

Before the proposed Waimakariri
Proposed District Plan Hearings Panel

Under the Resource Management Act 1991

In the matter of submissions lodged on the proposed Waimakariri Proposed
District Plan (Hearing Stream 5: Energy and Infrastructure)

**EVIDENCE IN CHIEF OF AINSLEY JEAN MCLEOD ON BEHALF OF TRANSPOWER
NEW ZEALAND LIMITED (SUBMITTER NUMBER 195 AND FURTHER SUBMITTER
NUMBER FS92)
PLANNING**

8 August 2023



Matt Conway / Katherine Viskovic

T: +64-4-499 4599

matt.conway@simpsongrierson.com

katherine.viskovic@simpsongrierson.com

PO Box 2402 Wellington

1.	SUMMARY OF EVIDENCE.....	1
2.	INTRODUCTION, QUALIFICATIONS AND EXPERIENCE	4
3.	SCOPE OF EVIDENCE	6
4.	STATUTORY FRAMEWORK	7
5.	OFFICERS' REPORT RECOMMENDATIONS	8
6.	THE RELATIONSHIP OF THE ENERGY AND INFRASTRUCTURE CHAPTER WITH OTHER CHAPTERS IN THE PDP	9
7.	POLICY EI-P1 RECOGNISING THE BENEFITS OF, AND PROVIDING FOR, ENERGY AND INFRASTRUCTURE	15
8.	POLICY EI-P5: MANAGE ADVERSE EFFECTS OF ENERGY AND INFRASTRUCTURE	18
9.	POLICY EI-P6 EFFECTS OF OTHER ACTIVITIES AND DEVELOPMENT ON ENERGY AND INFRASTRUCTURE	21
10.	RULE EI-R12 REPLACEMENT OF A POLE OR TOWER	23
11.	RULE EI-R51 ACTIVITIES AND DEVELOPMENT (OTHER THAN EARTHWORKS) WITHIN THE NATIONAL GRID YARD	25
12.	MATTERS OF DISCRETION EI-MD6 ELECTRICITY TRANSMISSION AND DISTRIBUTION	30
13.	KETUKETU WHENUA – EARTHWORKS: OTHER POTENTIALLY RELEVANT DISTRICT PLAN PROVISIONS	31
14.	POLICY EW-P1 ENABLING EARTHWORKS	33
15.	NEW RULE FOR THE OPERATION, REPAIR, MAINTENANCE AND UPGRADE OF EXISTING INFRASTRUCTURE	34
16.	ADVICE NOTES EW-AN1	37
	ATTACHMENT A.....	40
	ATTACHMENT B	49

1. SUMMARY OF EVIDENCE

1.1 The submission made by Transpower New Zealand Limited (“Transpower”) on the Proposed Waimakariri District Plan (“Proposed District Plan”) is concerned with how the Proposed District Plan recognises and provides for the nationally significant National Grid, and particularly the extent to which the provisions of the Proposed District Plan:

- (a) give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”)
- (b) give effect to the New Zealand Coastal Policy Statement 2010 (“NZCPS”)
- (c) give effect to the operative Canterbury Regional Policy Statement (republished in October 2020 (“CRPS”), where the CRPS is relevant to the National Grid and activities undertaken by Transpower in respect of the National Grid, and
- (d) appropriately reflect the relationship of the Proposed District Plan with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”).

1.2 The NPSET provides policy direction in relation to:

- (a) recognising the benefits of the National Grid;
- (b) managing the adverse effects on the environment of the National Grid;
- (c) managing the adverse effects of land use and development on the National Grid; and
- (d) long-term strategic planning for transmission assets.

1.3 The CRPS, amongst other relevant provisions, includes Policy 16.3.4 that sets out how a reliable and resilient National Grid is to be achieved in Canterbury.

1.4 In respect of the matters that are the subject of Hearing Stream 5, Transpower’s submission and further submissions are generally supportive of the Proposed District Plan as notified but seeks amendments to give effect to the NPSET and CRPS, and to achieve alignment with the NESETA in a manner that is equivalent to the relevant provisions in neighbouring jurisdictions.

1.5 My evidence considers the relief sought by Transpower and addresses, as relevant to this relief, the recommendations made in the following (together referred to as “the Officer’s Report” or “the Officers’ Reports”):

- (a) Officer’s Report: Taonga o onamata | Historic Heritage;
- (b) Officer’s Report: Ngā tohu | Signs;
- (c) Officer’s Report: Pūngao me te hanganga hāpori | Energy and Infrastructure; and
- (d) Officer’s Report: Ketuketu whenua | Earthworks.

1.6 The substantial list of the Officers’ recommendations that I support, included in **Attachment A** to my evidence, demonstrates that I generally agree with the recommendations made in the Officers’ Reports. My agreement is based on the reasons given in Transpower’s submission augmented by those given in the Officers’ Reports.

1.7 Given the extent of my support for the recommendations in the Officer’s Report, my evidence is confined to the relief sought by Transpower that was not accepted in the Officers’ Reports. My evidence therefore focuses on:

- (a) the relationship of the Energy and Infrastructure Chapter with other Proposed District Plan Chapters;
- (b) Policy EI-P1 Recognising the benefits of, and providing for, energy and infrastructure;
- (c) Policy EI-P5 Manage adverse effects of energy and infrastructure;

- (d) Policy EI-P6 Effects of other activities and development on energy and infrastructure;
- (e) Rule EI-R12 replacement of a pole or tower;
- (f) Rule EI-R51 Activities and development (other than earthworks) within a National Grid Yard; and
- (g) Matters of discretion EI-MD6 Electricity transmission and distribution.
- (h) Ketuketu Whenua – Earthworks: Other potentially relevant District Plan provisions; Policy EW-P1 Enabling earthworks;
- (i) Rules for the operation, repair, maintenance and upgrade of existing infrastructure; and
- (j) Advice Notes EW-AN1.

1.8 It is my evidence that:

- (a) There remain opportunities to clarify, refine or simplify the relationship between the Energy and Infrastructure Chapter and other chapters in the Proposed District Plan;
- (b) Policy EI-P1 should be amended to clearly establish that “sustainable, secure and efficient electricity transmission” is a benefit in itself;
- (c) Clause (c) of Policy EI-P5 should only apply to new, and major upgrades to, regionally significant infrastructure;
- (d) Clause (c) of Policy EI-P5 need not apply in the coastal environment subject to provisions elsewhere in the Proposed District Plan appropriately giving effect to higher order planning instruments in a manner that reconciles any tension between the direction in various instruments;
- (e) Rule EI-R12 should be amended to manage the potential adverse effects of the height of replacement poles or towers being incrementally increased as a permitted activity;
- (f) Matters of discretion EI-MD6 should be amended to include reference to the benefits of infrastructure.

- (g) Rule EI-R52 should be cross referenced in Ketuketu Whenua – Earthworks: Other potentially relevant District Plan provisions;
- (h) Policy EW-P1 Enabling earthworks should include an additional clause to enable earthworks associated with the operation, maintenance, development and upgrading of the National Grid in order to give effect to Policies 2 and 5 of the NPSET;
- (i) consistent with my evidence on Policy EW-P1, Rule EW-R1 should be amended to provide for earthworks associated with upgrading of the National Grid, including where necessary to achieve compliance with NZECP 34:2001; and
- (j) the Advice Notes EW-AN1 should be amended to refer to the NESETA.

1.9 The amendments suggested in and supported by my evidence are consolidated in **Attachment B**. It is my conclusion that these amendments are necessary and the most appropriate, in terms of the requirements of section 32 of the Resource Management Act 1991 (“RMA”), to:

- (a) improve the efficiency, clarity and usability of the Proposed District Plan;
- (b) achieve consistency with, and give effect to, higher order planning instruments; and
- (c) ultimately achieve the purpose of the RMA.

2. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

2.1 My full name is Ainsley Jean McLeod. I am a self-employed planner, trading as Ainsley McLeod Consulting Limited.

2.2 I have been engaged by Transpower to provide expert planning evidence in relation to the submission and further submissions made by Transpower on the Proposed District Plan.

2.3 The is the fourth statement of evidence prepared by me in relation to Transpower's submission. My qualifications and relevant experience are set out in my earlier evidence that was filed for Hearing Streams 1 and 2. I will not repeat this information here, but for completeness, I confirm that I am familiar with Transpower's roles and responsibilities and am also generally familiar with approaches in policy statements and plans to providing for infrastructure and utilities, including the National Grid, across New Zealand.

2.4 My evidence should also be read in conjunction with my earlier evidence and, to avoid unnecessary repetition, I rely on that evidence where it is relevant to the current Hearing Stream. In this regard, my earlier evidence sets out the statutory requirements for the Proposed District Plan, including the provisions of the NPSET and the CRPS as they relate to the content of Transpower's submission.

2.5 For the purpose of my evidence, I rely on the evidence of:

- (a) **Rebecca Eng** that was filed by Transpower for Hearing Streams 1 and 2 and describes Transpower's assets in Waimakariri District and gives an overview of Transpower's roles and responsibilities, including in respect of the pivotal role the National Grid plays in New Zealand's future zero-carbon economy; and
- (b) **Jordon Shortland-Witehira** that is filed by Transpower for this Hearing Stream and further describes the role of the National Grid and explains the technical, operational and functional requirements of the National Grid in more detail including:
 - (i) the components of a transmission line;
 - (ii) how transmission lines are operated and maintained;
 - (iii) the ways transmission lines may be impacted by the activities of others';
 - (iv) the rationale for National Grid corridors; and
 - (v) the regulations in NZECP 34:2001.

Code of Conduct

2.6 I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

3. SCOPE OF EVIDENCE

3.1 My evidence:

- (a) acknowledges the statutory requirements for the Proposed District Plan, particularly in relation to the NPSET and the operative CRPS;
- (b) describes Transpower's submission and further submissions on the Proposed District Plan that are the subject of Hearing Stream 5; and
- (c) addresses, as relevant to the relief sought by Transpower, the recommendations made in the various Officers' Reports.

3.2 In addition to the documents referred to above, in preparing this evidence I have also reviewed the following documents insofar as they relate to Transpower's submissions:

- (a) the relevant primary submissions and further submissions;
- (b) the memorandum to the Hearings Panel entitled '*Integration between EI Chapters and the rest of the Proposed Plan*', dated 12 July 2023; and

- (c) the various Section 32 Reports insofar as they are relevant to Transpower's submission and further submission on the matters considered as part of Hearing Stream.

4. STATUTORY FRAMEWORK

4.1 The statutory and policy considerations and directions for the Proposed District Plan, insofar as is relevant to Transpower's submission, are set out in:

- (a) the relevant Section 32 Reports;
- (b) Transpower's submission;
- (c) the Officers' Reports; and
- (d) my earlier evidence.

4.2 I consider that together these documents provide a fulsome and comprehensive description of the relevant statutory matters. I therefore rely on the summary in these documents and do not repeat the relevant provisions here except to emphasise that the Proposed District Plan must give effect to the NPSET and the CRPS and that "give effect to" is a strong statutory directive in the RMA that was interpreted by the Supreme Court in *EDS v New Zealand King Salmon* as meaning "to implement".¹

4.3 My analysis and consideration of the relief sought by Transpower is informed by the statutory framework for decisions on the Proposed District Plan set out in the Section 32 Reports, the RMA, and the on-going guidance provided by the modified *Long Bay* test.²

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

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

- 4.4 The remainder of my evidence describes Transpower's submission and further submissions and considers these submissions alongside the recommendations made in the Officers' Reports.
- 4.5 Where amendments to the provisions of the Proposed District Plan are suggested in, and supported by, my evidence these are shown as follows and consolidated in **Attachment B**:
- (a) Officers' Report recommendation text: black underline and ~~black strikethrough~~;
 - (b) Transpower submission text: blue underline and ~~blue strikethrough~~; and
 - (c) evidence text: red double underline and ~~red double strikethrough~~.

5. OFFICERS' REPORT RECOMMENDATIONS

Matters of agreement

- 5.1 The majority of recommendations in the Officers' Reports that relate to the relief sought by Transpower are consistent with my opinion and conclusions in respect of that relief. In the interest of brevity, the Table included as **Attachment A** lists these recommendations and I confirm that the reasons for my support of these recommendations are those included in Transpower's submission and the Officers' Reports. I do not address these matters further in my evidence.

Outstanding matters

- 5.2 Those parts of Transpower's submission and further submissions that remain outstanding relate to the following provisions and are addressed in the remainder of my evidence addresses the provisions set out at paragraph [1.7] above.

6. THE RELATIONSHIP OF THE ENERGY AND INFRASTRUCTURE CHAPTER WITH OTHER CHAPTERS IN THE PDP

6.1 The relationship between the Energy and Infrastructure Chapter and other chapters of the Proposed District Plan is the subject of:

- (a) a number of submissions, including Transpower's;³
- (b) my earlier evidence;
- (c) a memo to the Hearings Panel from the author of the Energy and Infrastructure Officer's Report;⁴ and
- (d) The Officers' Reports.

6.2 The Officers' Report includes a thorough analysis of provisions and related submissions. The Report goes on to recommend:

- (a) amendments to the 'Other potentially relevant District Plan provisions' section in the Energy and Infrastructure Chapter;
- (b) the inclusion of a new 'Rule' in the Energy and Infrastructure Chapter that sets out 'How to interpret and apply the rules'; and
- (c) the inclusion of new 'Rules' that set out 'How to interpret and apply the rules' in the following chapters of the Proposed District Plan:
 - (i) HH - Historic Heritage,
 - (ii) TREE - Notable Trees,
 - (iii) SASM - Sites and Areas of Significance to Maori,
 - (iv) ECO - Ecosystems and Indigenous Biodiversity,
 - (v) NATC - Natural Character of Freshwater Bodies,
 - (vi) NFL - Natural Features and Landscapes, and
 - (vii) CE - Coastal environment.

³ Such as submission references 195.19 (Strategic Directions), 195.23 (all provisions), 195.54 (Hazardous Substances), 195.66 (Historic and Cultural Values), 195.68 (Sites and Areas of Significance to Māori), 195.69 (Ecosystems and Indigenous Biodiversity), 195.84 (Natural Features and Landscapes), 195.98 (Coastal), 195.102 (Earthworks), 195.107 (Signs) and 195.110 (Temporary Activities).

⁴ Titled '*Integration between EI Chapters and the rest of the Proposed Plan*', dated 12 July 2023.

6.3 I have reviewed the amendments recommended in the Officer’s Report and consider that the new rules provide greater clarity in respect of the provisions that apply to energy and infrastructure, and the location of these provisions. That said, I am familiar with similar directions in other district plans and I consider that there remain opportunities to reduce complexity, avoid conflict or duplication, and to simplify the directions given. In this regard, I comment on the amendments recommended in the Officer’s Report below.

Other potentially relevant District Plan provisions

6.4 The effect of the proposed amendments to the text that sits under the sub-heading ‘Other potentially relevant District Plan provisions’ in the Energy and Infrastructure chapter Introduction is to direct plan users to the new ‘rule’. The Officer has recommended that the content of the various bullet points that were included in the notified version of the introduction be included in the new ‘rule’. To the extent that the direction in the notified bullet points is vague, I support their deletion alongside the recommended amendments to the text, subject to the following minor corrections:

“As well as the provisions in this chapter, other District Plan chapters ~~that~~ contain provisions that may ~~also~~ be relevant to Energy and Infrastructure activities. The ‘How to interpret and apply the rules’ section details which other provisions ~~may~~ apply to Energy and Infrastructure.”

Rules - How to interpret and apply the rules

6.5 My understanding of the new ‘how to interpret and apply the rules’ direction is that all provisions of the Proposed District Plan that are not rules continue to apply to energy and infrastructure activities, where such provisions are relevant. As such, I do not consider that it is necessary to include recommended Clause (2) because:

- (a) the new 'rule' relates to 'how to interpret and apply the rules', rather than objectives and policies;
- (b) deleting Clause (2) does not expand or narrow approaches to the management of energy and infrastructure activities;
- (c) including Clause (2) may introduce confusion in terms of whether objectives and policies elsewhere in the Proposed District Plan are relevant; and
- (d) it is commonly understood that the objectives and policies of a District Plan should be read as a whole.

6.6 In terms of the rules in other chapters that apply to energy and infrastructure activities, I consider that the 'how to interpret and apply the rules' direction could be simplified by establishing that no other rules apply and then setting out the exceptions to this statement. This allows for Clauses (4) and (5) to be deleted.

6.7 Turning to the exemptions, the following Table lists the recommended exemptions and sets out my position and drafting response to these exemptions.

Exemptions in 'How to interpret and apply the rules'

Recommended exemption	Position and drafting response
Relocation of any historic heritage listed in HH-SCHED2 must comply with HH-R4, HH-R6 and HH-R8.	These rules would be relevant where an infrastructure building or structure is also listed in HH-SCHED2. In this regard I note that the Southbrook Substation and Rangiora Borough Substation are listed in SCHED2 and therefore I consider that the exemptions/cross references are appropriate, subject to limited amendments.
Demolition of historic heritage items listed in HH-SCHED2 must comply with HH-R7 and HH-R9.	
Removal of any Notable Tree listed in TREE-SCHED1 must comply with TREE- R6 and TREE-R7.	Many of the Notable Tree rules apply more generally to infrastructure (for instance Rule TREE-R3) and therefore, I consider that this chapter should be listed in Clause (1).

Recommended exemption	Position and drafting response
New buildings and structures within a SAL, ONF and ONF must comply with NFL-S1 and NFL-S2.	This exemption has the effect of applying an additional standard to the rules in the Energy and Infrastructure Chapter. I consider that these standard should be included in the appropriate rules within the Energy and Infrastructure Chapter (for instance Rule EI-R15). This approach will ensure that the relevant activity status is clear.
New centre pivots and travelling irrigators must comply with NFL-R8	Rule NFL-R8 is specific to centre pivot and travelling irrigators. As such, I consider that the rule is better located in the Energy and Infrastructure Chapter.
New roads must comply with NFL-R9.	Rule NFL-R9 is specific to new roads. As such, I consider that the rule is better located in the Energy and Infrastructure Chapter.
Irrigation infrastructure near any mapped SNA must comply with ECO-R4.	Rule ECO-R4 is specific to centre pivot and travelling irrigators. As such, I consider that the rule is better located in the Energy and Infrastructure Chapter.
Where specified in the Energy and Infrastructure rules	The Energy and Infrastructure rules include references to other provisions. As such, this exemption is appropriate.
The Special Purpose Zone (Hospital) rules apply to activities on the Rangiora and Oxford hospital sites	The introduction to the Energy and Infrastructure Chapter sets out the various definitions related to infrastructure activities and notes that <i>“the existing Rangiora hospital and Oxford hospital and ancillary health related activities on those hospital sites are provided for under the Special Purpose Zone (Hospital)”</i> . As such, I do not consider that the inclusion of a further exemption is necessary.
Emergency service facilities, or any health-related activity outside the Rangiora and Oxford hospital sites, are subject to the rules of the zone in which they are to be located;	The introduction to the Energy and Infrastructure Chapter sets out the various definitions related to infrastructure activities and notes that <i>“an emergency service facility, or a health related activity located outside of the existing Rangiora and Kaiapoi hospital sites, are subject to the provisions of the relevant zone in which they are located”</i> . As such, I do not consider that the

Recommended exemption	Position and drafting response
	inclusion of a further exemption is necessary.
The Energy and Infrastructure rules apply in the Special Purpose Zone (Kainga Nohoanga) (see SPZ(KN)-APP1 and SPZ(KN)-APP2);	It is not clear why the Special Purpose Zone (Kainga Nohoanga) has been singled out, where the Energy and Infrastructure rules apply across all zones. As such, it is considered that the exemption is unnecessary and can be deleted.
Habitable buildings are subject to the rules of the zone in which they are to be located.”	This exemption would apply to an infrastructure building that is habitable. While I consider that inhabited infrastructure is an unlikely scenario, I am of the view that a direction to the rules in a zone would be better located in Rule EI-R20 New infrastructure building.

6.8 In all, the further amendments that I support are as follows:

- (a) amend the rules in the Energy and Infrastructure Chapter to include a requirement for buildings and structures to comply with NFL-S1 and NFL-S2;
- (b) relocate the Rules NFL-R8, NFL-R9 and ECO-R4 to the Energy and Infrastructure Chapter;
- (c) include a new standard in EI-R20 New infrastructure building to address habitable buildings;
- (d) amend ‘How to interpret and apply the rules’ as follows:

“1. ~~The rules~~ ~~All of the provisions~~ in the following District-wide chapters apply in addition to the ~~provisions~~ ~~rules~~ in the

Energy and Infrastructure chapter:

- a. ~~SD – Strategic Directions~~
- b. ~~TRAN - Transport;~~
- c. ~~HS - Hazardous substances;~~
- d. ~~CL - Contaminated land;~~
- e. ~~NH - Natural hazards;~~
- f. ~~SUB - Subdivision;~~
- g. ~~EW - Earthworks;~~
- h. ~~LIGHT - Light;~~

i. ~~NOISE - Noise; and~~

j. ~~SIGN - Signs;~~

k. ~~TREE - Notable Trees;~~

~~2. The objectives, policies, associated planning map layers, schedules, tables and appendices (excluding rules) in the following District-wide chapters apply to Energy and Infrastructure where relevant:~~

~~a. HH - Historic Heritage;~~

~~b. TREE - Notable Trees;~~

~~c. SASM - Sites and Areas of Significance to Maori;~~

~~d. ECO - Ecosystems and Indigenous Biodiversity;~~

~~e. NATC - Natural Character of Freshwater Bodies;~~

~~k. NFL - Natural Features and Landscapes, and~~

~~l. CE - Coastal environment.~~

~~23. The rules and standards in the District-wide all other chapters (not listed in (21) above do not apply to Energy and Infrastructure, except in the following circumstances:~~

~~a. Relocation of any historic heritage listed in HH-SCHED2 must comply with HH-R4, HH-R6 and HH-R8;~~

~~b. Demolition of historic heritage items listed in HH-SCHED2 must comply with HH-R7 and HH-R9; and~~

~~c. Removal of any Notable Tree listed in TREE-SCHED1 must comply with TREE-R6 and TREE-R7;~~

~~d. New buildings and structures within a SAL, ONF and ONF must comply with NFL-S1 and NFL-S2;~~

~~e. New centre pivots and travelling irrigators must comply with NFL-R8;~~

~~f. New roads must comply with NFL-R9; and~~

~~g. Irrigation infrastructure near any mapped SNA must comply with ECO-R4~~

~~4. The rules in other District-wide chapters not listed in (1) or (2) above do not apply to Energy and Infrastructure; and~~

~~5. The rules in the zone chapters generally do not apply to Energy and Infrastructure, except in the following circumstances:~~

~~a. Where specified in the Energy and Infrastructure rules;~~

~~b. The Special Purpose Zone (Hospital) rules apply to activities on the Rangiora and Oxford hospital sites;~~

~~c. Emergency service facilities, or any health-related activity outside the Rangiora and Oxford hospital sites, are subject to the rules of the zone in which they are to be located;~~

~~d. The Energy and Infrastructure rules apply in the Special Purpose Zone (Kainga Nohoanga) (see SPZ(KN)-APP1 and SPZ(KN)-APP2);~~

~~e. Habitable buildings are subject to the rules of the zone in which they are to be located.”~~

- (e) make consequential amendments to the ‘How to interpret and apply the rules’ in the related chapters.

7. POLICY EI-P1 RECOGNISING THE BENEFITS OF, AND PROVIDING FOR, ENERGY AND INFRASTRUCTURE

- 7.1 Transpower’s submission⁵ generally supports Policy EI-P1 because the Policy gives effect to the NPSET and Policy 16.3.4 of the CRPS. However, Transpower’s submission seeks the following amendments to the Policy

⁵ Submission reference 195.27.

to ensure that clause (4) is understood to be read as an outcome in addition to the matters enabled by clause (1):

“Recognise the local, regional or national benefits of energy and infrastructure, including the effective, safe, secure and efficient electricity transmission, electricity distribution, and supply of fuel and energy, through:

- 1. enabling the operation, maintenance, repair, renewal, removal and minor upgrade of energy and infrastructure;*
- 2. providing for more than minor or significant upgrades to existing, and the development of new, energy and infrastructure;*
- 3. providing for energy and infrastructure that serves as a lifeline utility during an emergency, including critical infrastructure, strategic infrastructure and regionally significant infrastructure;*
- ~~4. providing for the effective, safe, secure and efficient electricity transmission, including on the National Grid, electricity distribution, and supply of fuel and energy; ...”~~*

7.2 The Officer’s Report (Pūngao me te hanganga hāpori - Energy and Infrastructure) recommends that the submission be rejected and comments as follows:

“As notified, EI-P1 clauses (1) to (10) are listed in no specific order and all must be given effect to ensure the local, regional or national benefits of energy and infrastructure are recognised. I therefore do not agree that Clause (4) needs to be elevated in the manner sought by Transpower.”⁶

7.3 In my opinion, the relief sought by Transpower is fine-grained with the appropriateness of Transpower’s relief relating to whether the effective, safe, secure and efficient electricity transmission, electricity distribution, and supply of fuel and energy is primarily:

- (a) a benefit in itself; or

⁶ Paragraph 114.

(b) the means to achieving a benefit.

7.4 In this regard, I am guided by Policy 1 of the NPSET as follows:

*“In achieving the purpose of the Act, decision-makers must recognise and provide for the **national, regional and local benefits of sustainable, secure and efficient electricity transmission**. The benefits relevant to any particular project or development of the electricity transmission network may include:*

- i) maintained or improved security of supply of electricity; or*
- ii) efficient transfer of energy through a reduction of transmission losses; or*
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or*
- iv) enhanced supply of electricity through the removal of points of congestion.*

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.” [my emphasis].

7.5 I consider that Policy 1 of the NPSET clearly establishes that “sustainable, secure and efficient electricity transmission” is a benefit in itself. For this reason, I generally support the relief sought by Transpower.

7.6 In addition, I do not support clause (4) as notified because the clause seems to suggest that electricity transmission may include electricity distribution, and supply of fuel and energy whereas (with reference to the definition of electricity transmission in the NPSET) electricity transmission should be understood to be confined to the National Grid.

7.7 I therefore support the following amendments to Policy EI-P1:

“Recognise the local, regional or national benefits of energy and infrastructure, including the benefits of sustainable, secure and efficient electricity transmission, through:

1. ...

~~4. providing for the effective, safe, secure and efficient electricity transmission, including on the National Grid, electricity distribution, and supply of fuel and energy; ...”~~

8. POLICY EI-P5: MANAGE ADVERSE EFFECTS OF ENERGY AND INFRASTRUCTURE

8.1 Transpower’s submission generally supports Policy EI-P5 but seeks the following further amendments:

- (a) the deletion of *“or providing for”* from clause (1) to give effect to NPSET Policy 5 and be consistent with Policy EI-P1;
- (b) the addition of *“an existing”* in clause (2) to improve grammar and give effect to Policy 7 of the NPSET;
- (c) the deletion of *“considered”* from clause (3) to avoid any possibility that the term creates ambiguity;
- (d) the inclusion of a new clause (x) to capture the direction given in NPSET Policy 6; and
- (e) an addition and deletion in clause (6) to better reflect NPSET Policy 9 and the requirement in the NESETA regulations to achieve compliance with the relevant standards.⁷

8.2 Transpower’s submission notes that it is more usual and efficient to give effect to the NPSET through a standalone National Grid policy. While, this has been my experience, I acknowledge that a district plan is not compelled to have National Grid specific provisions, rather a district plan is required to give effect to the NPSET. This could be achieved more generically.

⁷ Submission reference 195.29.

8.3 Transpower’s submission is supported by the further submission made by KiwiRail Holdings Limited on the basis that the relief sought in the primary submission provides clarity for correct interpretation of the policy.⁸

8.4 The Officer’s Report (Pūngao me te hanganga hapori - Energy and Infrastructure) recommends that the submission be accepted and concludes:

“I support in part the submission of Transpower and agree amendments sought give better effect to the NPSET. However, with regards to the insertion of Clause (x), I note that Policy 6 of the NPSET only requires substantial upgrades of transmission infrastructure to reduce existing adverse effects of transmission, therefore I disagree that new development should also be included.”⁹

8.5 I agree with the conclusion in the Officer’s Report in respect of Transpower’s relief, including the revised approach to new clause 3A.

8.6 That said, I note that the Officer’s Report also recommends that Clause (3) of Policy EI-P5 is amended to only apply outside of the coastal environment to delete “new” so that, as a consequence, the Policy would apply to all existing and new regionally significant infrastructure.

8.7 In terms of the deletion of “new”, this amendment is attributed to the submission made by Royal Forest and Bird Protection Society of New Zealand Inc. (“Forest & Bird”).¹⁰ I have reviewed the Forest & Bird submission and do not consider that this relief is explicitly sought.

8.8 In my opinion, it is important to retain “new” in Clause (3) so that the Policy clearly differentiates the Proposed District Plan’s approach to the operation, maintenance, upgrading and development of regionally

⁸ Further submission reference FS99.

⁹ Paragraph 152.

¹⁰ Submission reference 192.39.

significant infrastructure from the approach to new, and major upgrades to, regionally significant infrastructure in a manner that is consistent with the NPSET.

- 8.9** In terms of whether Policy EI-P5 should apply to energy and infrastructure activities in the coastal environment, the Officer’s Report concludes:

“Policies 11, 13, and 15 of the NZCPS have been reflected in policies ECO-P7, CE-P2, NFL-P1 and NFL-P3. In my view, in order to give effect to the NZCPS, when energy and infrastructure activities are proposed in the coastal environment, the protective policies of the Plan that give effect to the NZCPS (policies ECO-P7, CE-P2, NFL-P1 and NFL-P3) should apply. As such, I consider the scope of clause (3) within the notified policy should be restricted to areas outside the coastal environment to ensure the protective policies of the Plan listed above are not compromised by the direction within clause (3) of EI-P5.”¹¹

- 8.10** I agree with the Officer’s Report, that the Proposed District Plan must give effect to the higher order planning instruments, including the NZCPS and the NPSET. This means that policies ECO-P7, CE-P2, CE-P7, NFL-P1 and NFL-P3, where relevant, must also give effect to the NPSET. Further, consistent with my earlier evidence (Hearing Stream 4), I also acknowledge that the NZCPS includes specific policy direction in respect of infrastructure such that it is necessary and appropriate for a district plan to similarly include specific direction that gives effect to the NZCPS.

- 8.11** That said, I accept that there is no requirement for such direction to be included in Policy EI-P5, what is important is that the policy direction is clear and assists future plan users by reconciling any tension between higher order planning instruments.

¹¹ Paragraph 146.

8.12 I have set out my opinion in respect the Proposed District Plan’s policy response to infrastructure in the coastal environment in my earlier evidence (Hearing Stream 4) and confirm my support for the amended provisions included in Attachment A of that evidence and comment as follows:

(a) in terms of the coastal environment, subject to the amendments I support to Objective CE-O4 Activities in the Coastal Environment, Policy CE-P2 Preservation of Natural Character, and Policy CE-P7 Infrastructure in the coastal environment, I do not consider that it is necessary for Policy EI-P5 to apply, because Policy CE-P7, as amended by my evidence reconciles higher order planning instruments in respect of infrastructure in the coastal environment as follows:

“Policy CE-P7 Infrastructure in the coastal environment

Notwithstanding Policy CE-P2, recognise and provide for the maintenance, upgrade and development of infrastructure that has a functional need or operational need to be located in the coastal environment, where ~~this does not create~~ adverse effects on the values of to the identified coastal natural character areas are avoided, or where this is not practicable, remedied or mitigated.”

(b) in terms of natural features and landscapes in the coastal environment, my evidence for Hearing Stream 4 supported a cross-reference to Policy EI-P5. Should Policy EI-P5 be amended to exclude the coastal environment the amendments I support in my earlier evidence would result in ‘circular’ provisions. To resolve this, I support taking an approach similar to that in Policy CE-P7 to provide specific direction for the potential impacts of new, and major upgrades to, regionally significant infrastructure on the values of identified natural features and landscapes in the coastal environment.

(c) I anticipate that Policy ECO-P7 will be addressed as part of Hearing Stream 11.

9. POLICY EI-P6 EFFECTS OF OTHER ACTIVITIES AND DEVELOPMENT ON ENERGY AND INFRASTRUCTURE

9.1 Transpower’s submission seeks that Policy EI-P6 is amended to include the following additional clause to give effect to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS:

“with regards to the National Grid, in addition to (1) above:

a. mapping the National Grid and identifying buffer corridors within which sensitive activities, including the expansion of an existing sensitive activity, are avoided; and, to the extent reasonably possible, managing other activities to avoid adverse effects, including reverse sensitivity effects, on the National Grid; and

b. managing subdivision to ensure the National Grid is not compromised, reverse sensitivity effects are avoided and good amenity and urban design outcomes are achieved; ...”¹²

9.2 The Officer’s Report (Pūngao me te hanganga hapori - Energy and Infrastructure) recommends that the submission be accepted and concludes:

“I agree with the submission of Transpower seeking an explicit clause for the management of National Grid infrastructure. I agree the proposed amendments will better give effect to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the RPS. However, I do not agree with the exact wording proposed by Transpower as in my opinion, the wording is more than the directives in the NPSET policies contain. For example, the word ‘avoided’ has been substituted for the wording in Policy 11 which states “...sensitive activities will generally not be provided for in plans and/or given resource consent” (my emphasis added). I consider that the

¹² Submission reference 195.30.

wording recommended is a more accurate reflection of the NPSET policies.”¹³

9.3 The wording recommended in the Officer’s Report is as follows:

*“2A. with regards to the National Grid, in addition to (1) above:
a. mapping the National Grid and identifying buffer corridors in the District Plan within which sensitive activities, including the expansion of an existing sensitive activity, are not provided for; and,
b. to the extent reasonably possible, managing other activities to avoid reverse sensitivity effects, on the National Grid and
...”*

9.4 I agree with the Officer’s Report and similarly conclude that, as recommended for amendment, Policy EI-P6 gives effect to the relevant higher order planning instruments.

9.5 The submission made by Federated Farmers of NZ Inc. opposes Policy EI-P6 on the basis that the Policy introduces additional stringency without justification where it goes beyond the constraints on surrounding land use in electricity transmission corridors provided in the NPSET. For completeness, I confirm that I do not agree with this submission. I consider that Policy EI-P6 (as recommended for amendment) is no more stringent than Policies 10 and 11 of the NPSET that manage direct effects on the National Grid, including reverse sensitivity effects.

10. RULE EI-R12 REPLACEMENT OF A POLE OR TOWER

10.1 Transpower’s submission¹⁴ seeks that clause (2) or Rule EI-R12 is amended as follows:

¹³ Paragraph 170.

¹⁴ Submission reference 195.

“2. a replacement pole or tower shall not exceed the height at the date of public notification of the District Plan by more than 15% in relation to infrastructure of the replaced pole or tower; ...”

10.2 Transpower’s further submission opposes the primary submission made by Federated Farmers of NZ Inc. that seeks that Rule EI-R12 is amended to limit the rule to be *“used once per pole on any given transmission line”*.¹⁵

10.3 The Officer’s Report (Pūngao me te hanganga hapori - Energy and Infrastructure) recommends that reference to ‘height in relation to infrastructure’ is retained and that reference to ‘15%’ is included so that there is some limitation on the extent to which the height of a replaced pole or tower could be increased. The Officer’s Report does not recommend the inclusion of reference to the notification date, with no reason for this omission given.¹⁶ Further, the Officer’s Report recommends that Federated Farmers submission be rejected on the basis that any replacement would still need to comply with the permitted activity standards.

10.4 Both Transpower and Federated Farmers are concerned that the Rule may provide for incremental height increases over time. The inclusion of reference to the date the Proposed District Plan was notified is intended to prevent inappropriate incremental height increases of a tower or pole over the life of the District Plan. That is, Rule EI-R12 would allow (as a permitted activity) a 20 metre high pole to be replaced with a 23 metre high pole. Then, once installed, Rule EI-R12 would allow (again, as a permitted activity) that 23 metre high pole to be replaced with a pole up to 26.45 metres high, and so on.

¹⁵ Submission reference 414.73.

¹⁶ Paragraph 250.

10.5 It is my opinion that it is necessary and appropriate to manage the potential adverse effects of replacement structures by including a reference date in Rule EI-R12. I am of the view that using a reference date better allows potential effects to be addressed (as compared to the relief sought by Federated Farmers). Further, I understand that best practice is to align this date to when the District Plan is made operative. I note that such an approach is generally consistent with Regulation 14 of the NESETA that applies to the replacement of existing National Grid transmission line support structures.

10.6 Therefore, for the reasons set out above, I support the following further amendment to Rule EI-R12:

<i>EI-R12</i>	<i>Replacement of a pole or tower</i>	
<i>All Zones</i>	<i>Activity status: PER</i> <i>Where:</i> 1. ... 2. <i>a replacement pole or tower shall not exceed the height in relation to infrastructure of the replaced pole or tower <u>by more than 15% of the height in relation to infrastructure of the pole or tower on the date the District Plan was made operative;</u></i>	...

11. RULE EI-R51 ACTIVITIES AND DEVELOPMENT (OTHER THAN EARTHWORKS) WITHIN A NATIONAL GRID YARD

11.1 Transpower’s submission generally supports the intent of Rule EI-R51, but seeks that the Rule is replaced with different wording to achieve the same outcome and consistency with provision in the Proposed Selwyn District Plan, the Operative Hurunui District Plan and the Operative Christchurch District Plan.¹⁷

¹⁷ Submission reference 195.43.

11.2 Transpower’s submission is opposed by the further submission made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd that seeks the retention of the clause in the notified version of the Rule that provides for “a building or structure where Transpower NZ Ltd has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances”.¹⁸

11.3 Submissions have also been made on Rule EI-R51 as follows:

- (a) Horticulture New Zealand (“HortNZ”) considers that it is unclear what is meant by ‘intensive farming activities’ and opposes the regulation of mobile irrigation equipment and reticulation and storage of water within 12 metres of a structure on the basis that such activities would not always impede access;¹⁹
- (b) Kāinga Ora – Homes and Communities (“Kāinga Ora”) seeks the deletion of clauses that establish standards for maximum floor area and regulates fences within 6m of a National Grid support structure;²⁰ and
- (c) Federated Farmers of New Zealand Inc. (“Federated Farmers”) seeks substantial amendments to the provisions to achieve consistency with NZECP34:2001 and notes:
 - (i) support for clause 1(e) that provides for uninhabited farming and horticultural structures in the National Grid Yard;
 - (ii) that the proposed 12 metre setback is inconsistent with the definition of ‘National Grid Yard’;
 - (iii) that clause (1)(b) should refer to 5 metres rather than 6 metres;
 - (iv) that Transpower should have easements for all assets;
 - (v) non-complying status is onerous and restricted discretionary status is more appropriate with matters

¹⁸ Further submission reference 95.

¹⁹ Submission reference 295.80.

²⁰ Submission reference 325.45.

limited to EI-MD12 (except for milking sheds and sensitive activities);

- (vi) 'intensive farming activities' should be replaced with 'intensive indoor primary production' and 'wintering barns' needs defining,
- (vii) access routes are a matter for the landowner;
- (viii) the District Plan must not undermine basic property rights such as access over private land; and
- (ix) Section 2.1.1 of NZECP34 states one of its purposes is to ensure that the support structures can be accessed for inspection and maintenance so that there is no need for the District Plan to regulate this matter further.²¹

11.4 The Officer's Report (Pūngao me te hanganga hapori - Energy and Infrastructure) recommends that Transpower's submission be accepted and, as a consequence, replaces Rule EI-R51 with text that is materially the same as sought in Transpower's submission.

11.5 I similarly support the drafting of Rule EI-R51 and consider that the Rule efficiently and effectively gives effect to Policies 10 and 11 of the NPSET, Policy 16.3.4 of the CRPS and Policy EI-P6 (as recommended for amendment and addressed above). Further, based on my experience in similar processes and in neighbouring jurisdictions, I can confirm that the Rule reflects Transpower's nationally consistent approach to the giving effect to the NPSET that has been refined over a number of years, including through engagement with submitters and stakeholders. In this regard, I am of the view that the recommended version of Rule EI-R51 addresses the concerns expressed by HortNZ.

11.6 In response to the further submission made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, I am of the view that the retention of the clause that provides for "*a building or structure where Transpower NZ Ltd*

²¹ Submission reference 414.80 and 414.81. This submission is opposed by the further submission made by Transpower (further submission reference FS92).

has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances” is not necessary. This is because, as drafted, Rule EI-51 would already provide for network utilities (such as the submitters’ assets) in the National Grid Yard as a permitted where the requirements of NZECP 34:2001, including the requirements of clause 2.4.1.

- 11.7** In response to the submission made by Kāinga Ora, I note that the maximum floor area standard is not included in the recommended version of Rules EI-R51 and the requirement for fences to be set back from support structures is consistent with NZECP 34:2001, such that the setback is mandatory in any case. In his evidence, Mr Shortland-Witehira describes the potential effects of fencing in close proximity to National Grid support structures including transferred voltage hazards, step voltage hazards, induction voltage nuisance and acting as a physical impediment to access for maintenance, repair and upgrading.
- 11.8** Lastly, in terms of the submission made by Federated Farmers, I consider that the recommended version of Rules EI-R51 addresses many of the concerns raised. It is noted that the Rule is made in the context of the RMA by giving effect to higher order planning instruments in order to achieve the RMA’s statutory purpose, including by appropriately managing effects on the environment.
- 11.9** In terms of activity status, I do not agree with the submission made by Federated Farmers and support the retention of a ‘default’ to non-complying activity status where the standards in Rule EI-51 are not met. This is because:
- (a) the relief sought by Federated Farmers is inconsistent with Transpower’s nationally consistent approach to giving effect to the NPSET (including in neighbouring jurisdictions) – giving rise to cross boundary issues;

- (b) the greater level of scrutiny that is achieved by the statutory test that applies to non-complying activities under section 104D is appropriate to give effect to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS;
- (c) non-complying status gives an indication that a proposed activity is less likely to be appropriate and is not anticipated;
- (d) all recent district plan processes that I have been involved in include a non-complying rule that applies in circumstances when National Grid Yard standards are not met, and I consider that consistency in approach is appropriate when giving effect to national planning instruments such as the NPSET; and
- (e) the High Court has considered Policy 10 of the NPSET and concluded:²²

“[85] Policy 10, though subject to the “reasonably possible” proviso, is, in my judgment, relatively prescriptive. It requires that decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network, and “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. What is sought to be protected is the national electricity transmission grid – an asset which the NPSET recognises is of national significance. A mandatory requirement to ensure that an asset of national significance is not compromised is, in my judgment, a relatively strong directive.”

²² *Transpower v Auckland Council* [2017] NZHC 281

12. MATTERS OF DISCRETION EI-MD6 ELECTRICITY TRANSMISSION AND DISTRIBUTION

- 12.1** Transpower's submission seeks that the Matters of Discretion in EI-MD6 are rewritten to better reflect relevant considerations for the establishment of a transmission line, with reference to Policies 3 and 4 of the NPSET.²³
- 12.2** Transpower's further submission opposes the primary submission made by Horticulture New Zealand that seeks that clause (2) of EI-MD6 refer to "including increased compliance requirements for landowners and occupiers"²⁴ on the basis that it is not clear how any works undertaken by Transpower would result in increased costs of compliance to others.
- 12.3** The Officer's Report (Pūngao me te hanganga hapori - Energy and Infrastructure) recommends that the submission be accepted and that Horticulture New Zealand's submission be rejected. The Officer's Report proposes the following amendments to EI-MD6:

"1A. The distance between the infrastructure and residences, public places, or places from which the infrastructure would be visible, and the extent to which the infrastructure would pose significant adverse visual effects on or dominate the surrounding landscape.

1B. Extent and visibility of roads, access tracks, earthworks and vegetation clearance associated with the construction, operation or maintenance of the infrastructure.

~~1. Extent of effects on access to and the operation, maintenance, upgrade, development and structural integrity of the electricity transmission and electricity distribution network.~~

²³ Submission reference 195.49.

²⁴ Submission reference 295.82.

2. *Extent of compliance with the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.*
- ~~3. *Nature of technical advice provided by infrastructure operators and extent of compliance with it.*~~
4. *Risk of electrical hazards affecting public safety and risk of property damage.”*

12.4 I consider that the recommended amendments to EI-MD6, in conjunction with other Matters of Discretion (such as EI-MD3) generally ‘capture’ the potential adverse effects of new National Grid assets. Further, I support the deletion of clauses (1) and (3) on the basis that these are not relevant to the new National Grid assets.

12.5 That said, I am of the view that an additional clause is necessary to allow for a consideration of the benefits of the National Grid in order to give effect to Policy 1 of the NPSET. In addition, I consider that EI-MD6 should also apply to Rule EI-R25 (that is now Rule EI-R19B)) so that new National Grid substations are similarly subject to the considerations directed by the NPSET.

12.6 The amendments (additional clauses) to EI-MD6 that I support are as follows:

“x. the benefits of the infrastructure.”

13. KETUKETU WHENUA – EARTHWORKS: OTHER POTENTIALLY RELEVANT DISTRICT PLAN PROVISIONS

13.1 Transpower’s submission suggests that the provisions in the Earthworks Chapter do not include clear direction that the rules that relate to earthworks in the National Grid Yard also apply. Transpower seeks that the ‘Other potentially relevant District Plan provisions’ is revised to include explicit reference to Rules EI-R52 and EI-R53.²⁵

²⁵ Submission reference 195.102.

- 13.2** The Officer’s Report (Ketuketu whenua – Earthworks) recommends that the submission be accepted in part²⁶ and rejected²⁷ with no amendments being recommended to the ‘Other potentially relevant District Plan provisions’.
- 13.3** Transpower’s submission seeks similar relief in respect of other chapters of the Proposed District Plan (for instance in respect of Ngā Tohu – Signs²⁸). The purpose of the relief is to provide clear direction that, where a third party undertakes earthworks, the earthworks activity is regulated by particular rules in the - Energy and Infrastructure Chapter. This differs to the cross-referencing issues addressed earlier in my evidence. My earlier evidence addresses the provisions that relate to energy and infrastructure activities, whereas the relief sought in this instance is the opposite scenario and relates to the activities of others that are regulated in the Energy and Infrastructure Chapter.
- 13.4** Consistent with the Officer’s Report recommendation in relation to the signs provisions, I am of the view that the inclusion of a cross reference to Rule EI-R52 will assist plan users (noting that it is recommended that Rule EI-R53 is deleted).
- 13.5** I therefore support the following amendment to the ‘Other potentially relevant District Plan provisions’:

“As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to earthworks include:

- *Energy and Infrastructure: this chapter contains provisions relating to energy and infrastructure activities that involve earthworks along with Rule EI-R52 and that applies to earthworks in the National Grid Yard; ...”*

²⁶ Paragraph 53.

²⁷ Appendix B, Table B.1.

²⁸ Submission reference 195.107.

14. POLICY EW-P1 ENABLING EARTHWORKS

14.1 Transpower’s submission supports Policy EW-P1 to the extent that the Policy sets out earthworks that are enabled by the Proposed District Plan. Transpower’s submission goes on to seek that the Policy is amended to give effect to the NPSET by providing direction, through the inclusion of a new clause in the Policy, that earthworks related to the operation, repair, maintenance, upgrade and development of the National Grid are explicitly enabled.²⁹

14.2 The Officer’s Report (Ketuketu whenua – Earthworks) recommends that Transpower’s submission be rejected and comments as follows:

“For Transpower and Waka Kotahi, I consider that the amendments to the Energy and Infrastructure Chapter, as contained within that s42A report outline and explain the interface with the policies, including policy EW-P1 of this chapter, address this concern.”³⁰

14.3 I do not agree and consider that the Officer’s Report (Pūngao me te hanganga hapori - Energy and Infrastructure) does not address the relief sought by Transpower. Rather, this Officer’s Report recommends that explicit direction is included in the Energy and Infrastructure Chapter to confirm that all provisions of the Earthworks Chapter apply to earthworks related to energy and infrastructure activities in addition to the provisions of the Energy and Infrastructure Chapter. The Energy and Infrastructure Chapter does not include any policy direction in respect of earthworks associated with infrastructure.

²⁹ Submission reference 195.103.

³⁰ Paragraph 110.

14.4 Based on this direction, Policy EW-P1 is relevant to the operation, maintenance, upgrading and development of the National Grid and must give effect to the NPSET, including:

- (a) NPSET Policy 2 that requires decision-makers to recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid; and
- (b) NPSET Policy 5 that requires decision-makers, when considering the effects of transmission activities, to enable the reasonable operational, maintenance and minor upgrade requirements of the National Grid.

14.5 In my opinion, Policy EW-P1 (as recommended for amendment by the Officer’s Report) fails to enable earthworks that form part of the operation, maintenance and minor upgrading of the National Grid. In order to give effect to the NPSET, I therefore support the relief sought by Transpower to include the following further clause in Policy EW-P1:

“x. are ancillary to the operation, maintenance, upgrading and development of the National Grid.”

15. NEW RULE FOR THE OPERATION, REPAIR, MAINTENANCE AND UPGRADE OF EXISTING INFRASTRUCTURE

15.1 Transpower’s submission seeks that the rules in the Earthworks Chapter be amended to provide a consenting pathway for earthworks related to the operation, maintenance and upgrading of existing infrastructure (including where earthworks are necessary to achieve mandatory ground to conductor clearance distances). Transpower’s submission suggests that the regulations for earthworks in the NESETA may provide useful guidance in respect of an acceptable permitted activity threshold.³¹

³¹ Submission reference 195.105.

15.2 Transpower’s submission is supported by the further submission made by KiwiRail Holdings Limited.³²

15.3 The Officer’s Report (Ketuketu whenua – Earthworks) recommends that Transpower’s submission be accepted in part³³ and rejected³⁴ and concludes that “EW-R1 is an appropriate framework to address the Transpower and other infrastructure provider relief, It is logical to add transmission line or NESTF regulated activity to EW-R1”.³⁵ The Report recommends that Rule EW-R1 is amended to apply to a ‘transmission line’ as follows:

EW-R1	<i>Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks, and accessways, and transmission line, or NESTF regulated activity</i>	
All Zones	Activity status: PER <i>Where:</i> <ol style="list-style-type: none"> 1. EW-S4 and EW-S7 are met; 2. the earthworks are within the formed area of the road, footpath, cycleway, track, carpark, or <u>accessway or transmission line</u>; and 3. the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark, accessway, <u>transmission line, or NESTF regulated activity</u>; and 4. <u>Where the activity is an NESTF regulated activity, that all relevant earthworks NESTF standards are applied: ...</u> 	...

15.4 I do not oppose the possible solution recommended in the Officer’s Report in terms of augmenting Rule EW-R1 but consider that the recommended amendments to Rule EW-R1, and accompanying analysis

³² Further submission reference FS99.

³³ Paragraph 190.

³⁴ Appendix B, Table B 1.

³⁵ Paragraph 186.

in the Officer's Report, do not fully address the relief sought in Transpower's submission because:

- (a) the Rule only addresses earthworks for the maintenance and repair of specific activities such that a 'gap' in the provisions for earthworks ancillary to infrastructure and energy activities remains in respect of types of infrastructure and also in respect of upgrading infrastructure and therefore the Rule fails to give effect to Policies 2 and 5 of the NPSET;
- (b) the amendments to the Rule result in more stringent standards than apply to existing transmission lines that are regulated by the NESETA;
- (c) the use of Rule EW-R1 as a mechanism to address Transpower's submission highlights a possible conflict or duplication in regulation with Rule EI-R2 'Construction of new, or widening or extension of existing, vehicle access tracks ancillary to infrastructure' also regulating earthworks such that it is unclear whether one or both of Rules EI-R2 and EW-R1 apply and, further, Rule EW-R8 provides for earthworks for underground infrastructure with reference to Rule EI-R10.

15.5 While there may be more elegant approaches available to give effect to Policies 2 and 5 of the NPSET by appropriately providing for earthworks associated with the operation, maintenance and upgrading of the National Grid, I consider that this outcome is achieved by incorporating upgrading in Rule EW-R1. In my opinion the associated standard appropriately manages the scale, and therefore, the effects of such upgrading activities.

15.6 On this basis I support the following amendments to Rule EW-R1:

EW-R1	<i>Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks, and accessways, and transmission line, or NESTF regulated activity and earthworks for the operation, maintenance and upgrading of the National Grid</i>
--------------	--

All Zones	Activity status: PER Where: 1. EW-S4 and EW-S7 are met; 2. the earthworks are within the formed area of the road, footpath, cycleway, track, carpark, or accessway <u>or the National Grid Yard transmission line</u> ; and 3. the earthworks are contained within <u>the National Grid Yard or ground previously disturbed through construction of the road, footpath, cycleway, track, carpark, accessway, transmission line, or NESTF regulated activity or are necessary to achieve compliance with NZECP 34:2001</u> ; and 4. <u>Where the activity is an NESTF regulated activity, that all relevant earthworks NESTF standards are applied: ...</u>	...
------------------	---	-----

16. ADVICE NOTES EW-AN1

16.1 Transpower’s submission generally supports the advice notes in EW-AN1 and particularly the inclusion of reference to the NESETA. Further, Transpower’s submission seeks amendments to EW-AN1 to better reflect the content of the NESETA and to include reference to the requirements of NZECP 34:2001.³⁶

16.2 The Officer’s Report (Ketuketu whenua – Earthworks) recommends that Transpower’s submission be rejected and comments as follows:

“For Transpower I consider that the advice note as notified may be inconsistent with the various infrastructure higher order directions, as stated by the submitter, but that even if it is corrected as the submitter requests, the existence of the advice note may hinder

³⁶ Submission reference 195.106.

plan interpretation in contrast to the Energy and Infrastructure chapter which sets out the intended approach. The nuance and detail of what the submitter is seeking cannot be easily captured in an advice note, but has been, or will be, captured in the energy and infrastructure chapter. I see no benefit to the inclusion of EW-AN1(5) if the recommendations of the s42A reporting officer on energy and infrastructure are adopted and I recommend it be deleted. Whilst this is not the amendment that the submitter seeks, I consider that it achieves their overall purpose.”³⁷

- 16.3** Having reviewed the Energy and Infrastructure Chapter, I do not consider that deleting clause (5) of the EW-AN1 and relying on the provisions of the Energy and Infrastructure Chapter achieves the purpose of Transpower’s submission and I note that no submission seeks that this clause be deleted. Further, it is not clear to me how the retention of clause (5) of the Advice Notes, or the relief sought by Transpower, would hinder plan interpretation, as suggested.
- 16.4** On the contrary, I understand that the purpose of advice notes in plans is to assist plan users to implement, or interact with, a plan by providing further clarification or to identify other regulations or requirements. Given this purpose, I consider that advice notes are best located in a district plan in the same place as the related plan provisions.
- 16.5** In this regard, the rules for earthworks undertaken by Transpower (where the activity is not regulated by the NESETA) are located in the Earthworks Chapter, while the rules for earthworks undertaken by others in the National Grid Yard are located in the Energy and Infrastructure Chapter. As such, I consider that it is appropriate for EW-AN1 to include advice in respect of Transpower’s activities, while advice in respect to earthworks are in the National Grid Yard is better located in the Energy and Infrastructure Chapter with users of the Proposed District Plan being

³⁷ Paragraph 379.

directed to Rule EI-R52 in that Chapter as set out earlier in my evidence in respect of ‘other potentially relevant provisions’.

16.6 I therefore support the inclusion of the following further clause in Advice Notes EW-AN1:

“x. *The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 manage earthworks relating to an existing transmission line and the provisions in this Chapter do not apply.*”

Ainsley Jean McLeod

Date: 7 August 2023

ATTACHMENT A: OFFICERS' REPORT RECOMMENDATIONS THAT ARE SUPPORTED

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Officer's Report: Taonga o onamata - Historic Heritage			
HH-P7 Siting of infrastructure	195.67	Seeks that Policy HH-P7 is retained as notified.	Accept, it is recommended that Policy HH-P7 is retained as notified.
Officer's Report: Ngā tohu - Signs			
Other potentially relevant District Plan provisions	195.107	Include specific reference to the EI provisions that are relevant to signs in the National Grid Yard.	Accept in part, it is recommended that explicit reference is made to Rules EI-51 and EI-52.
SIGN-R1 Any official sign	195.108	Seeks that Rule SIGN-R1 is retained as notified.	Accept, it is recommended that Rule SIGN-R1 is retained as notified.
Advice Notes SIGN-AN1	195.109	Seeks that the Advice Notes include advice that NZECP34:2001 applies to signs in the vicinity of electricity lines.	Accept, it is recommended that a further advice note that references NZECP34:2001 is added.
Officer's Report: Pūngao me te hanganga hapori - Energy and infrastructure			
Definition 'conductor'	195.3	Seeks that the definition of 'conductor' is retained as notified.	Accept, it is recommended that the definition of 'conductor' is retained as notified.
Definition 'Critical infrastructure'	195.4	Seeks that the definition of 'critical infrastructure' is retained as notified.	Accept, it is recommended that the definition of 'critical infrastructure' is retained as notified.
Definition 'Electricity distribution line'	195.5	Seeks that the definition of 'electricity distribution line' is amended to include <i>"that are not part of the National Grid and are ..."</i>	Accept, it is recommended that the definition of 'electricity distribution line' is amended as sought.
Definition 'Electricity transmission'	195.6	Seeks that the definition of 'electricity transmission' is retained as notified.	Accept, it is recommended that the definition of 'electricity transmission' is retained as notified.
Definition 'National Grid'	195.7	Seeks that the definition of 'National Grid' is retained as notified.	Accept, it is recommended that the definition of 'National Grid' is retained as notified.
New Definition 'National Grid Subdivision Corridor'	195.18	Seeks the inclusion of a new definition of 'National Grid Subdivision Corridor'.	Accept, it is recommended that a definition of 'National Grid Subdivision Corridor' is included as sought.
Definition 'National Grid support structure'	195.8	Seeks that the definition of 'National Grid support structure' is retained as notified.	Accept, it is recommended that the definition of 'National Grid support structure' is retained as notified.

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Definition 'National Grid Yard'	195.9	Seeks that the definition of 'National Grid Yard' is amended to align with Transpower's nationally consistent approach to managing effects on the National Grid.	Accept, it is recommended that a definition of 'National Grid Yard' is amended as sought.
	414.9 (Federated Farmers) FS92	Opposes the primary submission that seeks that the definition is amended to align with NZECP 34:2001.	Reject, it is recommended that the primary submission be rejected in the basis that the relief sought is not clear.
Definition 'Pole'	195.10	Seeks that the definition of 'pole' is retained as notified.	Accept, it is recommended that the definition of 'pole' is retained as notified.
Definition 'Regionally significant infrastructure'	195.11	Seeks that the definition of 'regionally significant infrastructure' be retained as notified.	Accept, limited amendments to the definition of 'regionally significant infrastructure' are recommended. These amendments are not material to the relief sought by Transpower.
Definition 'Strategic infrastructure'	195.14	Seeks that the definition of 'Strategic infrastructure' be retained as notified.	Accept, a limited amendment to the definition of 'strategic infrastructure' is recommended. This amendment is not material to the relief sought by Transpower.
Definition 'Tower'	195.15	Seeks that the definition of 'tower' is retained as notified.	Accept, it is recommended that the definition of 'tower' is retained as notified.
Definition 'Transmission line'	195.16	Seeks that the definition of 'transmission line' is retained as notified.	Accept, it is recommended that the definition of 'transmission line' is retained as notified.
Objective EI-O1 Provision of energy and infrastructure	195.24 ³⁸	Seeks that Objective EI-O1 is amended to refer to the well-being of the 'region and nation', alongside the wellbeing of the district.	Accept, it is recommended that the Objective is amended to include the additional text sought. It is also recommended amended that the Objective is amended in response to submissions made by others. These amendments do not alter the outcome sought by the Objective and are not directly material to Transpower's relief.

³⁸ This submission is supported by the further submission made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (further submission reference FS 95).

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Objective EI-O2 Adverse effects of energy and infrastructure	195.25 ³⁹	Seeks that Objective EI-O2 is amended to replace 'avoid, remedy or mitigate' with 'managed'.	Accept, it is recommended that the Objective is amended as sought. It is also recommended that the Objective is amended in response to submissions made by others to include <i>"while taking into account their operational and functional needs"</i> . This recommendation is supported on the basis that it is generally consistent with Policy 3 of the NPSET.
Objective EI-O3 Effects of other activities and development on energy and infrastructure	195.26	Seeks that Objective EI-O3 is retained as notified.	Accept, it is recommended the Objective is amended in response to submissions made by others to delete <i>"renewal"</i> and include <i>"incompatible"</i> . These recommendations are supported on the basis that the Objective remains consistent with Policy 10 of the NPSET.
	414.68 (Federated Farmers)	Opposes the primary submission that seeks to amend EI-O3 to: - delete reference to <i>"renewal, upgrading and development"</i> ; - include <i>"inappropriately"</i> ; and - delete reference to reverse sensitivity.	Accept in part, it is recommended that 'renewal' is deleted. The deletion of 'renewal' is consistent with the terminology in the NPSET.
Policy EI-P3 New Technologies and techniques	195.28	Seeks that Policy EI-P3 is retained as notified.	Accept, it is recommended that Policy EI- P3 is retained as notified.
Rule EI-R1 Maintenance or removal of existing infrastructure and ancillary vehicle access tracks	195.31	Seeks that Rule EI-R1 is retained as notified.	Accept, it is recommended that Rule EI-R1 is retained as notified.
Rule EI-R2 Construction of new, or widening or extension of existing, vehicle	195.32 ⁴⁰	Seeks that Rule EI-R2(1) is amended to delete <i>"as well as any Earthworks"</i>	Accept, it is recommended that Rule EI-R2 is amended by deleting <i>"as well as any"</i>

³⁹ This submission is supported by the further submissions made by KiwiRail Holdings Ltd (further submission reference FS 99) and Waka Kotahi NZ Transport Agency (further submission reference FS 110).

⁴⁰ This submission is supported by the further submission made by Waka Kotahi NZ Transport Agency (further submission reference FS 110).

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
access tracks ancillary to infrastructure		<i>standards in any relevant overlay</i> ".	<i>Earthworks standards in any relevant overlay</i> ".
Rule EI-R6 Trimming or removal of trees and vegetation	195.33	Seeks the following amendments to the Advisory Note that accompanies Rule EI-R6: <i>"This rule applies to situations such as protecting the security, safe operation or maintenance of overhead lines or removing an associated potential fire <u>electrical risk or risk to the public, or maintaining sight lines from an intersection. ..."</u></i>	Accept, it is recommended that the Advisory Note is amended as sought. It is also recommended that the Advisory Note is amended in response to a submission made by KiwiRail Holdings Limited. This amendment is not material to Transpower's relief.
Rule EI-R9 Use of temporary infrastructure	195.34	Seeks that <i>"EI-MD4 – Health and safety"</i> is deleted.	Reject, it is recommended that <i>"EI-MD4 – Health and safety"</i> is retained and, in response to submissions made by others, it is recommended that <i>"EI-MD3 – Operational considerations"</i> is added. Agree with the rationale for retaining EI-MD4 and including EI-MD3 set out in the Officer's Report.
Rule EI-R10 Installation of new infrastructure, or upgrading of existing infrastructure, underground	195.35	Seeks that <i>"EI-MD2 – Amenity values, location and design"</i> is deleted.	Accept, it is recommended that Rule EI-R10 be amended to only refer to clause (4) of EI-MD2 on the basis that this is the only matter that may be relevant to the potential effects of underground infrastructure.
Rule EI-R11 Relocation of infrastructure	195.35	Seeks that Rule EI-R11 is retained as notified.	Accept, it is recommended that, in response to submissions made by others, Rule EI-R11 is amended refer add <i>"EI-MD3 – Operational considerations"</i> and to clarify that the Rule applies to above ground infrastructure (with below ground infrastructure addressed by rule EI-R10). Agree with the rationale for including EI-MD3 and explicitly confining Rule EI-R11 to above ground infrastructure.

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Rule EI-R13 Addition to a pole or tower	414.74 (Federated Farmers) FS92	Opposes the primary submission that seeks that Rule EI-R13 is amended to limit the rule to be " <i>used once per pole on any given transmission line</i> "	Reject, no amendments are recommended in response to the primary submission on the basis that such effects can be considered in any case.
	295.77 (Horticulture New Zealand) FS92	Opposes the primary submission that seeks that Rule EI-R13 is amended to include a new standard that references no increase in NZECP 34:2001 compliance requirements.	
Rule EI-R16 Upgrading above-ground lines, ducts, cables and pipes	195.38	Seeks that Rule EI-R16 is retained as notified.	Accept, it is recommended that, in response to a made by Mainpower, that the expression used in Rule EI-R16 is amended to provide greater clarity. These amendments are not material to Transpower's relief.
	414.75 (Federated Farmers)	Opposes the primary submission that seeks that the activity status that applies to Rule EI-R16 is amended to 'restricted discretionary'.	Reject, it is recommended that the primary submission be rejected on the basis that the effects are appropriately confined by the standards/conditions that apply.
Rule EI-R22 Activities that generate electric and magnetic fields	195.39	Seeks that Rule EI-R22 is retained as notified.	Accept, it is recommended that Rule EI-R22 is retained as notified.
Rule EI-R23 Construction of new vehicle access tracks ancillary to infrastructure which are located in specified sensitive environments	195.40 ⁴¹	Seeks that Rule EI-R23 is amended to correct grammar and to reference " <i>widening or extension of existing</i> " access tracks.	Accept, it is recommended that Rule EI-R23 is amended as sought.
Rule EI-R24 New overhead transmission lines and electricity distribution lines and supporting poles and towers	195.41	Seeks that Rule EI-R24 is retained as notified.	Accept, it is recommended that Rule EI-R24 is retained as notified.
	414.76 (Federated)	Opposes the primary submission that seeks a	Reject, it is recommended that different height limits for

⁴¹ This submission is supported by the further submissions made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (further submission reference FS 95 and KiwiRail Holdings Ltd (further submission reference FS 99).

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
	Farmers) FS92	uniform height standard across all zones.	different receiving environments is retained.
Rule EI-R25 Transformers, substations, switching stations, and energy storage batteries (not enclosed within a building)	195.42	Seeks that Rule EI-R25 is retained as notified.	Accept, it is recommended that Rule EI-R25 (and Rule EI-R35) be deleted and replaced with Rule SI-R19B in the general rules. The replacement Rule EI-19B generally retains the same conditions and default activity status as that supported by Transpower's submission.
	414.77 (Federated Farmers) FS92	Opposes the primary submission that seeks the inclusion of a matter of discretion requiring consultation.	Reject, no changes are recommended in response to the submission on the basis that consultation with landowner can be required through the consent process and an additional matter of discretion is not required.
Rule EI-R52 Earthworks (other than quarry or landfill) within a National Grid Yard	195.44	Seeks amendments to Rule EI-R52 to achieve alignment with NZECP 34:2001 and, as a consequence, the deletion of Rule EI-R53.	Accept, it is recommended that Rule EI-R52 be amended as sought. It is further recommended that Rule EI-R53 be deleted in its entirety.
Rule EI-R53 Any quarry or landfill on the same site as a National Grid support structure			
Matters of Discretion EI – General	62.36, 62.62, 62.63, 62.64, 62.65, 62.66, 62.67, 62.68, 62.69, 62.70, 62.71, 62.72, 62.73, 62.74, 62.75 (Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd) FS92	Supports the primary submission that notes that there are a number of Energy and Infrastructure rules where EI-MD3 does not apply. Whereas operational considerations should always be a relevant matter.	Accept, it is recommended that EI- MD3 is added to Rules EI-R2, EI-R4, EI-R7, EI-R8, EI-R9, EI-R11, EI-R12, EI-R13, EI-R14, EI-R15, EI-R16, EI-R17, EI-R36, EI-R40
Matters of Discretion EI-M1 Historic heritage, cultural values and the natural environment	195.45	Seeks that the Matters of Discretion in EI-MD1 are retained as notified.	Accept, it is recommended that the Matters of Discretion in EI-MD1 are retained as notified.
Matters of Discretion EI-MD2	195.46	Seeks that the Matters of Discretion in EI-MD2 are	Accept, it is recommended that the Matters of Discretion in EI-

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
Amenity values, location and design		amended to refer to "where necessary" in clause (1) and to include a new clause as follows: <i>"x. <u>The benefits of infrastructure.</u>"</i>	MD2 are amended to include "where necessary". It is not recommended that reference to 'benefits' is included. This amendment is not necessary provided the ability to consider benefits is included in EI-MD6.
Matters of Discretion EI-MD3 Operational considerations	195.47	Seeks that the Matters of Discretion in EI-MD3 are retained as notified.	Accept, it is recommended that the Matters of Discretion in EI-MD3 are retained as notified.
	249.98 (MainPower Limited) FS92	Opposes the primary submission that seeks the replacement of "unreasonable" with "possible" on the basis that assessing whether something is "possible" does not allow a judgement to be made about whether the 'possible' solution is an appropriate outcome. A test of 'reasonableness' better allows the outcomes to be evaluated.	Reject on the basis that whether a solution is possible does not necessarily mean it is the best or most appropriate outcome in terms of technical constraints, additional costs or environmental effects. Whereas, retaining 'unreasonable' allows such an evaluation to occur.
Matters of Discretion EI-MD4 Health and safety	195.48 ⁴²	Seeks that the Matters of Discretion in MD4 are amended as follows: <i>"x. <u>The extent to which the infrastructure will be designed and located in relation to close proximity to any existing sensitive activity.</u></i> <i>y. <u>and the The extent to which the infrastructure provides for the health and safety of people and communities of any effect on human health.</u>"</i>	Accept, it is recommended that "existing" is included in the Matters of Discretion in EI-MD4. Not further amendments are recommended. Agree that, as amended, the 'matter' is sufficiently broad to appropriately allow for a consideration of the matters included in Transpower's relief.
Matters of Discretion EI-MD9 Construction of new, or widening	195.50 ⁴³	Seeks that the Matters of Discretion in EI-MD9 are amended as follows:	Accept, it is recommended that the Matters of Discretion in EI-MD9 are amended as sought.

⁴² This submission is supported by the further submission made by Waka Kotahi NZ Transport Agency (further submission reference FS 110).

⁴³ This submission is supported by the further submission made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (further submission reference FS 95) and Waka Kotahi NZ Transport Agency (further submission reference FS 110).

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
or extension of existing, vehicle access tracks ancillary to infrastructure		<p>"1. ...</p> <p>2. <i>The extent of <u>non-compliance with the relevant standards in the Earthworks Chapter Earthworks standards EW-S1 to EW-S7 for the relevant zone or overlay, and the extent of any effects of non-compliance.</u></i></p> <p>3. <i>„Relevant assessment matters in the Earthworks Chapter and, where resource consent is required by Rule EI-R23 the assessment matters for the <u>relevant zone or overlay.</u></i></p> <p><i>x. <u>The benefits of the related infrastructure.</u></i>"</p>	
Matters of Discretion EI-MD10 Relocation of existing infrastructure	195.51 ⁴⁴	Seeks that the Matters of Discretion in EI-MD10 are amended to include a new clause as follows: <i>"x. <u>The benefits of infrastructure.</u></i> "	Accept, it is recommended that the Matters of Discretion in EI-MD10 are amended as sought.
Matters of Discretion EI-MD12 National Grid	195.52	Seeks that the Matters of Discretion in EI-MD12 are retained as notified.	Accept, it is recommended that the Matters of Discretion in EI-MD12 are retained as notified.
	414.88 (Federated Farmers) FS92	Opposes the primary submission that considers that including future upgrade or development is onerous and unfair.	Reject, no amendments are recommended in respect to the primary submission on the basis that higher order planning instruments address development and upgrade.
Matters of Discretion EI-MD14 Extent of effects	195.53 ⁴⁵	Seeks that the Matters of Discretion in EI-MD14 are amended to refer to "non-compliance" and to include a new clause as follows: <i>"x. <u>The benefits of infrastructure.</u></i> "	Accept, it is recommended that the Matters of Discretion in EI-MD14 are amended as sought.

⁴⁴ This submission is supported by the further submission made by Waka Kotahi NZ Transport Agency (further submission reference FS 110).

⁴⁵ This submission is supported by the further submission made by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (further submission reference FS 95).

Provision	Submission reference	Relief sought by Transpower	Officers' Report recommendation
	414.90 (Federated Farmers) FS92	Opposes the relief sought in the primary submission that seeks reference to effects on landowners.	Reject, no amendments are recommended in response to the primary submission on the basis that such effects can be considered in any case.
	295.83 (Horticulture New Zealand) FS92	Opposes the primary submission made by Horticulture New Zealand that seeks that clause (2) of EI-MD6 refers to <i>"including increased compliance requirements for landowners and occupiers"</i>	Reject, no amendment is recommended in response to the primary submission on the basis that EI-MD14 is sufficiently broad so as to allow for a consideration of effects on landowners.
Planning Map (National Grid transmission lines)	195.117	Seeks that the Planning Map notation includes the voltage of each transmission line.	Accept, the voltage of the transmission lines has been included as an amendment made under clause 16 of Schedule 1 to the RMA.
Planning Map (National Grid Yard)	195.118	Seeks that the Planning Map is amended to accurately reflect the extent of the National Grid Yard; or the Planning Map legend is amended to indicate that the extent of the National Grid Yard is set out in the definition of 'National Grid Yard'.	Accept, it is recommended that the National Grid Yard be removed from the Planning Map and instead the definition of the 'National Grid Yard' be relied on.
Planning Map (National Grid Subdivision Corridor)	195.119	Amend the Planning Map to also show the National Grid Subdivision Corridor.	Reject, a new definition of National Grid Subdivision Corridor is recommended for inclusion and is relied on such that (consistent with the approach to the National Grid Yard) mapping is not considered necessary.
Officer's Report: Ketuketū whenua – Earthworks			
Rule EW-R8 Earthworks for underground infrastructure	195.104	Retain Rule EW-R8 as notified.	Accept, it is recommended that Rule EW-R8 is retained as notified.

ATTACHMENT B: AMENDMENTS SOUGHT IN, AND/OR SUPPORTED BY, EVIDENCE

In addition to the amendments recommended by the Officers' Report that are supported in my evidence and listed in the table in Attachment A, the following sets out the amendments to the provisions of the Proposed District Plan that are proposed by and/or supported in evidence. The Officers' Report amendments are shown in black underline and ~~black strikethrough~~ and the further amendments supported in evidence are shown in red double underline and ~~red double strikethrough~~.

PART 2 – DISTRICT-WIDE MATTERS

Energy, infrastructure and transport: EI - Pūngao me te hanganga hapori - Energy and infrastructure

Amend 'Other potentially relevant District Plan provisions' as follows:

"Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters ~~that~~ contain provisions that may ~~also~~ be relevant to Energy and Infrastructure. The 'How to interpret and apply the rules' section details which other provisions ~~may~~ apply to Energy and Infrastructure activities. include:

- ~~• Transport: the Transport rules apply to all activities and activities are subject to compliance with all relevant Transport rules. The application of the transport provisions is discussed further in the Transport rules.~~
- ~~• Natural Hazards: this chapter contains provisions that may be relevant to managing the risk to energy and infrastructure from natural hazards.~~
- ~~• Historic Heritage: this chapter contains provisions relevant to protecting places with heritage values, such as historic heritage buildings or other structures or their heritage settings.~~
- ~~• Notable Trees: this chapter contains provisions relevant to matters such as protecting the root protection area or the trimming or removal of notable trees.~~
- ~~• Sites and Areas of Significance to Māori: this chapter contains provisions relevant to protecting SASM from adverse effects.~~
- ~~• Ecosystems and Indigenous Biodiversity: this chapter contains provisions that control SNAs and the clearance of areas of indigenous vegetation across the District."~~

Amend 'How to interpret and apply the rules' as follows:

"1. ~~The rules All of the provisions~~ in the following District-wide chapters apply in addition to the ~~provisions-rules~~ in the Energy and Infrastructure chapter:

- a. ~~SD – Strategic Directions~~
- b. ~~TRAN - Transport;~~
- c. ~~HS - Hazardous substances;~~
- d. ~~CL - Contaminated land;~~
- e. ~~NH - Natural hazards;~~
- f. ~~SUB - Subdivision;~~

g. EW - Earthworks;

h. LIGHT - Light;

i. NOISE - Noise; and

j. SIGN - Signs;

k. TREE - Notable Trees;

~~2. The objectives, policies, associated planning map layers, schedules, tables and appendices (excluding rules) in the following District wide chapters apply to Energy and Infrastructure where relevant:~~

~~a. HH - Historic Heritage;~~

~~b. TREE - Notable Trees;~~

~~c. SASM - Sites and Areas of Significance to Maori;~~

~~d. ECO - Ecosystems and Indigenous Biodiversity;~~

~~e. NATC - Natural Character of Freshwater Bodies;~~

~~k. NFL - Natural Features and Landscapes; and~~

~~f. CE - Coastal environment.~~

~~23. The rules and standards in the District wide all other chapters (not listed in (21) above do not apply to Energy and Infrastructure, except in the following circumstances:~~

~~a. Relocation of any historic heritage listed in HH-SCHED2 must comply with HH-R4, HH-R6 and HH-R8;~~

~~b. Demolition of historic heritage items listed in HH-SCHED2 must comply with HH-R7 and HH-R9; and~~

~~c. Removal of any Notable Tree listed in TREE-SCHED1 must comply with TREE-R6 and TREE-R7;~~

~~d. New buildings and structures within a SAL, ONF and ONF must comply with NFL-S1 and NFL-S2;~~

~~e. New centre pivots and travelling irrigators must comply with NFL-R8;~~

~~f. New roads must comply with NFL-R9; and~~

~~g. Irrigation infrastructure near any mapped SNA must comply with ECO-R4~~

~~4. The rules in other District wide chapters not listed in (1) or (2) above do not apply to Energy and Infrastructure; and~~

~~5. The rules in the zone chapters generally do not apply to Energy and Infrastructure, except in the following circumstances:~~

~~a. Where specified in the Energy and Infrastructure rules;~~

~~b. The Special Purpose Zone (Hospital) rules apply to activities on the Rangiora and Oxford hospital sites;~~

~~c. Emergency service facilities, or any health related activity outside the Rangiora and Oxford hospital sites, are subject to the rules of the zone in which they are to be located;~~

~~d. The Energy and Infrastructure rules apply in the Special Purpose Zone (Kainga Nohoanga) (see SPZ(KN)-APP1 and SPZ(KN)-APP2);~~

~~e. Habitable buildings are subject to the rules of the zone in which they are to be located.”~~

As a consequence:

- **Amend** the ‘How to interpret and apply the rules’ in related chapters to reflect the changes set out above.
- **Amend** the rules in the Energy and Infrastructure Chapter to include a requirement for buildings and structures to comply with NFL-S1 and NFL-S2;
- **Relocate** the Rules NFL-R8, NFL-R9 and ECO-R4 to the Energy and Infrastructure Chapter;
- **Insert** a new standard in EI-R20 New infrastructure building to address habitable buildings.

Amend Policy EI-P1 Recognising the benefits of, and providing for, energy and infrastructure as follows:

“Policy EI-P1 Recognising the benefits of, and providing for, energy and infrastructure

Recognise the local, regional or national benefits of energy and infrastructure, including the benefits of sustainable, secure and efficient electricity transmission, through:

1. ...

~~4. providing for the effective, safe, secure and efficient electricity transmission, including on the National Grid, electricity distribution, and supply of fuel and energy; ...”~~

Amend Policy EI-P5 Manage adverse effects of energy and infrastructure as follows:

“Policy EI-P5 Manage adverse effects of energy and infrastructure

Manage adverse effects of energy and infrastructure, including by the following:

1. *enabling or providing for the ongoing operation, maintenance, repair, renewal, removal and minor upgrade of existing energy and infrastructure;*
2. *providing for new energy and infrastructure, or more than minor upgrades to existing energy and infrastructure while avoiding, remedying or mitigating adverse effects of more than minor upgrades to existing energy and infrastructure, including effects on:*
 - a. *natural and physical resources;*
 - b. *amenity values;*
 - c. *an existing sensitive activity;*
 - d. *the safe and efficient operation of other infrastructure;*
 - e. *the health, safety and well-being of people and communities;*

- 3A. using major upgrades to existing energy and infrastructure as an opportunity to reduce existing adverse effects where appropriate to do so;
3. outside of the coastal environment, ~~new~~ regionally significant ~~new energy and infrastructure, or major upgrades to existing regionally significant energy and infrastructure, should, to the extent considered practicable, ensure that the route or site is located outside of the following types of sensitive environments to protect such environments from significant adverse effects, taking into account the constraints imposed by the functional need or operational need of the energy and infrastructure:~~
- a. ~~ONF, ONL and SAL;~~
 - b. ~~areas of ONC, VHNC and HNC, and natural character of scheduled freshwater bodies setbacks;~~
 - c. ~~SNAs;~~
 - d. ~~buildings, other structures and settings with heritage values, and archaeological sites;~~
 - e. ~~SASM;~~
 - f. ~~places adjoining the coastal marine area; ...”~~

Amend Rule EI-R12 Replacement of a pole or tower as follows:

EI-R12	Replacement of a pole or tower	
All Zones	Activity status: PER Where: 1. ... 2. <u>a replacement pole or tower shall not exceed the height in relation to infrastructure of the replaced pole or tower by more than 15% of the height in relation to infrastructure of the pole or tower on the date the District Plan was made operative;</u>	...

Amend New Rule EI-R19B New, or expansion of existing, transformers, substations, switching stations, and energy storage batteries (not enclosed within a building) as follows:

EI-R19B	<u>New, or expansion of existing, transformers, substations, switching stations, and energy storage batteries (not enclosed within a building)</u>	
All Zones	...	<u>Activity status when compliance not achieved: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>EI-MD1 - Historic heritage and the natural environment</u> <u>EI-MD2 - Amenity values, location and design</u>

		<u>EI-MD3 - Operational considerations</u> <u>EI-MD4 - Health and safety</u> <u>EI-MD5 - Electricity generation</u> <u>EI-MD6 – Electricity transmission and distribution</u>
--	--	--

Amend the Matters of Discretion in EI-MD6 Electricity transmission and distribution as follows:

“Electricity transmission and distribution

1A. The distance between the infrastructure and residences, public places, or places from which the infrastructure would be visible, and the extent to which the infrastructure would pose significant adverse visual effects on or dominate the surrounding landscape.

1B. Extent and visibility of roads, access tracks, earthworks and vegetation clearance associated with the construction, operation or maintenance of the infrastructure.

~~1. Extent of effects on access to and the operation, maintenance, upgrade, development and structural integrity of the electricity transmission and electricity distribution network.~~

2. Extent of compliance with the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.

~~3. Nature of technical advice provided by infrastructure operators and extent of compliance with it.~~

4. Risk of electrical hazards affecting public safety and risk of property damage.

x. the benefits of the infrastructure.”

General District-wide matters EW - Ketuketu whenua - Earthworks

Amend ‘Other potentially relevant District Plan provisions’ as follows:

“Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to earthworks include:

- *Energy and Infrastructure: this chapter contains provisions relating to energy and infrastructure activities that involve earthworks along with Rule EI-R52 and that applies to earthworks in the National Grid Yard; ...”*

Amend Policy EW-P1 Enabling earthworks as follows:

“Policy EW-P1 Enabling earthworks

Enable earthworks where they:

1. ...

x. are ancillary to the operation, maintenance, upgrading and development of the National Grid.”

Amend Rule EW-R1 Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks and accessways as follows:

EW-R1	<i>Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks, and accessways, and transmission line, or NESTF regulated activity <u>and earthworks for the operation, maintenance and upgrading of the National Grid</u></i>	
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. EW-S4 and EW-S7 are met; 2. the earthworks are within the formed area of the road, footpath, cycleway, track, carpark, or accessway <u>or the National Grid Yard transmission line;</u> and 3. the earthworks are contained within <u>the National Grid Yard or</u> ground previously disturbed through construction of the road, footpath, cycleway, track, carpark, accessway, <u>transmission line, or NESTF regulated activity</u> <u>or are necessary to achieve compliance with NZECP 34:2001;</u> <u>and</u> 4. <u>Where the activity is an NESTF regulated activity, that all relevant earthworks NESTF standards are applied: ...</u> 	...

Amend Advice Notes EW-AN1 to include the following:

“x. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 manage earthworks relating to an existing transmission line and the provisions in this Chapter do not apply.”