impracticable routes.	Recommend that submission S16/042 be rejected.	Refer Section 6.0 of Evidence.
S16/043 3A.4.3 Restricted Discretionary (a - vi)	Not all proposals will have an impact on the identified heritage values of the District, however if the proposal does impact on built heritage there should be an assessment to both the remedy and/or mitigation of these effects. Criteria should refer to the effects on the identified heritage values. Amend Rule 3A.4.3(vi) as follows: <i>Whether the activity impacts on the identified heritage values of the District and, if so, how such impacts are remedied or mitigated.</i>	Recommend that submission S16/043 be accepted and make the following changes: <i>Whether the activity impacts on the scheduled heritage values of the District in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan and, if so, how such impacts are remedied or</i>	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.

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		<p><i>mitigated.</i></p> <p>To avoid any confusion, and to ensure consistency with other parts of the Chapter, the list of relevant appendices in the District Plan have been included in this clause of Rule 3A.4.3(vi).</p>	
<p>S16/044</p> <p>3A.4.3 Restricted Discretionary (a - viii)</p>	<p>Amend the requirement in this clause to the degree to which alternative locations, sites, or routes have been considered rather than requiring the route to be 'better' than the alternatives, having regard to operational, locational or technical constraints.</p>	<p>Recommend that submission S16/044 be accepted in part and make the following changes: <i>The degree to which the proposed location, site or route is better than alternative locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints considered.</u></i></p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.</p>
<p>S16/045</p> <p>3A.4.4 Discretionary</p>	<p>Retain the Discretionary Activity Rule, which will ensure that lineal network utilities located within an Outstanding Natural Landscape in Appendix 1C require discretionary activity consent.</p>	<p>Recommend that submission S16/045 be rejected.</p> <p>Council’s landscape expert considers that there is little difference in visual presence of linear and non-linear infrastructure when considering Outstanding Natural Features and Landscapes. Other submissions by the submitter seek to change the Non-Complying Activity rule and are not supported.</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</p>	<p>Refer Section 14.0 of Evidence.</p>
<p>FS13/027 to S11/042</p> <p>3A.4.4 Discretionary</p>	<p>Supported a submission of Transpower which 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.</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</p>	

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		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	
S16/046 3A.4.5 Non-Complying	When a new line is proposed, it is the careful and robust route selection process that determines the best route in environmental and development cost terms. That route selection process is the key means by which the potentially significant adverse effects of transmission lines can be addressed. The construction or upgrading of any lineal network utilities should be discretionary only. The construction or upgrading of any non-lineal network utilities within an Outstanding Natural Feature or Landscape in Appendix 1C should be a non-complying activity - given the key difference that the utility in question is not 'lineal'. Amend Rule 3A.4.5 as follows: <i>Any new <u>non-lineal</u> network utility located within an Outstanding Natural Landscape in Appendix 1C is a Non-Complying Activity.</i>	Recommend that submission S16/046 be rejected. Council’s landscape expert considers that there is little difference in the visual presence of linear and non-linear infrastructure when considering Outstanding Natural Features and Landscapes. 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. The Non-Complying status is also seen to implement the provisions of the One Plan.	Refer Section 14.0 of Evidence.
FS13/028 to S11/043 3A.4.5 Non-Complying	Supported a submission of Transpower which considers that nationally significant infrastructure should be classified as a Discretionary Activity (not Non-Complying) in an outstanding natural feature or landscape		

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	because of the constraints on that infrastructure (locational, technical and operational) as well as the benefits it delivers to the community and beyond.		
CHAPTER 3C NOISE			
FS 13/033 to S1/009 3C.1 Introduction	Powerco opposed in part a submission by Federated Farmers seeking to include a new paragraph explaining reverse sensitivity effects insofar as it is too limited to rural activities and the noise chapter is not necessarily specific to rural activities. Powerco prefers the changes proposed by Horticultural New Zealand submission S23/010.	Recommend that further submission FS13/033 be rejected, and the following changes as sought by Horticulture New Zealand in its submission S23/010 be made: <i><u>Rural production activities are the predominant activities in the rural area of the district. There is pressure for increased rural lifestyle living which can seek different expectations for the rural area. This can lead to complaints about the noise generated by rural production activities as part of day to day activities.</u></i>	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.
CHAPTER 3D EARTHWORKS			
S16/047 3D.2 Resource Management Issue (new Issue)	There is a need to manage earthworks and development of land in the immediate vicinity of electricity utilities. Safe separation distances between earthworks and network utility assets are required to ensure public safety and to preserve the reliability of the electricity supply system for all consumers. It is therefore appropriate to recognise this as a resource management issue.	Recommend that submission S16/047 be accepted and make the following changes: <i><u>Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.</u></i>	Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.

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	<p>Insert a new issue as follows: <u>Earthworks can adversely affect the safe, efficient and effective functioning of network utilities.</u></p>		
<p>FS13/024 to S3/018</p> <p>3D.3 Objectives and Policies (Policy 1.2)</p>	<p>Opposed in part an amendment sought by HNZPT to Policy 1.2 on the grounds that the specific changes sought were uncertain, even though their intent was not opposed.</p>	<p>Recommend that further submission FS13/024 be rejected and make the following changes to the policy: <i>To restrict earthworks within sites identified in this Plan as containing significant heritage values, particularly those identified the area of items scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).</i></p>	<p>Powerco’s further submission is largely given effect and the recommendation of the Reporting Planner is supported.</p>
<p>S16/048</p> <p>3D.3 Objectives and Policies (Policy 1.3)</p>	<p>Policy sets a high threshold insofar as it provides for earthworks to eliminate risks to human health and safety within Outstanding Natural Features and Landscapes. It is very difficult to eliminate risk. More appropriate and achievable to manage risk to an acceptable level than eliminate it.</p> <p>Amend Policy 1.3 as follows: <i>To restrict earthworks in Outstanding Natural Features or Landscapes, except where earthworks are necessary to eliminate unacceptable risk to human health and safety</i></p>	<p>Recommend that submission S16/048 be rejected.</p> <p>Inclusion of ‘unacceptable’ to the policy adds confusion and creates uncertainty for plan users. It is not clear who would decide if a risk was unacceptable.</p>	<p>Refer Section 15.0 of Evidence.</p>

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<p>S16/049</p> <p>3D.3 Objectives and Policies (Objective 2)</p>	<p>It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies. Amend Objective 2 as follows: <i>To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land instability and accelerated erosion. and visual amenity effects.</i></p>	<p>Recommend that submission S16/049 be accepted and Objective 2 is amended as follows: <i>To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land stability <u>and accelerated erosion</u> and <u>visual amenity effects.</u></i></p>	<p>Powerco’s further submission is largely given effect and the recommendation of the Reporting Planner is supported.</p>
<p>S16/050</p> <p>3D.3 Objectives and Policies (Policy 2.1)</p>	<p>It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies.</p>	<p>Recommend that submission S16/050 be accepted in part and that Policy 2.1 is moved to under Objective 1.</p>	<p>Powerco’s further submission is largely given effect and the recommendation of the Reporting Planner is supported.</p>
<p>S16/051</p> <p>3D.3 Objectives and Policies (Policy 2.4)</p>	<p>Dust can result in the build up of material on electricity lines and their equipment adversely impacting on the operation of the network. Particulate matter can also corrode the existing electricity equipment which can shorten its economic life resulting in costly and unplanned replacement. Amend Policy 2.4 as follows: <i>To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite <u>to ensure that particulate matter does not cause nuisance or pollution or affect the safety or operation of other activities.</u></i></p>	<p>That submission S16/051 be rejected. The creation of a nuisance is often in the eye of the beholder. The addition of these words into the policy does not provide certainty for plan users. The intent of the policy is that effects are managed on the site on which they occur.</p>	<p>Refer Section 16.0 of Evidence.</p>
<p>S16/052</p> <p>3D.4.2 Standards for Permitted Activities (a)</p>	<p>Standard (a) should be deleted and replaced with reference to erosion and sediment control measures.</p>	<p>Recommend that submission S21/012 be accepted in part and the following changes made: <i>Any sediment runoff from earthworks must be contained within the subject site. All dust and sedimentation control</i></p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.</p>

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		<i>measures must be installed prior to earthworks commencing, maintained during the construction works, and only removed once stabilisation occurs.</i>	
S16/053 3D.4.2 Standards for Permitted Activities (b)	As a consequence of changes to Rule 3D.4.2 (a) insert a new rule to manage dust as follows: <u><i>Dust shall be controlled so that it does not generate a nuisance.</i></u>	Recommend that submission S16/053 be rejected.	Refer Section 16.0 of Evidence.
S16/054 3D.4.2 Standards for Permitted Activities (Guidance Note)	Supports guidance note insofar as it indicates compliance with the NZECP34:2001.	Recommend that submission S16/053 be accepted.	Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.
S16/055 3D.4.2 Standards for Permitted Activities (g)	Insert new standard to give effect to Policy 3-2(c) of the One Plan to require notification of infrastructure owners when applications may affect their assets. Add a new standard (g) as follows: <u><i>Where earthworks are to be undertaken within 20m of any electricity line, the owners of the electrical network shall be advised in writing of the intention to carry out the works not less than 5 working days prior to their commencement</i></u>	Recommend that submission S16/055 be rejected. A guidance note is already included under Rule 3D.4.2 covering the request. It is considered inappropriate to have third party requests as part of the rule stem.	Powerco’s further submission is largely given effect and the recommendation of the Reporting Planner is supported.
CHAPTER 3E SIGNS			
FS13/035 to S3/023	Opposed a request by HNZPT seeking to include a reference to the effects that	Recommend that further submission FS13/035 be accepted.	Powerco’s submission is given effect and the recommendation

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<p>3E.1 Introduction</p>	<p><u>objectives and policies relating to managing the adverse effects of signs on cultural and historic heritage can be found in Chapter 4 Historic Heritage.</u></p> <p>Powerco is not necessarily opposed to the intent of the amendment sought, but opposes the reference to Chapter 4, and the difference in approach that would result between the signage chapter and the utilities chapter, where Heritage New Zealand Pouhere Taonga has sought to include specific policy provisions relating to cultural and historic heritage.</p>		<p>of the Reporting Planner is supported.</p>
<p>S16/056 3E.1 Introduction</p>	<p>Signs are used for the purposes of asset identification and warning people of health and safety hazards, as required by other legislation. Such signs are small in size and are typically attached to, and viewed within the context of, the network utility structure. It is appropriate to permit these signs throughout the district. Amend paragraph 2 of the introduction as follows:</p> <p>It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>For clarification, hazard or risk identification and site safety signage does not fall to be considered as 'signs' as defined in the Plan and are therefore not controlled by the Plan. Such signs are provided for and required by other legislation.</u></p>	<p>Recommend that submission S16/056 be accepted in part and the following changes made:</p> <p>It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>Legislation can require that hazard or risk identification and site safety signage is provided on a site. For avoidance of doubt, these signs are not controlled by the Plan, provided the legislative requirements are met.</u></p>	<p>Powerco’s submission is given effect and the recommendation of the Reporting Planner is supported.</p>

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<p>FS13/036 to S3/024</p> <p>3E 4.2 (new Rule)</p>	<p>Opposed a submission by HNZPT seeking to include a new rule relating to signage attached to a scheduled item. The new rule is inappropriate as it lacks clarity, certainty and is not readily enforceable.</p>	<p>Recommend that further submission FS13/036 be accepted.</p>	<p>Powerco’s further submission is given effect and the recommendation of the Reporting Planner is supported.</p>
<p>CHAPTER 3F TEMPORARY ACTIVITIES</p>			
<p>S16/027</p> <p>3F.3 Objectives and Policies (Policy 1.2)</p>	<p>For temporary activities significant adverse effects should be the main concern of Council. Sometimes short term effects are acceptable when temporary. Insert significant before adverse effects to ensure that less than minor or minor adverse effects are not considered alongside significant adverse effects.</p>	<p>Recommend that submission s16/027 be rejected.</p> <p>Short term effects may have a lesser impact than effects of permanent activities but this is because the temporary nature of the activity can make it less significant. There is also a difference between events that run for a few hours verses over a period of a month. The intent is for the assessment to be on the effects of an activity, not just those that are significant. Council’s noise expert does not support inclusion of significant into the policy, as suggested by the submitter.</p>	<p>Refer Section 17.0 of Evidence.</p>
<p>S16/058</p> <p>3F.4.1 Permitted Activities</p>	<p>Construction activities and effects are temporary in nature and is not always considered practicable to ensure compliance with the noise limits of the zone the works are in. It is suggested that construction and demolition activities are exempt from Rule 3F.4.1 (e) and instead compliance is required with both NZS 6803:1999 Acoustics</p>	<p>Recommend that submission S16/058 be accepted in part and the following changes made:</p> <p>Insert a guidance note under Rule 3F.4.2 as follows:</p> <p><u>Guidance Note: For guidance on vibration Council recommends District Plan users refer to the NZ Transport Agency State</u></p>	<p>This point is not being pursued at this time.</p>

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	<p>Construction Noise and BS 5228-2:2009 - Part 2 Vibration.</p>	<p><u>Highway Construction and Maintenance Noise and Vibration Guide dated August 2013 for best practice.</u></p> <p>Note that Rule 3C.4.2.c already states that sounds generated by construction, maintenance and demolition activities will be managed by NZS6803:1999 Acoustics Construction Noise.</p>	
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