

## D4 I4.4 National Grid

This report section is D4 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan. The report provides consideration of submissions on section I4.6, which contains the rules for activities within and in close proximity to the National Grid. It applies to the infrastructure provider, Transpower, but also to subdivision of land and sensitive land uses and structures in close proximity to the National Grid. The National Grid is shown on the planning maps. Two of the principal provisions, the National Grid Yard and the National Grid Subdivision Corridor, were notified with transposed definitions, and submissions were received to allow correction so that their meanings are as intended. The National Grid Yard applies defined building and activity setbacks. The National Grid Subdivision Corridor controls subdivision over a wider area near the transmission lines and support structures, to ensure suitable building platforms can be established.

### I Introduction

1. The main themes in submissions on the National Grid section are:
  - a. National Grid provisions onerous on private land and housing
  - b. National Grid provisions onerous on farming and horticulture
  - c. National Grid effects on rural subdivision
  - d. Transposition error in definitions – National Grid Yard versus National Grid Corridor
  - e. Giving effect to the National Policy Statement on Electricity Transmission (NPSET)
  - f. The Proposed Waikato District Plan (PWDP) location of National Grid Yard rules for sensitive land uses, structure setbacks, earthworks setbacks
  - g. Management of sensitive activities near or beneath the National Grid
  - h. Protection of Identified Area values
  - i. Activities - non-Complying or discretionary within National Grid Yard.
  
2. The NPSET sets out one objective and a number of policies to standardise the approach to the electricity transmission network (the National Grid) across the country. The PWDP must give effect to the NPSET. The NPSET recognises as a matter of national significance the need to operate, maintain, develop and upgrade the electricity transmission network. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised.
  
3. The NPSET Objective is: To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network and managing the adverse effects of other activities on the network.
  
4. The following NPSET policies are paraphrased and should not be taken as complete. They include:
  1. Recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission
  2. Recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network

3. Consider the constraints imposed on achieving avoiding, remedying or mitigating measures by the technical and operational requirements of the network
  4. For new transmission infrastructure or major upgrades of existing transmission infrastructure, have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection
  5. Enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets
  6. Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission, including such effects on sensitive activities where appropriate
  7. Minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities
  8. In rural environments, the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities
  9. Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection Guidelines and other specified standards
  10. To the extent of 'reasonably possible', manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised
  11. Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent.
5. The New Zealand Coastal Policy Statement (NZCPS) has relevance to the National Grid; recognising that the provision of infrastructure and energy generation within the coastal environment is important to the social, economic and cultural well-being of people and communities, while addressing issues such as the risk to existing infrastructure from coastal erosion and coastal hazards. The identification of the extent of the coastal environment is important to the application of the NZCPS. Objective 1(2)(i) recognises that the coastal environment contains physical resources and built facilities, including infrastructure, that have modified the coastal environment. The King Salmon Supreme Court decision has set a precedent that applying an overall judgment is not appropriate when giving effect to provisions in higher-order planning documents and prescriptive policies are likely to be awarded more weight than flexible ones (e.g. highly directive verbs such as avoid, protect etc). The decision has indicated that the use of the word "avoid" is an absolute for the matters listed. This is of particular relevance to policies which require adverse effects to be avoided (Policies 5, 11, 13 and 15). What this means for the National Grid is that those infrastructure activities in the high value areas of the coastal environment will need to be managed differently from the rest of the district. The PWDP uses the term "Identified Areas" to include such high value areas.
6. All of the NZCPS policies referring to activities or use and development are relevant to infrastructure. However, there are a number which are specific to infrastructure, including Policy 6(1)(a) and (b). These recognise that the provision of infrastructure, including the generation and transmission of energy are important activities; and that infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment. Policy 25(d) directs that where practicable, the location of infrastructure away from areas potentially affected by coastal hazards over at least the next 100 years should be encouraged.

7. The PWDP must give effect to the Waikato RPS. The main themes from the RPS are:
  - a. Integrate infrastructure with land use
  - b. Infrastructure enables people and communities to provide for their well-being
  - c. Manage reverse sensitivity with regards to infrastructure
  - d. Development maintains and enhances the safe, efficient and effective use of existing infrastructure
  - e. Recognise and protect regionally significant infrastructure, including electricity transmission and renewable electricity generation activities
  - f. Provide for all electricity transmission and renewable electricity generation activities, including maintenance, operation, upgrading and new facilities
  - g. Protect existing and planned infrastructure corridors; and
  - h. Recognise the need for electricity generation to locate where energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network.
  
8. RPS Objective 3.12 Built Environment is relevant. This states: “Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:
  - c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
  - e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;
  - i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation”.
  
9. RPS policy 6.6 covers significant infrastructure and energy resources (the National Grid is defined in the RPS as “regionally significant infrastructure”), with a transmission corridor management approach (6.6.2), measures to avoid adverse effects (6.6.5) and development principles (6A) set out.
  
10. The National Environmental Standards for Electricity Transmission (NESETA) set out a national framework of permissions and consent requirements for activities relating to existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. The NESETA specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment; and specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities. The NESETA only applies to existing high voltage electricity transmission lines owned and operated by Transpower.

It does not apply to the construction of new transmission lines, nor to substations. The NESETA does not apply to electricity distribution lines, which are the lines carrying electricity from regional substations to electricity users. The NESETA provides rules for:

- a. Operation of a transmission line
- b. Use of access tracks
- c. Works on conductors and support structures
- d. Increasing current or voltage
- e. Undergrounding
- f. Temporary structures and line deviation
- g. Relocation, replacement and removal of support structures
- h. Earthworks
- i. Access tracks to existing lines
- j. Vegetation trimming/felling/removing
- k. Discharge of contaminants
- l. Occupation of the Coastal Marine Area.

## 2 General

Submission point	Submitter	Decision requested
576.52	Transpower	Retain Section 14.4 National Grid, subject to amendments sought elsewhere in this submission.
<i>FS1269.45</i>	<i>HNZC</i>	<i>Opposes 576.52</i>
576.79	Transpower	Retain the identification of the National Grid on the planning maps as notified
<i>FS1269.46</i>	<i>HNZC</i>	<i>Opposes 576.79</i>
341.8	Tainui Group Holdings Limited	Amend Section 14.4 National Grid to ensure undue limitations are not placed on land subject to these provisions. AND Amend the Proposed District Plan to make consequential amendments as necessary to give effect to the matters raised in the submission.
<i>FS1269.110</i>	<i>HNZC</i>	<i>Supports 341.8</i>
<i>FS1350.60</i>	<i>Transpower</i>	<i>Opposes 341.8</i>
749.73	HNZC	Delete Section 14.4 National Grid and the full package of objectives, policies, rules and definitions including the spatial extent of the overlay AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

FS1350.62	Transpower	Opposes 749.73
FS1345.115	Genesis Energy	Opposes 749.73
749.155	HNZC	Delete objectives, rules, rules and definitions relating to the National Grid AND Delete overlays that provide for the National Grid
FS1345.119	Genesis Energy	Opposes 749.155
680.284	FFNZ	Add new controlled subdivision Rule '14.4.X.X' as follows: <u>CX Subdivision that is otherwise a controlled subdivision in the Rural Zone that is within a lot containing the National Grid Activity-specific conditions 14.4.X.X</u> <u>(1) Any new lot boundary shall be situated outside the National Grid Corridor; and</u> <u>(2) Shall comply with controlled subdivision standards and terms of the Rural Zone.</u> Matters of control is reserved over: <u>(a) The adequacy of the allotment for its intended use;</u> <u>(b) maintenance of existing physical and legal vehicular access to the National Grid Corridor.</u>
FS1350.61	Transpower	Opposes 680.284
766.6; 766.7; 766.8; 766.9; 302.2	Holcim; Envirowaste	Amend Rule 14.4.1 Permitted Activities; Rule 14.4.2 Restricted Discretionary Activities; Rule 14.4.3 Discretionary Activities; and Rule 14.4 Non Complying Activities; by reducing yard setbacks to align with the decisions on appeals and consent orders on the current Auckland Unitary Plan rules which allow for carparking or hard stand surfaces (and in associated drainage) with limited storage height on Industrial zoned land within the National Grid Yard.
FS1350.71; FS1350.72; FS1350.73; FS1350.74; FS1350.59	Transpower; Transpower; Transpower; Transpower; Transpower	FS1350.71 opposes 766.6; FS1350.72 opposes 766.7; FS1350.73 opposes 766.8; FS1350.74 opposes 766.9; FS1350.59 opposes 302.2
FS1269.30	HNZC	Supports 302.2

## 2.1 Analysis

12. **Transpower** [576.52] seeks to retain Section 14.4 National Grid, subject to amendments sought elsewhere in the submission. **Transpower** [576.79] also seeks to retain the identification of the National Grid on the planning maps as notified.
13. Transpower supports the provision of a suite of rules and associated conditions specific to the National Grid, and the retention of the National Grid on the planning maps, noting the proposed rules are specific to the National Grid Yard and the National Grid (subdivision) Corridor, both of which are identified on the planning maps and further defined in Chapter 13 Definitions. Transpower states that the provision of a specific suite of provisions is consistent with the approach adopted across New Zealand, gives effect to the NPSET, and also gives effect to the Waikato RPS, specifically Implementation Method 6.6.2. The submitter further states that as highlighted in the higher-order policy documents (specifically the NPSET and the RPS) a significant resource management issue in the district and across New Zealand is inappropriate development,

land use and subdivision in close proximity to the National Grid, which can compromise its operation, maintenance, development and upgrade. In order to manage subdivision and other land uses that have the potential to compromise the operation, maintenance, upgrading and development of the National Grid, the submitter supports the provision of a corridor management approach which allows for the reasonable use of land inside the transmission line corridor, with several standards and rules imposed to ensure that any subdivision, land use and development that might compromise the Grid is either avoided or managed. The submitter states that this approach has been rolled out across New Zealand for the past seven years as plans have come up for review.

14. *FSI269.45; FSI269.46 HNZN opposes 576.52 and 576.79, to the extent it is inconsistent with its primary submission. HNZN in its primary submission seeks deletion of the National Grid provisions. It considers they are overly restrictive and do not manage sensitive activities (including reverse sensitivity) under or in close proximity to the National Grid.*
15. In my opinion, Section 14.4 National Grid appropriately gives effect to the NPSET. I recommend, for the reasons provided by Transpower, accepting Transpower [576.52: 576.69]; rejecting *FSI269.45; FSI269.45 HNZN*.
16. **EnviroWaste** [302.2] and **Holcim** [766.6, 766.7, 766.8, 766.9] seek to amend Rules 14.4.1 - 14.4.4 National Grid to reduce the yard setbacks to align with decisions on appeals and consent orders on the Auckland Unitary Plan.
17. These submitters state that the current Auckland Unitary Plan rules (activities within the National Grid yard) allow for car parking or hard stand surfaces (and associated drainage) with limited storage height, on Industrial Zoned land, rather than the current proposed provisions, which sterilize large tracts of Industrial Zone land for any activities. The reasons given by the submitters are that the yard Overlay and its provisions should reflect the minimums allowed under the Auckland Unitary Plan, whereby the “yard” is measured at 12m in any direction from the outer edge of a National Grid support structure and 12m either side of the centreline of any overhead National Grid line (rather than up to 37m either side of transmission lines for 220kv lines under the Proposed Plan). In the submitter’s view, there is no reason for the Waikato District Plan to have a wider restriction buffer than Auckland (when the effect on the National Grid would be the same regardless of Region and cognizant that the Auckland rules apply immediately adjoining the submitter’s site). In addition, Auckland has the most recent case law on the National Grid network through the Auckland Unitary Plan appeals process, so it is reasonable to consider that its provisions are suitable to meet the National Policy Statement for Electricity Transmission.
18. *The submissions are opposed by FSI350.59 and by FSI350.71, FSI350.72, FSI350.73 and FSI350.74 Transpower on 302.2 and on 766.6, 766.7, 766.8, 766.9, in so far as they seek to amend Rules 14.4.1 - 14.4.4. In response to the concerns raised in the submission, Transpower considers that the proposed plan has incorrectly applied the 12m yard to the term National Grid Corridor, and the 14m-37m subdivision corridor to the term National Grid Yard. In its submission Transpower sought correction of these terms along with minor amendments to assist with their interpretation and application. The relief sought in Transpower’s submission (points 576.39 and 576.40) clarify these terms (National Grid Yard and National Grid Subdivision Corridor) and related distances. The 12m setback provided in the amended definition of National Grid Yard aligns with that provided in the Auckland Unitary Plan (AUP), as follows: National Grid Yard includes: the area located 12 metres in any direction from the outer edge of a National Grid support structure; and the area located 12 metres either side of the centreline of any overhead National Grid line. The National Grid Yard in the AUP is identified on the planning maps as National Grid Yard (Compromised) or National Grid Yard (Uncompromised). Transpower considers the corrections*

*in the definitions should address the concerns of the submitter. Transpower further notes the proposed plan provisions do not restrict car parking or hard surfaces within the Industrial zone under the framework proposed by Transpower.*

19. *FS1269.30 HNZC supports 302.2, to the extent it is consistent with its primary submission.*
20. Transpower, and some of the other submitters, have identified that the notified PWDP transposed the definitions of National Grid Yard and National Grid (Subdivision) Corridor, which gave the impression that the building and activity setbacks were much greater than intended. The National Grid Yard is intended to extend up to 12m from the transmission lines and support structures, and the National Grid Subdivision Corridor is intended to extend up to 37m from the 220kV transmission lines. To provide the correction, and for the reasons provided by Transpower, I recommend accepting in part EnviroWaste [302.2] and Holcim [766.6; 766.7; 766.8 and 766.9], to the extent that the National Grid Yard and National Grid Corridor dimensions are transposed in the Definitions Chapter. I therefore recommend accepting in part *FS1350.59* on 302.2 and *FS1350.71; 1350.72; 1350.73; 1350.74* on Transpower [766.6; 766.7; 766.8; and 766.9]; accepting in part *FS1269.30 HNZC*.
21. **Tainui Group Holdings Limited [341.8]** seeks to amend Section 14.4 National Grid to ensure undue limitations are not placed on land subject to these provisions.
22. The reasons given are that both the Huntly and Meremere Power Station sites owned by Tainui Group Holdings currently contain National Grid transmission lines/assets and the presence of Transpower's transmission lines places limitations on the ability for the submitter to develop their land. Rule 14.4.1.2 allows a limited range of buildings and structures as a permitted activity to occur within the National Grid Yard, while Rule 14.4.1.3 allows a limited range of earthworks activities as a permitted activity to occur within the National Grid Yard. The submitter states that the non-complying activity status under Rule 14.4.4 (NC4) for any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.2 is unnecessarily onerous.
23. *FS1269.110 HNZC supports 341.8, to the extent it is consistent with its primary submission. The HNZC original submission states that the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.*
24. *FS1350.60 Transpower opposes 341.8. All of the following information in this paragraph is provided by Transpower. While Transpower appreciates the concerns raised by the submitter as to the National Grid provisions (specifically the perceived limitations on the ability for Tainui Group Holdings Limited to develop its land), Transpower states that the approach adopted within the proposed plan reflects the National Grid corridor management approach applied across New Zealand. The submitter further states that the approach is comprised of a framework of objectives, policies, rules and definitions which provide a management framework for activities, buildings and structures within a specified distance of the National Grid lines, and support structures and substations. In order to identify the areas subject to specific rules, Transpower has identified a National Grid Yard and National Grid Subdivision Corridor. The rule framework has been developed (and applied throughout New Zealand) and Transpower is satisfied that there are some activities that are appropriate within the yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. Transpower states that the higher-level policy directive for provisions specific to the National Grid is provided in the NPSET, which confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.*

*Transpower states that the NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network (particularly activities that establish beneath or in close proximity to Transpower's lines and/or structures),, and such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity, radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines. Transpower considers the location of buildings and activities, particularly 'sensitive activities' such as schools and residential properties, beneath or in close proximity to lines and/or structures can limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of Transpower's lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed. Under Rule NC4, non-complying activity status is considered the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. Whilst an application can still be made under the RMA, it would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan or that its adverse effects on the environment would be no more than minor. Furthermore, non-complying activity status promotes consistency in decision-making, and more effectively manages landowner expectations about the nature of activities that are appropriate or otherwise in the National Grid Yard.*

25. I have adopted Transpower's arguments in their further submission in my analysis. The proposed plan reflects the National Grid corridor management approach applied across New Zealand. The approach is comprised of objectives, policies, rules and definitions which provide a management framework for activities, buildings and structures within a specified distance of the National Grid lines, support structures and substations. In order to identify the areas subject to specific rules, Transpower has identified a National Grid Yard and National Grid Subdivision Corridor. The rule framework has been developed (and applied throughout New Zealand) to provide for activities that are appropriate within the yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. The higher-level policy directive for provisions specific to the National Grid is provided in the NPSET, which confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
26. The location of buildings and activities, particularly 'sensitive activities', such as schools and residential properties, beneath or in close proximity to lines and/or structures, can limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of Transpower's lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed. The policies seek to avoid sensitive activities near electricity transmission lines and infrastructure; manage other activities to avoid reverse sensitivity effects on this infrastructure; and manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised. Specific to the non-complying activity status under Rule NC4, such status is considered the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. In particular, a non-complying activity status:
  - (a) Most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2;



(b) Is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by Policy 10.

(c) Recognises the policy directive within Policy 11 to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for.

The Environment Court has in the past noted that there are many reasons why activities might have a non-complying status in district plans. One of those reasons is the activity in question is, in some way, likely to produce significant adverse effects. This contrasts with the approach that a discretionary activity status implies, which is, in general, that a particular activity can be an efficient use and development of resources in an appropriate setting and if appropriately designed. Given the high likelihood of potential adverse effects that encroachments could have on the National Grid corridor, such an indication is inappropriate. Non-complying activity status gives a very strong policy signal that under-build and activities within the National Grid Yard are not appropriate as they will likely compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. Whilst an application can still be made under the RMA, it would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan or that its adverse effects on the environment would be no more than minor. Furthermore, non-complying activity status promotes consistency in decision-making, and more effectively manages landowner expectations about the nature of activities that are appropriate or otherwise in the National Grid Yard. For the reasons above, and as provided by Transpower in the further submission, I recommend rejecting *Tainui Group Holdings Limited [341.8]* and *FS1269.110 HNZA*, and accepting *FS1350.60 Transpower*.

27. **HNZA** [749.73 and 749.155] seeks to delete Section 14.4 National Grid and the full package of objectives, policies, rules and definitions including the spatial extent of the overlay. A separate submission **HNZA** [749.24] seeks deletion of all National Grid 6.2 as well, which I have addressed within the Chapter 6 section of the s.42A report.
28. **HNZA** [749.73 and 749.155] seeks to delete Section 14.4 National Grid and the full package of objectives, policies, rules and definitions including the spatial extent of the overlay. A separate submission **HNZA** [749.24] seeks deletion of all National Grid 6.2. That submission is addressed within the Chapter 6 section of the s.42A report.
29. The submitter opposes the National Grid provisions in its current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions), including the spatial extent of the overlay shown in the P WDP, be amended. The submitter acknowledges the need for the P WDP to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008), but considers the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid.
30. *The submission is opposed by FS1345.115; FS1345.119 Genesis Energy and FS1350.62 Transpower: that state the reasoning provided in the submission is unclear as to why the submitter considers the National Grid provisions within the proposed plan are "overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid"; The following reasoning was provided in the Transpower further submission: As noted by the submitter, the national significance of the National Grid is recognised within NPSET; The NPSET confirms the national significance of the National Grid, and establishes a clear national policy direction that recognises the benefits of transmission, the effects of the National Grid, and the need to appropriately manage activities and development under and in close proximity to it; The NPSET Objective recognises that the network itself potentially gives rise to*

*adverse effects, and that other activities can potentially adversely affect the network; The National Grid can be affected by other activities that establish beneath or in close proximity to its lines and/or structures. Such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity, radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines. The location of buildings and activities, particularly 'sensitive activities' such as schools and residential properties, beneath or in close proximity to lines and/or structures can limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of National Grid lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11. These policies act as the primary guide to inform how adverse effects on the National Grid are managed.*

31. As noted by the submitter, the national significance of the National Grid is recognised within NPSET. The NPSET establishes a clear national policy direction that recognises the benefits of transmission and the need to appropriately manage activities and development under and in close proximity to it. The NPSET Objective recognises that the network itself potentially gives rise to adverse effects, and that other activities can potentially adversely affect the network. The National Grid can be affected by other activities that establish beneath or in close proximity to its lines and/or structures. Such activities can generate reverse sensitivity effects where landowners/operators request a Council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity, radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines. The location of buildings and activities, particularly 'sensitive activities' such as schools and residential properties, beneath or in close proximity to lines and/or structures can limit Transpower's ability to maintain, upgrade and develop the National Grid. Additionally, the stability of National Grid lines can be affected by earthworks that destabilise support structures resulting in their need to be relocated. Of particular relevance in relation to land uses are NPSET Policies 10 and 11, acting as the primary guide to inform how adverse effects on the National Grid are managed. The policies seek to: avoid sensitive activities near electricity transmission lines and infrastructure; manage other activities to avoid reverse sensitivity effects on this; and manage activities to ensure the operation, maintenance, upgrading and development of the Grid is not compromised. The approach adopted within the proposed plan reflects the corridor management approach sought across New Zealand.
32. For the reasons above, and as provided by Transpower in its submission and further submissions and to give effect to NPSET and the Waikato RPS, I recommend that the Chapter 14 Section 14.4 National Grid provisions be retained in amended form, as sought by Transpower, including transposing the definitions of National Grid Yard and National Grid Corridor.
33. The Auckland Unitary Plan provisions for the National Grid, referred to in the submissions, have more complexity than is proposed in the PWDP. The National Grid Yard in Auckland is divided into Uncompromised National Grid Yard and Compromised National Grid Yard. The latter has existing buildings, structures or land uses that prevent achievement of the required setbacks, and the Plan allows more scope for new buildings and structures and alterations that are not for activities sensitive to the National Grid. The Compromised National Grid Yard has increased risks to security of supply through outages or physical damage, and through constraints on access for inspection and maintenance and undertaking line upgrades. The configuration of the National Grid Corridor is also more complex in Auckland, as its width varies depending on the distance from the support structures. 37 metres clearance from the centreline of an overhead transmission line may be required at the middle of a long span where sagging lines may sway in high winds, but there is no or minimal sway adjacent to the support structure. The National Grid Corridor in

the PWDP is a subdivision control, requiring restricted discretionary activity consent to address potential impacts on the operation, maintenance, upgrading and development of the National Grid, ability to provide a building platform outside of the National Grid Yard, risks of electrical hazards, and potential vegetation in proximity of the lines or support structures. The PWDP does recognise existing underbuild, for example, in 14.4 I I PI “Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018”.

34. The PWDP includes an reverse sensitivity objective, policy and rules, including identifying the National Grid buffer as National Grid Yard and National Grid Subdivision Corridor. I recommend rejecting HNZN [749.73]; HNZN [749.155] and accepting *FS1345.115 Genesis Energy; FS1345.115 Genesis Energy; FS1350.62 Transpower*.
35. **FFNZ** [680.284] opposes Rule 14.4.2 RD4 and submits that a more pragmatic approach would be to provide for controlled activity status for subdivision of land containing the National Grid (at least in the Rural Zone). FFNZ identifies that in particular, farmers may have need for boundary adjustments and boundary relocations, where no additional lots are being created, and where there is no overall increase in land use intensity, in order to enable more efficient management and utilisation of the productive rural land resource. The submitter considers that controlled subdivision standards (or activity-specific conditions) could apply, and matters of control could be set forth that require new lot boundaries to be outside the National Grid Corridor, and control of ensuring existing legal and physical vehicular access to the National Grid Corridor. The submitter believes that there is no need to manage this via a restricted discretionary activity rule.
36. *FS1350.61 Transpower opposes, as the purpose of the subdivision provisions within the proposed plan is to manage subdivision in the National Grid Corridor to ensure that the long-term maintenance, operation and development of the National Grid is not compromised. Transpower’s reasons are as follows: Subdivision is the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided, and this can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). Beyond the 12m yard, the proposed plan provisions provide for subdivision between 12m to 37m of the National Grid as a restricted discretionary activity where a building platform is identified between 12m and 37m of the centreline of a transmission line or between 12m and 37m of the outer edge of a support structure (in any direction). Transpower considers that the restricted discretionary activity status for subdivision provides an appropriate incentive to design subdivision layouts that avoid building sites within the National Grid Yard. Importantly, it also provides for Transpower input into the subdivision proposal process and provides the ability for council to decline an application. Additionally, Transpower considers that the activity classification provides clear guidance for applicants and the Council to ensure the design of subdivision manages the effects of the network on the future use of the subdivided land and the effects of that land use on the network. On this basis controlled activity status as sought by the submitter is opposed.*
37. The purpose of the subdivision provisions within the PWDP is to manage subdivision in the National Grid Corridor to ensure that the long-term maintenance, operation and development of the National Grid is not compromised. Subdivision is the most effective time at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). Beyond the 12m yard, the proposed plan provisions provide for subdivision between 12m to 37m of the National Grid as a restricted discretionary activity where a building platform is identified between 12m and 37m of

the centreline of a transmission line or between 12m and 37m of the outer edge of a support structure (in any direction). The restricted discretionary activity status for subdivision provides an appropriate framework to design subdivision layouts that avoid building sites within the National Grid Yard. Importantly, it also provides the opportunity for Transpower input into the subdivision proposal process and provides the ability for council to decline an application where necessary. Additionally, the activity classification provides clear guidance for applicants and the Council to ensure the design of subdivision manages the effects of the network on the future use of the subdivided land and the effects of that land use on the network. Transpower supplied specific examples where development has occurred that poses a risk to the secure and efficient operation of the National Grid including:

- (a) Towers being ring-fenced by dwellings creating risks, compromising access and the ability to maintain and develop the line;
- (b) Development being surrounded by transmission lines restricting vehicle access to the line and tower to undertake maintenance works; and
- (c) Earthworks around a tower.

On the above basis, controlled activity status as sought by the submitter is opposed. For the reasons provided above by Transpower, which I have adopted, I recommend rejecting FFNZ [680.284]; accepting *FS1350.61 Transpower*, for the reasons provided by the further submitter.

## 2.2 Recommendations

38. For the reasons above, I recommend the Hearings Panel:

- a. Accept Transpower [576.52; 576.69]; and reject *FS1269.45; 1269.46 HNZN*
- b. Accept in part EnviroWaste [302.2] and Holcim [766.6; 766.7; 766.8 and 766.9], to the extent that the National Grid Yard and National Grid Corridor dimensions are transposed in the Definitions Chapter; Accept in part *FS1350.59; FS1350.71; FS1350.72; FS1350.73; FS1350.74 Transpower; FS1269.30 HNZN*
- c. Reject Tainui Group Holdings Limited [341.8] and *FS1269.110 HNZN*, accept *FS1350.60 Transpower*
- d. Reject HNZN [749.73]: HNZN [749.155] and accept *FS1350.62 Transpower; FS1345.115 and FS1345.119 Genesis Energy*.
- e. Reject FFNZ [680.284], Accept *FS1350.61 Transpower*.

## 2.3 Recommended Amendments

39. The only amendment I recommend, in response to the above submissions, is correction of the transposed definitions for National Grid Yard and National Grid Subdivision Corridor, as follows:

<p>National <del>G</del>grid <del>yard</del>  <u>Subdivision Corridor</u><sup>1</sup></p>	<p>Means the area measured either side of the centre line of any above-ground electricity transmission line as follows:</p> <ul style="list-style-type: none"> <li>(a) 14m for the 110kV national grid lines on single poles;</li> <li><del>(b) 16m for the 110kV national grid lines on pi poles;</del></li> <li><del>(b)</del>(e) 32m for 110kV national grid lines on towers; and</li> <li><del>(c)</del>(d) 37m for the 220kV transmission lines.</li> </ul>
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<sup>1</sup> EnviroWaste [302.2] and Holcim [766.6, 766.7, 766.8, 766.9]

	<p><u>The National Grid Subdivision Corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u><sup>2</sup></p>
National <del>Ggrid corridor</del> Yard <sup>3</sup>	<p>Means the area located <u>within</u>:</p> <ul style="list-style-type: none"> <li>(a) 12 metres in any direction from the outer <u>visible</u> edge of a national grid support structure <u>foundation</u>; and</li> <li>(b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and</li> <li>(c) 12 metres either side of the centre line of any above-ground national grid line on towers.</li> </ul> <p><u>The National Grid Yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</u><sup>4</sup></p>

### 3 Rule 14.4.1 PI Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018

Submission point	Submitter	Decision requested
697.3	Waikato District Council	<p>Amend Rule 14.4.1 (PI) Permitted Activities Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018 by relocating its activity specific conditions in Rule 14.4.1.1 into Chapters 16 and 24 AND</p> <p>Retain those parts of Rule 14.4.1 (PI) and 14.4.1.1 which relate to rules regarding network utilities as follows:</p> <p><del>(PI) Infrastructure b</del>Buildings, and structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018</p> <p>14.4.1.1 (1) Within the National Grid Yard in the Residential or Village Zone: (a) <del>Building alterations and additions to an existing building or structure for a sensitive land use that does not involve an increase in the building height or footprint;</del></p> <p><del>(b) New buildings and structures that are not for a sensitive land use;</del></p> <p><del>(c) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991. ...</del></p>

<sup>2</sup> Transpower [576.39]

<sup>3</sup> EnviroWaste [302.2] and Holcim [766.6, 766.7, 766.8, 766.9]

<sup>4</sup> Transpower [576.40]

FS/350.66	Transpower	Opposes 697.3
576.53	Transpower	<p>Amend Activity Specific Conditions 14.4.1.1 PI Permitted Activities, as follows:</p> <p>(1) .... (a) .... (b) <u>New, or additions to existing buildings and or structures that are not for a sensitive land use;</u></p> <p>(c) <u>Infrastructure Network Utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991.</u></p> <p>(d) <u>New non-habitable accessory buildings or structures.</u> (e) <u>Fences less than 2.5m in height</u></p> <p>(2) ...</p> <p>(a) ....</p> <p>(b) <u>Locate a minimum of 12m from the outer visible foundation of any National Grid support structure tower and a minimum 12m from any pole and associated stay wire, unless it is one of the following:</u> i. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the <u>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001 ISSN 0114-0663;</u></p> <p>(c) <u>The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid Tower.</u></p> <p>ii. <u>Fences less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</u></p> <p>iii. <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid.</u></p> <p>(c) <u>Not permanently physically impede existing vehicular access to a national grid support structure.</u></p>

### 3.1 Analysis

40. **Transpower [576.53]** seeks the decision in the table directly above, thereby amending the standards for permitted activities. The submitter states that amendments are sought to Rule PI in the form of reformatting/restructuring to clarify the intent of the provisions and improve recognition of network utilities. A condition should be inserted requiring that any new structures or buildings not permanently physically impede existing vehicular access to a National Grid support structure. The submitter considers such a condition would ensure physical access is maintained to the line and assets to enable the ongoing operation, maintenance and upgrade of the National Grid; and the submitter supports the provision of permitted activity rules which are based on the corridor management approach.
41. I agree with the majority of the amendments suggested by the submitter, particularly for clarifying the intent of the provisions. However, I consider some of the suggested amendments are not needed. The change to (1)(c) as follows:

(c) ~~Infrastructure~~ Network Utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991

is in my opinion not needed as infrastructure undertaken by a network utility operator will include electricity infrastructure. Also, the network utility operator may need to undertake works, such as access tracks, which are infrastructure-related, but not necessarily part of the network utility.

42. The addition of (1)(d) New non-habitable accessory buildings or structures is, in my opinion not needed, as “New non-habitable accessory buildings or structures” would come within (1)(b) “New buildings that are not for a sensitive land use”.
43. I recommend accepting in part Transpower [576.53], to the extent that the suggested amendments are made, except that (1)(c) and (1)(d) not be changed.
44. **Waikato District Council** [697.3] seeks to amend Rule 14.4.1 (P1) Permitted Activities Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018 by relocating its activity-specific conditions in Rule 14.4.1.1 into Chapters 16 and 24 and retaining those parts of Rule 14.4.1 (P1) and 14.4.1.1 which relate to rules regarding network utilities.
45. The submitter states that this is so that the rule is more easily able to be found; The rule is focused on land use rather than infrastructure.
46. *The submission is opposed by FS1350.66 Transpower, for the following reasons: The District Plan as notified provides a specific suite of rules relating to the National Grid within a specific section of the proposed plan (section 14.4). Submitter 697 is requesting substantial changes to the layout and location of National Grid provisions within the proposed plan so that these provisions are provided within the specific zone chapters. Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A stand-alone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective of the fact that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District-wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities. If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes. Notwithstanding the location of National Grid provisions within the proposed plan, Transpower seeks the specific changes to provisions as sought in its original submission on the basis these provide clarity to the rules.*
47. The construction of the PWDP as notified includes chapters for Zones and for Infrastructure and Energy. It has no stand-alone chapters for the rules applying to overlay-type Identified Areas, such as high value landscapes and natural features, Historic Heritage Items, Significant Natural Areas and Maaori Sites and Areas of Significance, and the Urban Expansion Area, apart from the Schedules which do not contain rules. Those overlays are mapped on the Planning Maps and their generally protective rules and activity statuses are distributed throughout the

Zone chapters and Chapter 14 Infrastructure and Energy, engaged by the maps marking them as Identified Areas of a particular type. Although relocating parts of Rule 14.4.1.1 PI into the Residential Zone and Village Zone provisions would make the National Grid Yard rules easier to find for someone proposing land use or development in those Zones, it is part of a substantial duplication that occurs with such a planning approach. The rules relating to the National Grid Yard are related to the protection of the National Grid, with activity specific conditions to identify the scope of permitted activities. In my opinion, where the item (National Grid) to be protected is significant infrastructure, is visible (not underground) and identified running over private property on the Planning Maps, then the rules can appropriately remain within the Infrastructure and Energy chapter. I note that the impervious surface rules in the stormwater section 14.11 and the electrical distribution setbacks in section 14.5 (and any gas distribution setbacks) may be better located within the Zone rules where they are at a lower level, related to site development, and have increasing proportions underground and are not immediately visible. State Highway and rail building setbacks are in Zone chapters and within Chapter 14. This is a matter of consistency as well as avoiding duplication, and I note that it has been discussed in relation to a number of earlier hearings, such as on Residential, Village and Rural chapters. The zone chapters may need clear sign-posting, particularly for the less visible infrastructure networks, to allow the provisions to remain in the Infrastructure and Energy Chapter. This matter is also raised by the further submitter, Transpower, in terms of the National Planning Standards, avoidance of duplication and provision of a coherent set of rules, including for the management of reverse sensitivity effects. I recommend that the National Grid Yard rules remain as a comprehensive set within the Infrastructure and Energy Chapter 14.

### 3.2 Recommendations

48. For the reasons above, I recommend, the Hearings Panel:

- a. Accept in part Transpower [576.53]
- b. Reject Waikato District Council [697.3] and accept *FS1350.66 Transpower*.

### 3.3 Recommended amendments

32. The following amendments are recommended to rule 14.4.1.1 Permitted Activities:

PI	Buildings, structures and sensitive land uses within the National Grid Yard in existing Residential or Village Zones as of 18 July 2018	<p>14.4.1.1</p> <p>(1) Within the National Grid Yard in the Residential or Village Zone:</p> <ol style="list-style-type: none"> <li>(a) Building alterations and additions to an existing building or structure for a sensitive land use that does not involve an increase in the building height or footprint;</li> <li>(b) New, or additions to existing buildings and-or structures that are not for a sensitive land use;<sup>5</sup></li> <li>(c) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991.</li> <li>(d) Fences less than 2.5m in height<sup>6</sup></li> </ol> <p>(2) All buildings or structures permitted by Rule 14.4.1.1(1) must:</p>
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<sup>5</sup> 576.53 Transpower

<sup>6</sup> 576.53 Transpower



		<p>(a) Comply with the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</del> under all <b>National Grid</b> transmission line operating conditions;</p> <p>(b) Locate a minimum of 12m from the outer visible foundation of any National Grid <del>support structure tower and a minimum 12m from any pole</del> and associated stay wire, unless it is one of the following:</p> <p>i. A <b>building</b> or structure where Transpower has given written approval in accordance with clause 2.4.1 of the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001 ISSN 0114-0663</del>; <sup>7</sup></p> <p><del>(c) The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid Tower.</del></p> <p><u>ii. Fences less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</u></p> <p><u>iii. Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid.</u></p> <p><u>(c) Not permanently physically impede existing vehicular access to a National Grid support structure.</u> <sup>8</sup></p>
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### 3.4 Section 32AA evaluation

33. The recommended amendments are for clarification of the rule application, and include allowing work of other network utility operators, and identifying protection against building obstruction of existing vehicle access to the National Grid support structures. The amendments do not fundamentally change the intent or application of the rule and therefore a s.32AA re-evaluation is not required.

## 4 14.4.1 P2 Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018

Submission point	Submitter	Decision requested
697.5	Waikato District Council	Amend Rule 14.4.1.2(4)(b) Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018 in its relocated positions, as follows: <i>(4) Artificial crop protection and support structures between 8m and 12m from a single pole support structure and any associated guy wire</i>

<sup>7</sup> 576.53 Transpower

<sup>8</sup> 576.53 Transpower

		(but not tower) must: ... (b) Be <del>maximum no higher than</del> <u>no higher than 2.5m high;</u>
FS1350.75	Transpower	Supports 697.5
680.282	FFNZ	Add to activity-specific standards Rule 14.4.1.2 relating to P2 (1) Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018, a new clause (f), as follows: (inter alia) <u>(f) Minor structures associated with farming activity that are not situated within 6m of the outer visible foundation of any National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u>
FS1168.183	Hort NZ	Supports 680.282
FS1350.65	Transpower	Opposes 680.282
419.84	Hort NZ	Amend activity-specific condition 14.4.1.2 (1) in Rule 14.4.1 Permitted Activities, relating to P2 Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018, as follows: 1) Within the National Grid Yard in the Business, Industrial, Country Living, Heavy Industrial, Rural, Town Centre Business, Te Kowhai Airpark, or Reserves Zone: ... (b) Infrastructure <del>(other than for the reticulation and storage of water for irrigation purposes)</del> undertaken by a network utility operator as defined in the Resource Management Act 1991; or (c) Non-habitable buildings or structures for <del>farming primary production</del> activities in rural zones (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or ...
FS1350.64	Transpower	Opposes 419.84
FS1342.109	FFNZ	Supports 419.84
576.54	Transpower	Amend Activity Specific Condition 14.4.1.2 P2 Permitted Activities, as follows: (1) Within the National Grid Yard in the Business, Industrial, Country Living, Heavy Industrial, Rural, <del>Town Centre Business, Hampton Downs Motorsport and Recreation, Tamahere Business, Te Kowhai Airpark, or Reserves Zone</del> <u>or Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area:</u> (a) Building alterations and additions to an existing building or structure <u>for sensitive activities</u> that does not involve an increase in the building height or footprint; or (b) <del>Infrastructure Network Utilities</del> <u>Network Utilities</u> (other than for the reticulation and storage of water for irrigation purposes) <u>or any part of electricity infrastructure</u> undertaken by a network utility operator as defined in the Resource Management Act 1991; or (c) Non-habitable buildings or structures for farming activities in rural zones (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds <u>(accessory structures are permitted)</u> ); or <del>(d) Yards for milking/dairy sheds; or</del> <u>(d) Non-habitable horticultural buildings; or</u> (e) Artificial crop protection and support structures <u>(excluding commercial greenhouses and PSA structures).</u>

		<p>(f) Fences less than 2.5m in height</p> <p>(2) ...<del>(a) ...</del>(b) Locate a minimum 12m from the outer visible foundation of any National Grid <u>support structure foundation tower and locate a minimum 12m from any pole and associated stay wire</u>, unless it is:</p> <p>i. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001</del> ISSN 0114-0663; or</p> <p>ii. Fences <u>less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</u>; or</p> <p>iii. <del>Artificial crop protection. Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</del></p> <p><del>(3) The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</del>(c) <u>Not permanently physically impede existing vehicular access to a national grid support structure</u></p> <p>(4) Artificial crop protection <u>structures and crop support structures between 8m and 12m from a single pole support structure (but not a tower) and any associated guy wire (but not tower) must that:</u></p> <p>(a) Meets the requirements of the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001</del> ISSN 0114-0663 for separation distances from the conductor;</p> <p>(b) <del>Be</del> <u>Are</u> a maximum of 2.5m high;</p> <p>(c) <del>Be</del> <u>Are</u> removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes; (d) ...</p>
FS1168.181	Hort NZ	Opposes 576.54

#### 4.1 Analysis

34. **Transpower** [576.54] seeks the decision in the table above, to remove reference to zones where there is no National Grid, to clarify that the rule applies to network utility infrastructure, clarify the types of non-habitable buildings allowed as permitted activities, and to provide consistency of terminology.
35. Within Rural and other zones (Rule P2), the submitter is satisfied that there are some activities that are appropriate within the National Grid Yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. Transpower's reasons are that:
- a. Certain structures (such as rural hay barns, pump sheds and implement sheds) are unlikely to "build out" a line.
  - b. The notified provisions allow for activities that are not used for intensive farming purposes.
  - c. Grazing, cropping, and car parking activities are not restricted.

- d. Conversely, examples of development that has severely restricted or blocked the submitters ability to effectively access its assets, include dairy sheds, piggeries, poultry sheds and commercial hothouses and glass houses, as well as sensitive activities. These activities can cover an extensive area of land, and it may be expensive to disrupt or require these activities to be relocated while the submitter carries out work on its transmission assets.
- e. Amendments are sought in the form of reformatting/restructuring to clarify the intent of the provisions, as well as recognition of network utilities (as opposed to Infrastructure generally).
- f. For the avoidance of doubt reference is also made to mining and extractions resource areas as Transpower considers that it is not clear if they are subject to the rule as notified.
36. *FSI 168.181 Hort NZ opposes 576.54: Hort NZ has sought changes to 14.4.1.2 and does not support the changes sought by the submitter which use undefined terms (PSA structures) and seeks to exclude provision for irrigation reticulation in the National Grid Yard.*
37. I agree with the majority of the amendments suggested by the submitter Transpower, particularly for clarifying the intent of the provisions. However, I consider some of the suggested amendments are not needed. The change to (1)(a) as follows:
- (a) Building alterations and additions to an existing building or structure for sensitive activities that does not involve an increase in the building height or footprint; or...
- is in my opinion not needed as it would exclude building alterations and additions for non-sensitive activities, which are not provided for in the rule except for farming or horticultural purposes.
38. Changes to (1)(b) as follows:
- (b) ~~Infrastructure–Network Utilities~~ (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991
- are in my opinion not needed as infrastructure undertaken by a network utility operator will include electricity infrastructure. Also, the network utility operator may need to undertake works, such as access tracks, which are infrastructure but may be ancillary to the network utility.
39. (1)(d) “Yards for milking/dairy sheds” should not be deleted, but could be moved to the suggested(1)(c) as a clarifying addition to “(accessory structures are permitted, including yards for milking/dairy sheds)”.
40. In relation to the *FSI 168.181 Hort NZ*, I understand the reference is to structures used for control of PSA disease in kiwifruit (which could be clarified as *Pseudomonas syringae* pv. *Actinidiae* disease (Psa)), and it is the PWDP, as notified, which seeks to control reticulation and storage of water for irrigation purposes by network utility operators, rather than the Transpower submission. The rule is confined to apply to network utility operators (as defined under s.166 of the RMA) carrying out the listed irrigation activities. These activities at a large scale have the potential to compromise the National Grid, which does not give effect to Policy 10 of the NPSET. I do not consider that would apply to on-farm horticultural and farming irrigation.
41. There are some activities that are appropriate within the National Grid Yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. Transpower’s reasons are that:

- a. Certain structures are less problematic within 10-12m of the line on the basis they are unlikely to "build out" a line
  - b. The notified provisions allow for paddocks, fencing (as high as deer fences), landscaping and small sheds, and larger farm buildings in proximity to conductors, that are not used for intensive farming purposes
  - c. Grazing, cropping, and car parking activities are not restricted
  - d. Conversely, examples of Examples of dairy sheds, piggeries, poultry sheds and commercial hothouses and glass houses, as well as sensitive activities, have been supplied by the submitter where development has severely restricted or blocked the submitters ability to effectively access its assets. These activities can cover an extensive area of land, and it may be expensive to disrupt or require these activities to be relocated while the submitter carries out work on its transmission assets
  - e. Amendments will clarify the intent of the provisions, as well as recognition of network utilities (as opposed to Infrastructure generally)
  - f. Reference to the zones is extended to mining and extractions resource areas for clarification.
42. No more restrictive provisions are sought than those notified. I recommend, for the reasons above and for the reasons provided by the submitter Transpower, accepting in part Transpower [576.54] to the extent that most of the suggested amendments are made, but (1)(a) and (1)(b) are not changed, and the provision for yards for milking/dairy sheds is relocated but not deleted; and rejecting *FS1168.181 Hort NZ*.
43. **FFNZ** [680.282] seeks to add to activity-specific standards Rule 14.4.1.2 P2 (1), a new clause (f), to enable minor structures associated with farming activity to be closer to National Grid towers.
44. The submitter conditionally supports this rule, provided that the list of exempted farming activities is expanded to reflect a more comprehensive list of activities that are not sensitive to the operation of the national grid. The submitter considers that where such land use is not incompatible with infrastructure networks, then it presents an efficient use of resources to enable their coexistence in order to maximise benefits and minimise costs. Where activity-specific conditions are not able to be complied with, the submitter suggests that appropriate consideration could be given via a consent pathway which triggers restricted discretionary activity status, with appropriate discretion based on the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity standard.
45. *The submission is supported by FS1168.183 Hort NZ: The submitter seeks to add minor structures associated with farming activities that are appropriate in the National Grid Yard. These inclusions are supported.*
46. *It is opposed by FS1350.65 Transpower: Transpower is not opposed to the listing of minor structures as a permitted activity (noting that such structures would require compliance with the accompanying standards within the rule). However, Transpower opposes the requested amendment that works are not situated within '6m of the visible foundation of any National Grid tower'. The reference is opposed as it should refer to 'support structure' and not only 'tower' as the listed structures can also compromise poles as well as towers. The 6m setback is also opposed on the basis that Transpower supports a 10-12m setback (10m for single poles and 12m for towers) from support structures for the majority of farming-*

*related buildings and structures. Transpower provides the following reasons: The national significance of the need to operate, maintain, develop and upgrade the National Grid is recognised in the NPSET. The 10-12m setback from support structures has been recognised throughout NZ and implemented in numerous planning documents. The only exceptions to date have been in respect of a 50kV line within the Opotiki district. However, this line has since been removed as a Transpower asset and therefore the setback does not apply. The basis for the 6m setback sought by the submitter is not clearly articulated in the submission. If it is based on NZECP34, NZECP34 also applies to all electricity lines and is not specific to the National Grid. As such, it does not recognise the significance of the National Grid, and furthermore, its scope and purpose is confined to safety. It is the Code of Practice that sets minimum safe distances to primarily protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards and is only focused on minimum safety standards. As such, the 6m referred to in NZECP34 provides guidance on safety distances only and does not provide for access, operation, maintenance and development relating to the Transmission Network, or distances to manage the adverse effects of third-party activities. Minimum safety requirements in the Code do not seek to protect the integrity of the National Grid from the effects of third parties. Nor does the Code provide for all access, work space, step and touch hazards where activities or infrastructure cause restrictions or create unsafe situations, especially during work activities on either Transpower's assets or works by a member of the public under or near a line. On this basis, Transpower considers that the request to provide a 6m setback for certain activities from support structures does not give effect to or achieve the requirements of the NPSET "to operate, maintain, develop and upgrade the National Grid", and the submission point is therefore opposed.*

47. The reference is opposed as it should refer to 'support structure' and not only 'tower' as the listed structures can also compromise poles as well as towers. Transpower supports a 10-12m setback (10m for single poles and 12m for towers) from support structures for the majority of farming-related buildings and structures. The national significance of the need to operate, maintain, develop and upgrade the National Grid is recognised in the NPSET. The 10-12m setback from support structures has been recognised throughout NZ and implemented in numerous planning documents. If the 6m setback sought by the submitter is based on NZECP34, I note that that Code of Practice applies to all electricity lines and is not specific to the National Grid. As such, it does not recognise the significance of the National Grid, and furthermore, its scope and purpose is confined to safety, setting minimum safe distances to primarily protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards and is only focused on minimum safety standards. The 6m referred to in NZECP34 provides guidance on safety distances only and does not provide for access, operation, maintenance and development relating to the Transmission Network, or distances to manage the adverse effects of third-party activities. Minimum safety requirements in the Code do not seek to protect the integrity of the National Grid from the effects of third parties. Nor does the Code provide for all access, work space, step and touch hazards, where activities or infrastructure cause restrictions or create unsafe situations, especially during work activities on either Transpower's assets or works by a member of the public under or near a line.
48. The request to provide a 6m setback for certain activities from support structures does not give effect to or achieve the requirements of the NPSET "to operate, maintain, develop and upgrade the National Grid". For the reasons provided by the submitter FFNZ and the further submitter Transpower, I agree with the addition requested by Federated Farmers, with the exception of the 6m proximity to a tower (Transpower requires 10m from a pole and 12m from a tower). Activity-specific conditions of 14.4.1.2 would apply to new structures. I recommend accepting in part FFNZ [680.282], to the extent of making the addition requested by Federated Farmers, with the exception of the 6m proximity to a tower which should remain at 10/12m; accepting in part FS1168.183 Hort NZ to the extent that minor structures are permitted; accept in part FS1350.65

*Transpower* to the extent that the amendment is modified to meet *Transpower* requirements. These recommended amendments are set out in the Recommended Amendments below.

49. **Hort NZ [419.84]** seeks to amend activity-specific condition 14.4.1.2 (1) to include reticulation and storage of water for irrigation purposes, and to broaden the range of non-habitable buildings permitted to include all primary production activities. The submitter states that the rule sets out the activities that are permitted within the National Grid Yard.
50. *FS1350.64 Transpower opposes 419.84: The sought deletion of reference to 'other than for the reticulation and storage of water for irrigation purpose as' within clause (1)(b) is opposed as infrastructure in the form of reticulation and storage of water for irrigation purposes undertaken by a network utility operator can be substantial in nature and, on this basis, should be subject to the rules and standards. The replacement of the word 'farming' with 'primary production' is not opposed on the basis that the mandatory definition within the National Planning Standards is adopted. Consequential changes will be required to ensure consistency throughout the plan, subject to any amendments being within scope as consequential changes.*
51. *Supported by FS1342.109 FFNZ: The proposed amendments improve the clarity and certainty of the rules framework.*
52. *Transpower opposes the inclusion of 'reticulation and storage of water for irrigation purposes' as infrastructure in the form of reticulation and storage of water for irrigation purposes undertaken by a network utility operator, can be substantial in nature and, on this basis, should be subject to the rules and standards. It appears to me that the intention is for the rule to apply to public or group infrastructure for irrigation, rather than internal on-farm irrigation facilities, which are of a lesser scale and can be more temporary or changeable. The rule is confined to apply to network utility operators (as defined under s166 of the RMA) carrying out the listed irrigation activities. These activities have the potential to compromise the National Grid, which does not give effect to Policy 10 of the National Policy Statement on Electricity Transmission. I support changes to the definition of 'farming', or a qualifying statement within Chapter 14, to clarify that much of the services on farms is not network utility type infrastructure, but a part of farming activity.*
53. The PWDP definition of "farming" is:
 

Farming Means an agricultural, horticultural or apicultural activity having as its primary purpose the production of any livestock or crop using the in-situ soil, water and air as the medium for production. It includes: (a) Ancillary produce stalls; (b) Processing of farm produce grown on the land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage.
54. *There appears to be no objection to changing the term "farming" to "primary production" in this case, although the PWDP definition of farming includes horticultural activities. There may be a concern with forestry being established, as primary production, within the National Grid Yard, but not with the non-habitable buildings and structures associated with forestry. As "farming" is currently a defined term within the PWDP, and the focus of the rule is on the scale and intensity of buildings and structures rather than the primary production activity in general, the suggested amendment, in my opinion, should not proceed. If the use of the term 'farming' is changed to 'primary production' then some qualifiers may be needed in the different places the term is used within the PWDP. The s42A report to the Rural hearing proposes that the definition of 'farming' should clearly include horticulture, but should not be amended to 'primary production' as that is*

a much broader activity. I recommend, for the reasons above, rejecting Horticulture NZ [419.84] and FS1342.109 FFNZ; accepting FS1350.64 Transpower.

55. **Waikato District Council** [697.5] seeks to amend Rule 14.4.1.2(4)(b) to clarify that artificial crop protection and support structures need to be less than 2.5m high. The submitter also wants this rule inserted into the zone chapters (Note: Waikato District Council [697.4] is discussed as a group of replication/re-location submission points at the end of this section).
56. FS1350.75 Transpower supports 697.5: on the basis that it does not change the outcome sought by the rule, but rather clarifies its application and interpretation.
57. As the provision will be amended in response to the Transpower [576.54] submission, I recommend accepting in part Waikato District Council [697.5]; FS1350.75 Transpower as a correction.

## 4.2 Recommendations

58. For the reasons above, I recommend the Hearings Panel:
- Accept in part FFNZ [680.282]; Accept in part [FS1168.183] Hort NZ; [FS1350.6]5 Transpower.
  - Reject Hort NZ [419.84] and [FS1342.109] FFNZ; accept [FS1350.64] Transpower.
  - Accept in part Transpower [576.54]; reject FS1168.181 Hort NZ
  - Accept in part Waikato District Council [697.5]; FS1350.75 Transpower.

## 4.3 Recommended amendments

59. The following amendments are recommended to rule 14.4.1.2 Permitted Activities:

P2	Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018	<p>14.4.1.2</p> <p>(I) Within National Grid Yard in the Business, Industrial, Country Living, Heavy Industrial, Rural, <del>Town Centre Business, Hampton Downs Motorsport and Recreation, Tamahere Business</del>, Te Kowhai Zone <sup>9</sup> Airpark, <del>or</del> Reserves Zone <u>or</u> Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area.<sup>10</sup></p> <p>(a) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</p> <p>(b) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</p> <p>(c) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); <sup>11</sup> or</p> <p>(d) <del>Yards for milking/dairy sheds</del> <u>Non-habitable horticultural buildings</u>; or <sup>12</sup></p>
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<sup>9</sup> 697.519 Waikato District Council

<sup>10</sup> 576.54 Transpower

<sup>11</sup> 576.54 Transpower

<sup>12</sup> 576.54 Transpower



		<p>(e) Artificial crop protection and support structures <u>(excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures)</u>; <sup>13</sup></p> <p><u>(f) Fences less than 2.5m in height.</u> <sup>14</sup></p> <p><u>(g) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u> <sup>15</sup></p> <p>(2) All buildings or structures permitted by <b>Rule 14.4.1.2(1)</b> must:</p> <p>(a) Comply with the <b>New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</b> under all <b>National Grid</b> transmission line operating conditions; and</p> <p>(b) Locate a minimum 12m from the outer visible foundation of any <b>National Grid support structure foundation tower</b> <del>and locate a minimum 12m from any pole</del> <sup>16</sup> and associated stay wire, unless it is:</p> <p>i. A <b>building</b> or structure where Transpower has given written approval in accordance with clause 2.4.1 of the <del>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP</del>; <sup>17</sup></p> <p>or</p> <p>ii. Fences <u>less than 2.5m in height and located a minimum of 5m from the nearest National Grid support structure foundation</u>; <sup>18</sup> or</p> <p>iii. <del>Artificial crop protection, Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</del> <sup>19</sup></p> <p><u>(c) Not permanently physically impede existing vehicular access to a National Grid support structure</u> <sup>20</sup></p> <p><del>(3) The maximum height of fences are 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</del> <sup>21</sup></p> <p>(3) Artificial crop protection <u>structures</u> and support structures between 8m and 12m from a <del>single-pole</del> support structure <u>but not a tower</u> and any associated guy wire <del>(but not tower)</del> <u>must that</u>; <sup>22</sup></p> <p>(a) Meet the requirements of the <b>New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP</b> <sup>23</sup> <b>34:2001 ISSN 0114-0663</b> for separation distances from the conductor;</p>
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<sup>13</sup> 576.54 Transpower

<sup>14</sup> 576.54 Transpower

<sup>15</sup> 680.282 FFNZ

<sup>16</sup> 576.54 Transpower

<sup>17</sup> 576.54 Transpower

<sup>18</sup> 576.54 Transpower

<sup>19</sup> 576.54 Transpower

<sup>20</sup> 576.54 Transpower

<sup>21</sup> 576.54 Transpower

<sup>22</sup> 576.54 Transpower

<sup>23</sup> 576.54 Transpower

		<p>(b) <del>Be</del> <u>Are no higher than maximum 2.5m-high</u>; <sup>24</sup></p> <p>(c) <del>Be</del> <u>Are</u> <sup>25</sup> removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</p> <p>(d) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</p>

#### 4.4 Section 32AA evaluation

60. Amendments are for clarification, including identifying zones which have no National Grid. The amended provisions making allowance for non-habitable horticultural buildings, minor farming structures, network utility operators and vehicular access protection, are partly clarification and partly to better and more efficiently achieve the PWDP National Grid and infrastructure enabling objective and give effect to the NPSET objective and policies 10 and 11. A range of options were considered, including retaining the notified provision, amendment as recommended, and the mix of detailed suggestions within the submissions. That means the selected option is within the scope of submissions. There does not appear to be significant economic costs from the amendments, as intensive farming activities are already excluded, and the range of permitted activities is broadened. The risk of not acting is whether proposed activities and their ancillary activities will be clearly classified as permitted activities. The amendment gives effect to the NPSET and better achieves the infrastructure and National Grid objectives.

## 5 14.4.1 P3 Earthworks activities within the National Grid Yard

Submission point	Submitter	Decision requested
697.7	Waikato District Council	<p>Amend Rule 14.4.1(P3) Permitted Activity Earthworks activities within the National Grid Yard as follows:  <u>Earthworks activities associated with infrastructure</u>            within the National Grid Yard.</p> <p>AND</p> <p>Amend Rule 14.4.1.3 Earthworks activities within the National Grid Yard as follows:</p> <p>(1) Earthworks <del>must for National Grid support poles and any stay wires that</del> comply with the following conditions:            (a) ... (2) <u>Earthworks for National Grid must comply with all of the following conditions near support towers</u> (including any tubular steel tower that replaces a steel lattice tower) <del>that comply with all of the following conditions:</del> (a) ... (3) ... (b) <del>Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;</del> (c) ... ii. <del>are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower support structure foundation;</del> (d) ...</p>

<sup>24</sup> 576.54 Transpower; 697.5 Waikato District Council

<sup>25</sup> 576.54 Transpower

FS1350.69	Transpower	Supports 697.7
FS1168.186	Hort NZ	Opposes 697.7
FS1342.190	FFNZ	Opposes 697.7
697.8	Waikato District Council	Amend Rule 14.4.1.3(2)(b) Earthworks activities within the National Grid Yard as follows: (b) Do not exceed 3m <u>depth</u> between 6m and 12m of the outer edge of the visible foundation of the tower;
FS1350.70	Transpower	Supports 697.8
680.283	FFNZ	Amend the activity-specific standards Rule 14.4.1.3 (3)(b) relating to P3 Earthworks activities within the National Grid Yard, as follows: (inter alia) (3) The following earthworks activities are exempt from Rules 14.4.1.3(1) and (2): ... (b) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing, or resealing of a road, footpath, driveway or farm track, <u>maintaining non-habitable farm buildings, drinking water pipelines, tanks or troughs, fences, gates or other stock exclusion structures;</u>
FS1350.67	Transpower	Opposes 680.283
FS1168.184	Hort NZ	Supports 680.283
419.103	Hort NZ	Amend the activity-specific conditions in 14.4.1.3 in Rule 14.4.1 Permitted Activities, relating to P3 Earthworks activities within the National Grid Yard, as follows: <del>(1) Earthworks for National Grid support poles and any stay wires that comply with the following conditions</del> <u>Earthworks in the National Grid Yard that comply within the following conditions:</u> ... <del>(2) Earthworks for National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) that comply with all of the following conditions</del> <u>Earthworks in the National Grid Yard that comply within the following conditions:</u> ... (3) The following earthworks activities are exempt from Rules 14.4.1.3(1) and (2): (a) Earthworks that are undertaken by a network utility operator <del>(other than for the reticulation and storage of water for irrigation purposes)</del> as defined by the Resource Management Act 1991; ...
FS1350.63	Transpower	Opposes 419.103
FS1342.108	FFNZ	Supports 419.103
559.156	Heritage NZPT	Add new clause '(c)' to Rule 14.4.1(1) P3 Earthworks activities within the National Grid Yard as follows: 14.4.1.3(1) Earthworks for National Grid support poles and any stay wires that comply with the following conditions: <u>(c) are not located within an Identified area.</u> AND Add new clause '(f)' to Rule 14.4.1(2)P3 Earthworks within the National Grid Yard as follows: <i>14.4.1.3(2) Earthworks for National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) that comply with the following conditions:...</i> <u>(f) are not located within an Identified area.</u>
576.55	Transpower	Retain Activity Specific Conditions 14.4.1.3 P3 Permitted Activities, except for the amendments sought below

		<p>AND Amend Activity Specific Conditions 14.4.1.3 P3 Permitted Activities, as follows:</p> <p>(1) Earthworks <del>within the National Grid Yard for National Grid support poles and any stay wires</del> that comply with the following conditions: (a) Do not exceed a depth (measured vertically) of 300mm within 12m of the outer visible edge any National Grid support structure foundation. <del>2.2m of the pole or stay wire;</del> and (b) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire. (2) Earthworks for National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) that comply with all of the following conditions: (a) Do not exceed 300m depth within 6m of the outer edge of the visible foundation of the tower; (b) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower; (c) ... (d) ... (e) Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line. Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663. (3) (2) The following earthworks activities are exempt from Rules 14.4.1.3(1) (a) and (2): (a)... (d) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</p>
FS1168.182	Hort NZ	Opposes 576.55

## 5.1 Analysis

61. **Transpower** [576.55] seeks the decision set out in the table immediately above, to clarify that all earthworks within the National Grid Yard are subject to the rule (and not only Transpower earthworks), and to achieve satisfactory vertical clearances beneath transmission lines.
62. The submitter supports the permitted activity earthwork provisions on the basis such activities can compromise the National Grid and are a form of development contemplated by the NPSET. The submitter seeks amendments to simplify the rule and also recognise that the risks to the National Grid extend beyond those addressed by NZECP34.
63. *FS1168.182 Hort NZ opposes the submission: The clearance to conductors should comply with NZECP34:2001 (not a mandatory distance set in the Plan), and other provisions should be consistent with NZECP.*
64. The amendments sought by the submitter Transpower are primarily to simplify and clarify the rule. The rule should apply to all earthworks within the National Grid Yard, and not only to National Grid support structures or infrastructure. Vertical measurement of depth is clarified, as is the need to protect foundations. The ground-to-conductor clearance distances are proposed to replace the notified rule's NZECP34 clearances, which are only designed for safety clearances

when people working or parts of buildings are in close proximity to lines. The rule will be simplified and better recognise that the risks to the National Grid extend beyond those addressed by NZECP34. NZECP34 provides guidance on safety distances only and does not provide for access, operation, maintenance and development relating to the transmission network, or distances to manage the adverse effects of third-party activities. Minimum safety requirements in the Code do not seek to protect the integrity of the National Grid from the effects of third parties. Nor does the Code provide for all access, work space, step and touch hazards where activities or infrastructure cause restrictions or create unsafe situations, especially during work activities on either Transpower's assets or works by a member of the public under or near a line. The recommended amendments will give effect to the NPSET objective "to operate, maintain, develop and upgrade the National Grid". For those reasons and those provided by the submitter, I recommend accepting Transpower [576.55], rejecting *FS1168.182 Hort NZ*.

65. **Waikato District Council** [697.7] seeks to amend Rule 14.4.1(P3) and Rule 14.4.1.3 as set out in the table above, to make it clearer that the rule is referring to all earthworks in close proximity to National Grid structures. This is part of Waikato District Council's submission seeking to insert the rule into the zone chapters rather than centralising it in Chapter 14 Infrastructure and Energy.
66. The submitter's reason is so that it is clear that the rule is referring to earthworks in close proximity to National Grid structures.
67. *FS1350.69 Transpower supports the amendment, so far as it is consistent with Transpower's submission point 576.55. FS1168.186 Hort NZ opposes the amendment, and FS1342.190 FFNZ opposes the amendment and asks that it be allowed only if the proposed amendments in submission point 697.765 are adopted.*
68. I consider that earthworks in close proximity to National Grid structures should be managed within Section 14.4 National Grid, and that it should not only apply to earthworks activities associated with infrastructure. If all earthworks are to be managed within the National Grid Yard, then the identified exemptions, for example for fence post holes, should remain. I recommend accepting in part Waikato District Council [697.7], *FS1350.69 Transpower*, to the extent that the rule applies to all earthworks and not only earthworks associated with infrastructure, all of the conditions need to be complied with, and the works exemptions remain relevant when all earthworks are to be managed. The part of the submission not supported is making the rule only apply to earthworks for infrastructure. It needs to apply to all earthworks within the National Grid Yard, and particularly if the rule for non-infrastructure earthworks is not re-located to the zone chapters. I recommend accepting in part *FS1168.186 Hort NZ, FS1342.190 FFNZ*, to the extent that only part of the original submission relief is agreed.
69. **Waikato District Council** [697.8] seeks to amend Rule 14.4.1.3(2)(b) by adding 'depth' after 3m, to provide additional clarity that the measurement is referring to depth. *The submission is supported by FS1350.70 Transpower.*
70. This provision is recommended to be deleted in response to submission Transpower [576.55], so there is no need for this submission relief. I recommend rejecting Waikato District Council [697.8]; *FS1350.70 Transpower.*
71. **FFNZ** [680.283] seeks to amend standard Rule 14.4.1.3 (3)(b), to expand the list of exempt farming activities to include maintaining non-habitable farm buildings, drinking water pipelines, tanks or troughs, fences, gates or other stock exclusion structures.

72. The submitter conditionally supports this rule, provided that the list of exempted farming activities is expanded to reflect a more comprehensive list of activities that are not sensitive to the operation of the national grid. FFNZ considers that where such land use is not incompatible with infrastructure networks, then it presents an efficient use of resources to enable their coexistence in order to maximise benefits and minimise costs. FFNZ suggests that where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers restricted discretionary activity status, with appropriate discretion around the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity standard.
73. *FS1350.67 Transpower opposes 680.283: Earthworks are activities that can compromise the National Grid and are a form of development contemplated by the NPSET that should be regulated under Policy 10. While an exemption is supported for certain activities, Transpower does not support an exemption for activities that may require greater earthworks. Rule 14.4.1.3, as notified, provides a rule framework which allows earthworks where certain standards are met, such as depth for earthworks, distance from support structure, maintaining access and conductor clearance. These conditions provide a suitable framework for allowing certain earthworks activities which do not compromise the National Grid.*
74. *FS1168.184 Hort NZ supports 680.283: which seeks to add minor activities associated with farming activities that are appropriate in the National Grid Yard. These inclusions are supported.*
75. The National Grid can be compromised by earthworks activities and they are a form of development contemplated by the NPSET that should be regulated under Policy 10 (reverse sensitivity and adverse effects). An exemption is supported for certain activities, but not for activities that may require greater earthworks. Rule 14.4.1.3, as notified, provides a rule framework which allows earthworks where certain standards are met, such as depth for earthworks, distance from support structure, maintaining access and conductor clearance. These conditions provide a suitable framework for allowing certain earthworks activities that do not compromise the National Grid. For the reasons provided by the further submitter Transpower above, which I adopt in my analysis, I recommend rejecting FFNZ [680.283], *FS1168.184 Hort NZ*; accepting *FS1350.67 Transpower*.
76. **Hort NZ** [419.103] seeks to amend the conditions in 14.4.1.3 P3 as set out in the table above, to make it clearer that the rule is referring to all earthworks in close proximity to National Grid structures and to exempt reticulation and storage of water for irrigation purposes.
77. The submitter's reason is that the purpose of the provisions is to provide for earthworks within the National Grid Yard as Rule 14.4.1.3 states "Earthworks for National Grid support poles and stay wires...". The activity P3 is "Earthworks activities within the National Grid Yard".
78. *FS1350.63 Transpower opposes the submission: In its submission Transpower sought amendment to the rule to provide clarity as to its application. The amendments sought by submission point 419.103 to clauses (1) and (2) are consistent with the relief sought in the Transpower submission and on this basis are supported. However, the sought deletion of reference to 'other than for the reticulation and storage of water for irrigation purpose as' within clause (3) is opposed, as earthworks associated with the reticulation and storage of water for irrigation purposes undertaken by a network utility operator can be substantial in nature, and on this basis should be subject to the earthwork rules and standards.*
79. *FS1342.108 FFNZ supports the submission as the proposed amendments improve the clarity and certainty of the rules framework.*

80. I consider that earthworks in close proximity to National Grid structures should be managed within Section 14.4 National Grid, as this approach will give effect to the NPSET and is a more accurate reflection of what the rule was intending to manage. I recommend accepting in part Hort NZ [419.103] to the extent that all earthworks within the National Grid Yard are subject to the rule, but without deleting the reference to “other than for the reticulation and storage of water for irrigation purpose as...”. I understand that on-farm reticulation and storage of water for horticulture or farming irrigation is not included as ‘infrastructure’, but as ‘farming’ or ‘horticulture’. The rule is confined to apply to network utility operators (as defined under s166 of the RMA) carrying out the listed irrigation activities. These activities have the potential to compromise the National Grid, which does not give effect to Policy 10 of the National Policy Statement on Electricity Transmission. I recommend accepting in part Hort NZ [419.103]; *FS1350.63 Transpower* and *FS1342.108 FFNZ*, to the extent that the rule applies to all earthworks within the National Grid Yard, but does not exempt network utility operator reticulation and storage of water for irrigation purposes.
81. **Heritage NZPT** [559.156] seeks to add new conditions to Rule 14.4.1(1)P3 and Rule 14.4.1(2)P3 requiring that earthworks for National Grid support poles and towers and any stay wires are not located within an Identified Area.
82. The submitter states that it cannot support the notified permitted activity status of earthworks for National Grid support poles and any stay wires at Rule 14.1.1.3(a) and for support towers at 14.4.1.3(2) as these permitted activity rules do not exclude earthworks in identified areas and this approach could cause adverse effect to historic heritage and Maaori Sites and Areas of Significance. The submitter considers an amendment is required to ensure these works cannot occur as a permitted activity.
83. I agree that earthworks within Identified Areas should not be a permitted activity, and that a clause should be added to affect that. There would be a consequential amendment creating discretionary activity status for earthworks within the National Grid Yard located in an Identified Area (D4), (also supported by submission 81.246 Waikato Regional Council). I note that there are already rules for earthworks within the zone chapters. However, without specifically exempting those zone rules from being overridden by the Chapter 14 rules, the Chapter 14 rules would apply in relation to the National Grid Yard. By way of comparison, the electrical and gas distribution networks will have proximate earthworks controlled by the zone provisions and by works in the road provisions where not in a zone. I recommend accepting Heritage NZPT [559.156].

## 5.2 Recommendations

84. For the reasons above, I recommend the Hearings Panel:
- a. Accept Transpower [576.55] and reject *FS1168.182 Hort NZ*
  - b. Accept in part Waikato District Council [697.7], *FS1350.69 Transpower*; accept in part *FS1168.186 Hort NZ*, *FS1342.190 FFNZ*.
  - c. Reject Waikato District Council [697.8]; *FS1350.70 Transpower*.
  - d. Reject FFNZ [680.283], *FS1168.184 Hort NZ*; accept *FS1350.67 Transpower*.
  - e. Accept in part Hort NZ [419.103]; *FS1350.63 Transpower* and *FS1342.108 FFNZ*
  - f. Accept Heritage NZPT [559.156].

### 5.3 Recommended amendments

85. The following amendments are recommended to rule 14.4.1.3 Permitted Activities:

P3	<p><b>Earthworks</b> activities within the <b>National Grid Yard</b></p>	<p>14.4.1.3</p> <p>(1) <b>Earthworks</b> <del>within the for</del><sup>26</sup> <b>National Grid Yard support poles and any stay wires<sup>27</sup> that comply with <u>all of</u><sup>28</sup> the following conditions:</b></p> <p>(a) Do not exceed a depth (<u>measured vertically</u>)<sup>29</sup> of 300mm within <u>1.2m of the outer visible edge of any National Grid support structure foundation, 2.2m of the pole or stay wire; and</u><sup>30</sup></p> <p><del>(b) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</del><sup>31</sup></p> <p><del>(2) Earthworks for National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) that comply with all of the following conditions:</del></p> <p><del>(a) Do not exceed 300m depth within 6m of the outer edge of the visible foundation of the tower;</del></p> <p><del>(b) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</del><sup>32</sup></p> <p><del>(b) Are not located within an Identified Area;</del><sup>33</sup></p> <p>(c) Do not compromise the stability of a <b>National Grid</b> support structure;</p> <p>(d) Do not result in the loss of access to any <b>National Grid</b> support structure; and</p> <p>(e) <u>Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line. Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u><sup>34</sup></p> <p>(3) <del>(2)</del> The following <b>earthworks</b> activities are exempt from <b>Rules 14.4.1.3(1)(a) and (2)</b>:<sup>35</sup></p> <p>(a) <b>Earthworks</b> that are undertaken by a <b>network utility operator</b> (other than for the reticulation and storage of water for irrigation purposes) as defined by the <b>Resource Management Act 1991</b>;</p> <p>(b) <b>Earthworks</b> undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;</p> <p>(c) Vertical holes not exceeding 500mm in diameter that:</p> <ol style="list-style-type: none"> <li>i. are more than 1.5m from the outer edge of the pole support structure or stay wire, or</li> </ol>
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<sup>26</sup> 576.55 Transpower

<sup>27</sup> 576.55 Transpower

<sup>28</sup> 697.7 Waikato District Council

<sup>29</sup> 576.55 Transpower

<sup>30</sup> 576.55 Transpower

<sup>31</sup> 576.55 Transpower

<sup>32</sup> 576.55 Transpower

<sup>33</sup> 559.156 Heritage NZPT

<sup>34</sup> 576.55 Transpower

<sup>35</sup> 576.55 Transpower



		ii. are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower support structure foundation; <del>(d) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</del> <sup>36</sup>
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The following consequential amendments are recommended to 14.4.3 Discretionary activities:

<u>D3</u>	<u>Buildings and structures for non-sensitive land uses and Earthworks within the National Grid Yard which are also within an Identified Area</u> <sup>37</sup>
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#### 5.4 Section 32AA evaluation

86. Amendments are for clarification, including to apply to all earthworks within the National Grid Yard, and not only for National Grid support structures or infrastructure. The depths of earthworks are simplified. Appropriate ground-to-conductor clearances are identified. These amendments are for efficiency and to give effect to the NPSET objective and policies. Earthworks within Identified Areas is excluded from the activity-specific conditions and consequently made a discretionary activity, as the rule is intended to apply to all earthworks within the National Grid Yard and not only for infrastructure. This is required to provide protection to the RMA s.6 values of the Identified Areas, which was omitted from the notified PWDP infrastructure provisions and which appears within the zone chapters. Options considered include controlling earthworks within Identified Areas only within the zone chapters; only controlling earthworks for infrastructure within Identified Areas within the infrastructure Chapter 14, and controlling all earthworks within the National Grid Yard including where it is also located within an Identified Area. If the infrastructure and particularly National Grid earthworks provisions are to be within the Infrastructure and Energy 'stand alone' chapter, then they will be able to more effectively and efficiently achieve the PWDP objectives for the National Grid and adverse effects on the National Grid, Identified Area objectives, and the higher order RPS objectives on those matters, as derived from giving effect to the NPSET and the RMA s.6 matters.
87. There is a cost, where earthworks would otherwise be a specified permitted activity within a site, which is also within a zone and an Identified Area. However, those earthworks would mainly have been captured by the National Grid Yard rule. The discretionary activity consent would include consideration of the Identified Area objectives and policies as well as those of the National Grid, which may provide environmental, social and cultural benefits. There are no risks of acting or not acting with insufficient information. I consider that the recommended amendments will better achieve the PWDP infrastructure and National Grid objectives, and those of the Identified Areas, and the higher order RPS objectives on those matters.

<sup>36</sup> 576.55 Transpower

<sup>37</sup> 559.156 Heritage NZPT; 81.246 Waikato Regional Council

## 6 14.4.2 RDI Below ground transmission lines associated with the National Grid not located within identified areas

Submission point	Submitter	Decision requested
576.56	Transpower	Retain Rule 14.4.2 RDI Restricted Discretionary Activities, as notified.

### 6.1 Analysis

88. Transpower [576.56] supports the rule and considers that 14.4.2 RDI provides an appropriate consenting framework in which to consider new National Grid assets. The distinction between Identified Areas and non-identified areas is supported (however, the non-complying activity status for Identified Areas is opposed). While the NESETA applies to existing National Grid assets, district plans have a role in managing new National Grid networks and structures. I consider restricted discretionary activity status to be appropriate to achieve the objective of enabling infrastructure while managing adverse effects.

### 6.2 Recommendation

89. As the provision is unopposed, I recommend accepting Transpower [576.56].

## 7 14.4.2 RD2 Transformers, substations and switching stations associated with the National Grid not located within Identified Areas

Submission point	Submitter	Decision requested
576.57	Transpower	Retain Rule 14.4.2 RD2 Restricted Discretionary Activities, as notified.

### 7.1 Analysis

90. Transpower considers that 14.4.2 RD2 provides an appropriate consenting framework in which to consider new National Grid assets. Transpower considers the distinction between identified areas and non-identified areas is supported (however, the non-complying activity status for identified areas is opposed). While the NESETA applies to existing National Grid assets, district plans have a role in managing new National Grid transformers, substations and switching stations. I consider restricted discretionary activity status to be appropriate.

### 7.2 Recommendation

91. As the provision is unopposed, I recommend accepting Transpower [576.57].

## 8 14.4.2 RD3 Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 14.4.1.3(1) and 14.4.1.3(2)

Submission point	Submitter	Decision requested
419.104	Hort NZ	Retain Rule 14.4.2 RD3 Restricted Discretionary Activities, as notified.
576.58	Transpower	Retain Rule 14.4.2 RD3 Restricted Discretionary Activities, except for the amendments sought below AND Amend Rule 14.4.2 RD3 Restricted Discretionary Activities, as follows: Earthworks within the National Grid Yard that <u>does not comply with one or more of the conditions (a) of Rules 14.4.1.3(1) and 14.4.1.3(2) but complies with conditions (c) (d) and (e) of Rule 14.4.1.3(2).</u> Discretion is restricted to: (a) .... (e) <u>Technical advice provided by the National Grid owner (Transpower); (f) Any effects on National Grid support structures including the creation of an unstable batter</u>
FS1168.187	Hort NZ	Opposes 576.58

### 8.1 Analysis

92. **Transpower** [576.58] seeks the decision set out in the table immediately above; for earthworks depth greater than 300mm within 2.2m of a National Grid pole or stay wire, or within 6m of the outer edge of the visible foundation of a National Grid tower; to be subject to two additional matters of discretion.
93. The submitter supports the provision of standards specific to earthworks on the basis such activities can compromise the National Grid, and are a form of development contemplated by the NPSET. Specifically, the submitter supports earthworks restrictions as earthworks have the potential to undermine transmission line structures, generate dust, and reduce the clearances between the ground and conductors. They also have the potential to restrict the submitter's ability to access the line and locate the heavy machinery required to maintain support structures around the lines and may lead to potential tower failure and significant constraints on the operation of the line. The submitter seeks amendment to Rule RD3 to include two additional matters of discretion to better reflect the range of issues relevant in the consideration of earthworks in proximity of the National Grid support structures. The submitter states an important distinction is also sought for those earthworks that result in a reduced conductor clearance and which pose significant potential safety issues (condition (e)), compromise the stability of a National Grid support structure (condition (c)), and earthworks that result in a permanent loss of vehicular access to any National Grid support structure (condition (d)). For such earthworks, a non-complying activity status is sought by the submitter, and for remaining earthworks, the submitter supports a restricted discretionary activity status, where permitted condition (a) (being depth) is not complied with.
94. *FS1168.187 Hort NZ opposes 576.58: The submitter is seeking that the RDA rule is amended so some earthworks activities default to Non-complying. Hort NZ considers that such activities can be managed through clear matters of discretion.*

95. I agree with the following addition to the matters of discretion: “technical advice provided by the National Grid owner (Transpower); and any effects on National Grid support structures including the creation of an unstable batter, and with non-complying status for those earthworks that result in a reduced conductor clearance and which pose significant potential safety issues (condition (e)), compromise the stability of a National Grid support structure (condition (c)), and earthworks that result in a permanent loss of vehicular access to any National Grid support structure (condition (d)). Earthworks restrictions are appropriate as earthworks have the potential to undermine transmission line structure foundations, generate dust, and if involving filling, reduce the clearances between the ground and conductors. Earthworks have the potential to restrict the submitter’s ability to access the line and locate the heavy machinery required to maintain support structures around the lines and may lead to potential tower failure and significant constraints on the operation of the line. The submitter proposes two additional matters of discretion to better reflect the range of issues relevant in the consideration of earthworks in proximity of the National Grid support structures. There is an important distinction for those earthworks that result in a reduced conductor clearance and which pose significant potential safety issues, compromise the stability of a National Grid support structure, and earthworks that result in a permanent loss of vehicular access to any National Grid support structure. For such earthworks, a non-complying activity status is appropriate, and for remaining earthworks, the restricted discretionary activity status is appropriate where the earthworks depth condition is not complied with. Where the activity status is changed, it is to implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. Note the 14.4.1.3 provisions are re-numbered as a consequence of responses to submissions Transpower [576.55] and Heritage NZPT [559.156] above. For the reasons provided by the submitter Transpower, I recommend accepting Transpower [576.58]; rejecting *FS1168.187 Hort NZ*.
96. **Hort NZ** [419.104] seeks that Rule 14.4.2 RD3 is retained as notified. The submitter supports a restricted discretionary activity rule for earthworks that are not permitted activities.
97. I recommend accepting in part Hort NZ [419.104] to the extent that parts of 14.4.2 RD3 relating to earthworks depth are retained as notified, but the remainder is amended in response to Transpower [576.58] submission above.

## 8.2 Recommendations

98. For the reasons above, of Transpower and Hort NZ, I recommend the Hearings Panel:
- Accept Transpower [576.58]; reject *FS1168.187 Hort NZ*.
  - Accept in part Hort NZ [419.104].

## 8.3 Recommended amendments

99. The following amendments are recommended to rule 14.4.2 Restricted Discretionary Activities:

RD3	Earthworks within the National Grid Yard that does not comply with <del>one or more of the conditions (a) of Rule 14.4.1.3(1) or and Rule 14.4.1.3(2)</del> but complies with conditions (b) (c) (d) and (e) of Rule 14.4.1.3(2) <sup>38</sup>	Discretion is restricted to: (a) Impacts on the operation, maintenance, upgrading and development of the National Grid;
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<sup>38</sup> 576.58 Transpower

		<ul style="list-style-type: none"> <li>(b) The risk to the structural integrity of the affected <b>National Grid</b> support structure(s);</li> <li>(c) Any impact on the ability of the <b>National Grid</b> owner (Transpower) to access the <b>National Grid</b>;</li> <li>(d) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</li> <li>(e) <u>Technical advice provided by the National Grid owner (Transpower);</u></li> <li>(f) <u>Any effects on National Grid support structures including the creation of an unstable batter.</u><sup>39</sup></li> </ul>
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I00. The following amendments are recommended to rule 14.4.4 Non-Complying Activities:

<u>NCI</u>	<u>Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 PI or a restricted discretionary activity under Rule 14.4.2 RD3</u> <sup>40</sup>
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#### 8.4 Section 32AA evaluation

I01. Rule 14.4.2 is amended to retain restricted discretionary status and matters of discretion for earthworks within the National Grid Yard that infringe the excavation depth condition, for efficiency and clarification. The two additional matters of discretion are to ensure Transpower can provide technical advice and to manage effects on the stability of land under the foundations, as well as on the support structures themselves.

I02. The amendments, and the non-complying activity status of earthworks within the National Grid Yard, are to implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. The amendments will more effectively achieve Objective 6.2.1 “National Grid – The national significance of the National Grid is recognised and protected”. Efficiency of the appropriate activity status is achieved for those earthworks that result in a reduced conductor clearance (by filling within the National Grid Yard) and which pose significant potential safety issues, or compromise the stability of a National Grid support structure, and earthworks that result in a permanent loss of vehicular access to any National Grid support structure. Non-complying activity status will implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. The alternative, to retain the earthworks provisions as notified, could impact the operation, maintenance, upgrading and development of the National Grid.

I03. There are costs from the non-complying activity status for earthworks within the National Grid Yard, where they prevent farming activities that may require substantial cutting or filling earthworks beneath the transmission line or close to a support structure. The benefit is in ensuring that the operation, maintenance, upgrading and development of the National Grid is not compromised, which is required to give effect to the NPSET.

I04. There are no additional risks in not acting. There is sufficient information to understand the costs to the landowner in restriction on the use of land, and benefits to people and communities to

<sup>39</sup> 576.58 Transpower

<sup>40</sup> 576.58 Transpower

justify the amendment to the rule. The amendments will implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. The amendments will more efficiently and effectively achieve Objective 6.2.1 “National Grid – The national significance of the National Grid is recognised and protected”, and give effect to the NPSET Objective and as required by Policy 10.

## 9 14.4.2 RD4 Subdivision of land in any zone within the National Grid Corridor

Submission point	Submitter	Decision requested
680.285	FFNZ	Amend Rule 14.4.2.1 RD4 Restricted Discretionary Activities in accordance with the submitter's relief sought for a new controlled activity subdivision rule ('14.X.X'), as follows: (inter alia) <p>... RD4 14.4.2.1 <u>Except for subdivision in the Rural Zone provided for as a Controlled Activity under Rule 14.4.x.x, t</u>The subdivision of land in any zone within the National Grid Corridor that complies with all of the following conditions: ... Discretion is restricted to: (a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (b) The ability to provide a complying building platform outside of the National Grid Yard; (c) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (d) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</p> <p><u>RDX Subdivision in the Rural Zone which does not comply with activity specific standards for Controlled Activity subdivision in Rule CX</u></p> <p><u>14.4.X.X: Discretion is restricted to: (a) The functional and operational needs of, and benefits derived from, the infrastructure (b) The functional and operational needs of, and benefits derived from, the subdivision (c) Maintenance of legal and physical vehicular access to the infrastructure</u></p>
FS1350.79	Transpower	Opposes 680.285
697.11	Waikato District Council	Amend Rule 14.4.2.1 RD4 Restricted Discretionary Activities as follows: <p>The subdivision of land in any zone within the National Grid Corridor <u>for the purposes of infrastructure</u> that complies with all of the following conditions...</p>
FS1291.5	Havelock Village Limited	Supports 697.11
405.51	Counties Power	Add wording to Rule 14.4.2.1 RD4 (a)-(d) Subdivision of land within the National Grid Corridor that is similar to the subdivision rules within the zones.
FS1350.78	Transpower	Opposes 405.51

576.59	Transpower	<p>Retain Rule 14.4.2.1 RD4 Restricted Discretionary Activities, except for the amendments sought below AND Amend Rule 14.4.2.1 RD4 Restricted Discretionary Activities, as follows:</p> <p>The subdivision of land in any zone within the National Grid Corridor that complies with all of the following conditions: (a) <u>All resulting allotments intended to contain a sensitive land use must provide be able to demonstrate that they are capable of accommodating</u> a building platform for the likely principal building(s) and any building(s) for a sensitive land use <del>to be located</del> outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; <del>or</del> <u>and</u> (b) ... Discretion is restricted to: (a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of, <u>including access to,</u> the National Grid;(b) ... (d) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, <u>and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid;</u> (e) <u>The risk to the structural integrity of the National Grid;</u> (f) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>
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## 9.1 Analysis

105. **Transpower** [576.59] seeks the decision set out in the table immediately above, which seeks to amend the restricted discretionary subdivision within the National Grid (Subdivision) Corridor. The amendments are to ensure subdivision that will result in additional building must demonstrate satisfactory building platforms can be created for the principal proposed building and for any sensitive land uses outside the National Grid Yard. Amendments are sought to the matters of discretion for clarification, and also to manage effects on the National Grid of the identification or creation of any proposed building platforms.
106. The submitter supports the suite of rules for subdivision within the National Grid (Subdivision) Corridor, and notes that allotments for roads, access ways or subdivision within the National Grid Corridor would be a restricted discretionary activity where the newly created lots are for infrastructure. The submitter considers that any new allotment must be capable of accommodating the principal proposed building platform and any sensitive land uses outside the National Grid Yard. The submitter considers that a restricted discretionary activity status for subdivision provides an appropriate incentive to design subdivision layouts that avoid building platforms within the National Grid Yard, and further considers that subdivision is the most effective point at which to ensure future reverse sensitivity effects, balanced area maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided. The submitter suggests this can be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors are located). Slightly amended wording is sought to the rule to reflect the current approach; and a minor correction is sought to the wording to make it clear both conditions (a) and (b) must be met, as appears the intent from the opening text to the notified rule.

107. I do not consider the proposed amendments are a substantial change to the notified rule, and are mainly for clarification, including the changes to the matters of discretion. The only part that could be considered for change is in requiring that a proposed subdivision can demonstrate it can accommodate any intended principal building not for a sensitive land use outside the National Grid Yard. Allotments for roads, access ways and infrastructure are not affected by the change. I agree that a restricted discretionary activity status for subdivision provides an appropriate incentive to design subdivision layouts that avoid building platforms within the National Grid Yard. Subdivision is the most effective point at which to ensure future reverse sensitivity effects, balanced area maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided.
108. For the reasons provided above and those provided by the submitter Transpower, I recommend accepting Transpower [576.59].
109. **FFNZ [680.285]** seeks to amend Rule 14.4.2.1 RD4 to create a separate rule cascade for subdivision in the Rural Zone with a more lenient activity status of controlled.
110. The submitter is opposed to Rule 14.4.2 RD4 and submits that a more pragmatic approach would be to provide for subdivision of land containing the National Grid as a controlled activity, with a default to restricted discretionary activity status for subdivision that does not meet the suggested controlled activity rule conditions, with discretion reserved over ensuring existing legal and physical vehicular access to the National Grid Corridor. The submitter considers there is no need to manage all subdivision via a restricted discretionary activity status.
111. *FS1350.79 Transpower opposes 680.285: The relief sought in submission point 680.285 and 280.288 relate to point 680.284 seeking controlled activity status for subdivision within the Rural zone. Point 680.285 seeks a default restricted discretionary activity status and point 680.288 seeks deletion of the proposed default non-complying status. The submission points are opposed. Transpower states that the purpose of the subdivision provisions within the proposed plan is to manage subdivision in the National Grid Corridor so as to ensure the long-term maintenance, operation and development of the National Grid is not compromised.*
112. I do not support Rural Zone subdivision as a controlled activity (as sought in FFNZ [680.284]) and note that 'normal' subdivision within the zones has its lowest activity status start as restricted discretionary. That allows consent to be refused where matters of discretion cannot be satisfied. The RD4 addition and RDX provisions sought in submission FFNZ [680.285] would therefore not be required. The restricted discretionary activity matters of discretion, for subdivision within the National Grid Corridor have a focus on the National Grid and effects from and on the National Grid transmission assets. For that reason, and for the reasons provided by further submitter Transpower, I recommend rejecting FFNZ [680.285]; accepting *FS1350.79 Transpower*.
113. **Waikato District Council [697.11]** seeks to amend Rule 14.4.2.1 RD4 so the rule is focused on subdivision associated with infrastructure. This is part of Council's submission point seeking to have the rule distributed into the zone chapters.
114. *FS1291.5 Havelock Village Limited supports the submission: HVL seeks amendments to the provisions about SNAs to provide greater flexibility and to enable development subject to appropriate mitigation, offsetting and compensation. The submitter also considers that Council should take into account mitigation, offsetting and compensation as part of its discretion. Note: This further submission appears misdirected, as it is on SNAs and not relevant to RD4 subdivision within the National Grid*



Corridor, except possibly if land is to be subdivided to create a reserve and lies partly within the National Grid Corridor.

115. In my opinion, this subdivision provision should remain intact within Section 14.4 National Grid. As well as subdivision for infrastructure, this provision needs to be able to manage subdivision, to create (for example) a reserve, or to provide more logical land ownership division. Such subdivisions may have potential effects on the National Grid, such as building platform proximity, electrical hazards, vegetation management, and fencing and gates, including for maintaining access to National Grid assets. I recommend rejecting Waikato District Council [697.11]; *FS1291.5 Havelock Village Limited*.

116. **Counties Power** [405.51] seeks to add wording to Rule 14.4.2.1 RD4 (a)-(d) Subdivision of land within the National Grid Corridor that is similar to the subdivision rules within the zones. This is because the need may arise for Counties Power to construct new lines or amend the alignment of its existing lines which cross the Transpower corridor.

117. *FS1350.78 Transpower opposes 405.51: The intent of the relief sought in the submission is not clear. Transpower supports provision RD4 as notified (subject to amendment as sought in its submission) as the rule and corresponding matters provide the framework in which to ensure future reverse sensitivity effects, maintenance and access and adverse effects on National Grid transmission lines are avoided, thereby giving effect to the NPSET.*

118. I agree with Transpower that the zone-based subdivision provisions are not needed within the National Grid Corridor. I consider that RD4 is specific to subdivision within the National Grid Corridor, and the parts of any proposed subdivision that are outside the National Grid Corridor will be subject to the zone subdivision provisions. I recommend rejecting Counties Power [405.51]; accepting *FS1350.78 Transpower*.

## 9.2 Recommendations

119. For the reasons above, I recommend the Hearings Panel:

- a. Accept Transpower [576.59]
- b. Reject FFNZ [680.285]; accept *FS1350.79 Transpower*.
- c. Reject Waikato District Council [697.11]; *FS1291.5 Havelock Village Limited*
- d. Reject Counties Power [405.51]; accept *FS1350.78 Transpower*.

## 9.3 Recommended amendments

120. The following amendments are recommended to rule 14.4.2.1 Restricted Discretionary Activities:

RD4	14.4.2.1  The <b>subdivision</b> of land in any zone within the <b>National Grid Subdivision<sup>41</sup> Corridor</b> that complies with all of the following conditions:  (a) All <b>resulting allotments intended to contain a sensitive land use</b> must <b>provide be able to demonstrate that</b>	Discretion is restricted to:  (a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of, <b>including access to,</b> <sup>43</sup> the <b>National Grid</b> ;  (b) The ability to provide a complying <b>building platform</b> outside of the <b>National Grid Yard</b> ;
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<sup>41</sup> 576.39; 576.40 Transpower

<sup>43</sup> 576.59 Transpower

	<p><u>they are capable of accommodating a building platform</u> for the likely principal building(s) and any building(s) for a <u>sensitive land use to be located</u> outside of the <u>National Grid Yard</u>, other than where the <u>allotments</u> are for roads, access ways or <u>infrastructure</u>; <del>or</del> <u>and</u> <sup>42</sup></p> <p>(b) The layout of <u>allotments</u> and any enabling <u>earthworks</u> must ensure that physical access is maintained to any <u>National Grid</u> support structures located on the <u>allotments</u>, including any balance area.</p>	<p>(c) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</p> <p>(d) The nature and location of any vegetation to be planted in the vicinity of <u>National Grid</u> transmission lines, <u>and the how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid</u>; <sup>44</sup></p> <p><u>(e) The risk to the structural integrity of the National Grid</u>; <sup>45</sup></p> <p><u>(f) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset</u>. <sup>46</sup></p>
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#### 9.4 Section 32AA evaluation

121. I do not consider the proposed amendments are a substantial change to the notified rule, and are mainly for clarification, including the changes to the matters of discretion. The only part that could be considered a change is in requiring the demonstration that a proposed subdivision can accommodate any intended principal building not for a sensitive land use, outside the National Grid Yard. Allotments for roads, access ways and infrastructure are not affected by the change. The restricted discretionary activity status for subdivision provides an appropriate incentive to design subdivision layouts that avoid building platforms within the National Grid Yard. Subdivision is the most effective point at which to ensure future reverse sensitivity effects, balance area maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided.

122. The amended provision is a more effective and efficient way to implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. The amendments will more effectively achieve Objective 6.2.1 “National Grid – The national significance of the National Grid is recognised and protected”. The alternative, to retain the subdivision provisions as notified, could impact the operation, maintenance, upgrading and development of the National Grid, by providing insufficient guidance on desired subdivision outcomes.

123. There is a cost from the requirement to demonstrate satisfactory building platforms can be created outside of the National Grid Yard. However, there is a benefit in creating new lots that are fit for their intended purpose. The main benefit is in ensuring that the operation, maintenance, upgrading and development of the National Grid is not compromised, which is required to give effect to the NPSET.

<sup>42</sup> 576.59 Transpower

<sup>44</sup> 576.59 Transpower

<sup>45</sup> 576.59 Transpower

<sup>46</sup> 576.59 Transpower

124. There are no additional risks in not acting. There is sufficient information to understand the costs to the landowner in having to demonstrate suitable building platforms can be created in newly subdivided lots, and benefits to people and communities to justify the amendment to the rule. The amendments will implement Policy 6.2.6 “Reverse sensitivity, adverse effects on infrastructure and the National Grid” to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. The amendments will more efficiently and effectively achieve Objective 6.2.1 “National Grid – The national significance of the National Grid is recognised and protected”, and give effect to the NPSET Objective and as required by Policy 10.

## 10 New Transmission Lines Associated with the National Grid in Identified Areas

Submission point	Submitter	Decision requested
576.60	Transpower	Amend Rule 14.4.3 D1 Discretionary Activities, as follows: New <u>above and below-ground</u> transmission lines associated with the National Grid within identified areas AND Amend Rule 14.4.3 Discretionary Activities, to clarify what are identified areas; AND Retain Rule 14.4.3 D2 Discretionary Activities, as notified.
576.61	Transpower	Add a new rule (D3) to Rule 14.4.3 Discretionary Activities, as follows: <u>D3 Substations and switching stations associated with the National Grid located within identified areas</u>
576.62	Transpower	Delete Rule 14.4.4 NCI Non-Complying Activities. AND Delete Rule 14.4.4 NC2 Non-Complying Activities.
559.157	Heritage NZPT	Retain Rule 14.4.3 D1 Discretionary activities.
559.158	Heritage NZPT	Retain Rule 14.4.4 NCI Non-complying activities.
697.12	Waikato District Council	Amend Rule 14.4.4 NC2 Non-Complying Activities as follows: Transformers, substations and switching stations associated with the National Grid located within identified areas <del>identified areas</del>

### 10.1 Analysis

#### Above ground lines

125. **Transpower** [576.60] seeks to amend Rule 14.4.3 D1 Discretionary Activities, so that the activity status for above and below-ground transmission lines within identified areas is a discretionary activity. Transpower also supports Rule 14.4.3 D2 which classifies new above-ground transmission lines associated with the National Grid not located within identified areas as a discretionary activity.

126. Transpower supports the provision of discretionary activities, and notes that Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, areas of high natural character and recreation values and amenity and existing sensitive activities). Transpower considers that the wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects; and rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). On this basis, given the locational constraints of the National Grid and the national significance of the National Grid (as provided for in the NPSET), the submitter supports a discretionary activity status for new structures associated with the National Grid within the identified areas. As a discretionary activity, the submitter states a full assessment of effects would be required as well as a robust route, site and method selection process (Policy 4, NPSET), appropriate conditions imposed, and the application able to be granted or declined.
127. Transpower also considers that non-complying activity status of the (National Grid) activities provided in Rule NC 1 is inconsistent with the activity status for similar activities provided in Section 14.5 Electrical Distribution, which is essentially local line companies. The most restrictive activity status for new overhead distribution lines, support structures or substations is as a discretionary activity whereas the equivalent for the National Grid would be Non-Complying. Transpower considers that the differing activity status does not reflect the national significance of the National Grid and requirement to give effect to the NPSET, and provides an inconsistent consenting framework for very similar activities with very similar visual and construction and ongoing operational effects.
128. **Heritage NZPT** [559.157] supports discretionary activity Rule D1 for new below-ground National Grid transmission lines, and considers this level of resource consent activity provides the appropriate level of protection and assessment to provide protection as required under section 6 of the Resource Management Act 1991.
129. **Heritage NZPT** [559.158] supports the retention of non-complying status for new above-ground transmission lines associated with the National Grid within Identified Areas. However, the submitter also supports discretionary activity status for overhead lines and support structures in 14.5 Electrical Distribution in submission Heritage NZPT [559.159] (covered in s.42A report section D5). In my opinion, the term “should seek to avoid” (from the NPSET Policy 8) indicates a hierarchy of ‘avoid if practicable or otherwise remedy or mitigate’, and the discretionary activity status would support the implementation of that approach within Identified Areas. The Transpower submission reasons refer to “for new structures”. However, the provision deals with new transmission lines rather than support structures. New structures that are not National Grid assets within the existing National Grid Yard, would be “D4 Buildings and structures for non-sensitive activities, and earthworks, within the National Grid Yard and within an Identified Area”. The NESETA applies to the existing infrastructure and includes transmission lines and support structures and substation and switching stations. Transpower has indicated that new areas of National Grid would be created by designation rather than under District Plan rules. Transpower support for new above-ground transmission lines associated with the National Grid as a discretionary activity (D2) is noted. Identified Areas are listed in 14.1(3) Introduction. However, I agree they should be defined within Chapter 13 Definitions, as requested by other submissions, as they are referred to in the infrastructure and energy provisions and in other chapters. A consequential amendment is needed to delete NC1, as it is converted to a discretionary activity. The NPSET recognises the National Grid is a matter of national importance. I recommend accepting Transpower [576.60]; rejecting Heritage NZPT [559.158].

### Substations and Switching Stations

130. **Transpower** [576.61] seeks to add a new rule (D3) to Rule 14.4.3 Discretionary Activities, to provide for substations and switching stations associated within the National Grid within identified areas as discretionary activities rather than non-complying under Rule 14.4.4. (Note: Transpower seeks that the reference to transformers is removed as they are not provided in isolation from a substation.) Similarly, **Transpower** [576.62] seeks to delete Rule 14.4.4 NC2 Non-Complying Activities.
131. Transpower supports the provision of discretionary activities, and notes that Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, areas of high natural character and recreation values and amenity and existing sensitive activities). Transpower considers that the wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects; and rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). On this basis, given the locational constraints of the National Grid and the national significance of the National Grid (as provided for in the NPSET), the submitter supports a discretionary activity status for new sub-stations and switching stations associated with the National Grid within the identified areas. As a discretionary activity, the submitter states a full assessment of effects would be required as well as a robust route, site and method selection process (Policy 4, NPSET), appropriate conditions imposed, and the application able to be granted or declined.
132. Transpower further considers that the non-complying activity status of the activities provided in Rule NC 2 is inconsistent with the activity status for similar activities provided in Section 14.5 Electrical Distribution, which is essentially local line companies. The most restrictive activity status for new distribution lines and substations is as a discretionary activity (14.5.3 D3), whereas the equivalent for the National Grid would be non-complying. Transpower states that the differing activity status does not reflect the national significance of the National Grid and requirement to give effect to the NPSET, and provides an inconsistent consenting framework for very similar activities with very similar visual and construction and ongoing operational effects.
133. I accept that transformers can be removed from the activity as they are not provided in isolation from a substation. I consider that substations and switching stations associated with the National Grid within Identified Areas should remain non-complying under Rule 14.4.4, as their adverse effects on Identified Areas could be significant. I accept that some Identified Areas, such as the Urban Expansion Area would be more capable of accommodating such infrastructure, but generally the Identified Areas could be impacted by visual and landscape effects, vegetation clearance and land disturbance (site of value) effects, and effects on culturally significant sites and areas. I recommend accepting in part Transpower [576.61], to the extent that transformers are deleted, but substations and switching stations remain as a non-complying activity within Identified Areas.
134. **Waikato District Council** [697.12] seeks a minor amendment to remove duplication and I agree.

## **10.2 Recommendations**

135. For the reasons above, I recommend, the Hearings Panel:

- a. Accept Transpower [576.60]
- b. Accept in part Transpower [576.61]
- c. Accept Heritage NZPT [559.157]
- d. Reject Heritage NZPT [559.158]
- e. Accept Waikato District Council [697.12]

### 10.3 Recommended amendments

136. The following amendments are recommended to rule 14.4.3 Discretionary Activities:

DI	New <del>above and</del> <sup>47</sup> below ground transmission lines associated with the National Grid within Identified Areas
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137. The following amendments are recommended to rule 14.4.4 Non-Complying Activities:

<del>NC1</del>	<del>Above-ground transmission lines associated with the National Grid located within identified areas</del> <sup>48</sup>
NC2	<del>Transformers, S</del> ubstations <sup>49</sup> and switching stations associated with the National Grid located within Identified Areas <del>identified areas</del> <sup>50</sup>

### 10.4 Section 32AA evaluation

138. For consistency, overhead National Grid transmission lines are to be managed in the same way as electrical distribution lines, and will give effect to the NPSET requirement to “seek to avoid” adverse effects. Deletion of “Transformers” is a correction, as National Grid transformers are not provided in isolation from a sub-station. Deletion of the duplication of “identified areas” is a correction.

139. The reasonably practicable options for above ground transmission lines within Identified Areas are discretionary or non-complying activity status. Non-complying activity status would be supported by the Identified Area addressing matters of national importance (RMA s.6) and the RPS objectives on high value environments. However, enabling of the National Grid is required by the NPSET objective and Policy 8 (“should seek to avoid”). NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). The RPS also has an objective to enable regionally significant infrastructure, which is defined in the RPS to include the National Grid. It is more efficient and effective to meet the PWDP objectives for infrastructure, the National Grid and the Identified Areas, by allowing the discretionary activity resource consent process to consider the effects of the activity and to consider the relevant objectives and policies, including from the NPSET and, where appropriate, the NZCPS (within high value coastal environments) on a case-by-case basis.

140. The costs, of requiring discretionary activity rather than non-complying activity status, would potentially include environmental, social and cultural impacts on the Identified Areas, but those would be matters for consideration within the resource consent process. The benefits are significant for economic growth, and include the enabling of social and economic benefits provided by the National Grid (recognised as nationally significant infrastructure). The risk of not acting, without having determined the environmental, social and cultural costs for each occurrence of the

<sup>47</sup> 576.60 Transpower; 576.62 Transpower

<sup>48</sup> 576.60 Transpower; 576.62 Transpower

<sup>49</sup> 576.61 Transpower

<sup>50</sup> 697.12 Waikato District Council

activity is that the non-complying activity status would pre-determine the benefits of the activity were out-weighed by its costs.

141. The amendment gives effect to the NPSET, and the RPS infrastructure and National Grid objectives, and does not override the RPS objectives related to Identified Areas or the NZCPS or undermine the RMA s.6 matters of national importance. The amendment is a more efficient and effective method to meet the PWDP objectives for infrastructure, the National Grid and the Identified Areas.

## 11 14.4.4 Non-complying general

Submission point	Submitter	Decision requested
576.84	Transpower	Retain Rule 14.4.4 NC6 Non-Complying Activities, as notified; AND Retain Rule 14.4.4 NC7 Non-Complying Activities, as notified; AND Retain Rule 14.4.4 NC8 Non-Complying Activities, as notified.
576.66	Transpower	Add a new non-complying activity (NC11) to Rule 14.4.4 Non-Complying Activities, as follows: <u>NC11 Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1.P3 or a restricted discretionary activity under Rule 14.4.2.RD3.</u>
<i>FS1168.189</i>	<i>Hort NZ</i>	<i>Opposes 576.66</i>
576.67	Transpower	Add a new non-complying activity (NC12) to Rule 14.4.4 Non-Complying Activities, as follows: <u>NC12 Any building or structure within the National Grid Yard that is not a permitted activity under Rule 14.4.1, Restricted discretionary activity under Rule 14.4.2 or Discretionary activity under Rule 14.4.3.</u>

### 11.1 Analysis

142. **Transpower** [576.66] seeks to add a new non-complying activity (NC11) to Rule 14.4.4, covering earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1.P3 or a restricted discretionary activity under Rule 14.4.2. RD3.

143. Transpower states that activity NC11 relating to earthworks provides an important linkage to their amendment to restricted discretionary rule RD3 (submission point 576.58). It will provide a non-complying activity status for earthworks that do not achieve the necessary conductor clearance distances to ensure safety, do not maintain access to support structures, or earthworks that compromise the stability of a support structure. Given the safety risks of earth works and potential effects on the operation, maintenance and upgrade of the assets, Transpower seeks a non-complying activity status to give a very strong policy signal that under-build and earthworks that increase ground level or result in destabilisation of a National Grid support structure or permanently physically restrict vehicular access within the National Grid Yard, are not appropriate. Transpower suggests that whilst an application for such an activity can still be made under the RMA, it would need to show the proposed activity would not be contrary to the

objectives and policies of the District Plan or that its adverse effects on the environment would be no more than minor.

144. *FS1168.189 Hort NZ opposes 576.66: The submitter seeks that some earthworks be non-complying. Hort NZ considers that such activities can be managed through clear matters of discretion as a restricted discretionary activity.*

145. I agree that a non-complying activity status would give a very strong policy signal that earthworks that increase ground level or result in destabilisation of a National Grid support structure or permanently physically restrict vehicular access within the National Grid Yard, are not appropriate, as they can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. RD3 allows for increased depth of excavation earthworks where there is no compromising of the stability of a National Grid support structure, no resulting loss of access to any National Grid support structure and no resulting reduction in the required ground to conductor clearance distances. RD3 also excludes Identified Areas.

146. The remaining activity, for a complete cascade of activity status, is: Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D4. This activity would comprise earthworks where there is compromising of the stability of a National Grid support structure, and/or resulting loss of access to any National Grid support structure and/or resulting reduction in the required ground to conductor clearance distances outside of Identified Areas. I consider it would be appropriate for that activity to be non-complying NC11, for the reasons provided by Transpower in their submission, and to provide a complete activity cascade. It will only apply to the strip of land that is within the National Grid Yard. The zone-based rules contain earthworks provisions, including for general earthworks and in relation to Maaori Sites and Areas of Significance, Significant Natural Areas, and Landscape and Natural Character Areas. However, those rules are not targeted at the effects of concern to the National Grid. I recommend accepting in part Transpower [576.66], reject *FS1168.189 Hort NZ* to the extent that the activity is amended to accommodate separate treatment of Identified Areas.

147. **Transpower** [576.67]: seeks to add a new non-complying activity (NC12) to Rule 14.4.4 Non-Complying Activities, for building or structure within the National Grid Yard that is not a permitted activity under Rule 14.4.1, Restricted discretionary activity under Rule 14.4.2 or Discretionary activity under Rule 14.4.3.

148. Transpower states that this is to provide a linkage to the other rules within Section 14.4.1 relating to the National Grid and act as a default 'catch all' rule;. The submitter considers that a non-complying activity status also gives a very strong policy signal that under-build and earthworks that increase ground level or result in destabilisation of a National Grid support structure or permanently physically restrict vehicular access within the National Grid Yard are not appropriate. Transpower suggests that whilst an application for such an activity can still be made under the RMA, it would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan or that its adverse effects on the environment would be no more than minor.

149. I do not agree that a 'catch all' non-complying activity status is required. The RMA default status, for activities not specified in the plan, is discretionary activity (s.87B(1)), and that this status is capable of considering effects and objectives and policies. In my opinion, there are adequate



provisions for under-build and earthworks within the National Grid Yard (if the earthworks rules are amended as recommended in response to Transpower [576.66] above), and the farming building activities are amended to provide more detailed descriptions (as recommended in response to other submissions). There is a high risk that making non-specified activities non-complying would make some non-sensitive activities non-complying, even though they would have no effect on the National Grid. I recommend rejecting Transpower [576.67].

150. **Transpower** [576.84]: seeks to retain Rule 14.4.4 NC6, NC7 and NC8 Non-Complying Activities, as notified.
151. Transpower supports the provision of permitted activities status for certain activities and structures (specifically fences, network utilities, existing sensitive activity structures that do not increase the height or footprint and non-intensive/uninhabitable farm or horticultural buildings and structures) within the National Grid Yard. However, Transpower also supports the provision of a non-complying activity status for new sensitive activities, or additions to existing sensitive activities, milking and dairy sheds and other intensive farm buildings, and any buildings and structures that do not meet safe conductor (line) clearances. Transpower considers a non-complying activity status is the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network; and most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2.
152. Further, Transpower considers a non-complying activity status is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10, and that a non-complying activity status recognises the policy directive within Policy 11 to identify an appropriate buffer corridor, within which it can be expected that sensitive activities will generally not be provided for. The submitter notes that NPSET Policy 10 contains the phrase 'avoid reverse sensitivity effects' and 'to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised'. NPSET Policy 11 gives a clear direction that 'sensitive activities will generally not be provided for in plans and/or given resource consent'. Transpower considers the use of the words 'avoid' and 'ensure' and the phrase 'will generally not be provided for' provide a strong direction that cannot be achieved by use of the restricted discretionary activity status; and such policy direction can only be achieved by way of a non-complying activity status.
153. The submitter further considers a non-complying activity status promotes consistency in decision-making, and more effectively manages landowner expectations about what activities are appropriate or otherwise, in the National Grid Yard. Transpower notes that the Environment Court has identified that there are many reasons why activities might have non-complying status in district plans. One of those reasons is the activity in question is, in some way, likely to produce significant adverse effects. Transpower suggests this contrasts with the approach that a discretionary activity status, in general, implies that a particular activity can be an efficient use and development of resources; and believes that given the potential adverse effects that encroachments could have on the National Grid corridor, such an indication is inappropriate.
154. In my opinion, appropriate permitted activity status needs to be allocated to certain activities and structures (specifically fences, network utilities, existing sensitive activity structures that do not increase the height or footprint and non-intensive/uninhabitable farm or horticultural buildings and structures) within the National Grid Yard. Non-complying activity status needs to apply for new sensitive activities, or additions to existing sensitive activities, milking and dairy sheds and other intensive farm buildings, and any buildings and structures that do not meet safe conductor (line)

clearances. Non-complying activity status would be the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network, and most appropriately recognise and provide for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2, 10 and 11.

155. I recommend retaining the activities NC6, NC7 and NC8 Non-Complying Activities, as notified.

156. For the reasons provided by the submitter Transpower, and for the reasons the activities are non-complying in the notified PWDP, as outlined above, I recommend accepting Transpower [576.84].

## 11.2 Recommendations

157. For the reasons provided by the submitter, Transpower, above and to provide a complete activity cascade, I recommend the Hearings Panel:

- a. Accept in part Transpower [576.62], to the extent that above-ground transmission lines associated with the National Grid located within Identified Areas is a discretionary activity
- b. Accept Transpower [576.84]
- c. Accept in part Transpower [576.66], reject *FSI 168.189 Hort NZ*
- d. Reject Transpower [576.67].

## 11.3 Recommended amendments

158. The following amendments are recommended to rule 14.4.4 Non-Complying Activities:

<b>NC11</b>	<u>Earthworks within the National Grid Yard that is not a permitted activity under Rule 14.4.1 P3 or a restricted discretionary activity under Rule 14.4.2 RD3 or a discretionary activity under Rule 14.4.3 D4</u> <sup>51</sup>
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## 11.4 Section 32AA evaluation

159. Amendments adjust the activity status to provide non-complying activity status to earthworks with potential effects of concern to Transpower's National Grid.

160. A non-complying activity status would give a very strong policy signal that earthworks that increase ground level or result in destabilisation of a National Grid support structure or permanently physically restrict vehicular access within the National Grid Yard, are not appropriate, as they can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. It will only apply to the strip of land that is within the National Grid Yard.

161. The reasonably practicable options for the types of earthworks within the National Grid Yard that are of concern to Transpower and the National Grid (and are not otherwise classified as permitted activity specific conditions, restricted discretionary or discretionary activities) are discretionary or non-complying activity status, either as specifically described activities or as a 'catch all' for earthworks activities not otherwise classified. The zone-based rules contain earthworks provisions, including for general earthworks and in relation to Maaori Sites and Areas

<sup>51</sup> 576.66 Transpower

of Significance, Significant Natural Areas, and Landscape and Natural Character Areas. However, those rules are not targeted at the effects of concern to Transpower and the National Grid. Non-complying activity status would be supported by the NPSET objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network.

162. The activity status, most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2. Non-complying activity status is the most appropriate method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10. The RPS also has an objective to enable regionally significant infrastructure, which is defined in the RPS to include the National Grid. The PWDP objectives and policies enable and protect infrastructure, including the National Grid, against adverse effects of other activities. It is more efficient and effective to meet the PWDP objectives for infrastructure and the National Grid, by the non-complying activity status, giving a very strong policy signal that earthworks that increase ground level or result in destabilisation of a National Grid support structure or permanently physically restrict vehicular access within the National Grid Yard, are not appropriate as they can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets.
163. The costs, of applying non-complying activity status, would potentially include economic costs on farming activity, some of which would be constrained within the National Grid Yard. The benefits of protecting the National Grid are significant for economic growth and include the enabling social and economic benefits provided by the National Grid, which is recognised as nationally significant infrastructure. The risks of making a 'catch all' non-complying activity include the uncertainty that other non-sensitive and non-threatening earthworks activities may become non-complying by default, and that the zone earthworks rules may not be able to enable low impact earthworks to occur. In this case, I consider those risks are low, as the activity is only within the National Grid Yard, and a resource consent can take account the requirements of the National Grid Yard that would not otherwise be managed by the zone earthworks rules.
164. The amendment better gives effect to the NPSET, and the RPS infrastructure and National Grid objectives. The amendment is more efficient and effective to meet the PWDP objectives for infrastructure and particularly the National Grid.

## 12 14.4.4 NC3 – NC10 Non-complying activities

Submission point	Submitter	Decision requested
680.286	FFNZ	Amend Rule 14.4.4 NC3 Non-Complying Activities, as follows: NC3 <u>Except within the Rural Zone,</u> aAny activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.1
<i>FS1350.89</i>	<i>Transpower</i>	<i>Opposes 680.286</i>
680.287	FFNZ	Amend Rule 14.4.4 NC4 Non-Complying Activities, as follows: NC4 <u>Except within the Rural Zone,</u> aAny activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.2.
<i>FS1350.90</i>	<i>Transpower</i>	<i>Opposes 680.287.</i>
680.288	FFNZ	Amend Rule 14.4.4 NC10 Non-Complying Activities, as follows:

		NC10 <u>Except within the Rural Zone,</u> <del>a</del> Any subdivision of land in any zone within the National Grid Corridor that does not comply with one or more of the conditions of Rule 14.4.2.1.
<i>FS1350.80</i>	<i>Transpower</i>	<i>Opposes 680.288</i>
576.82;	Transpower	576.82 Retain Rule 14.4.4 NC3 Non-Complying Activities, except for the amendment next AND amend Rule 14.4.4 NC3 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.
<i>FS1168.190</i>	<i>Hort NZ</i>	<i>Opposes 576.82</i>
576.83	Transpower	Retain Rule 14.4.4 NC4 Non-Complying Activities, except for the amendment next AND amend Rule 14.4.4 NC4 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.
576.63	Transpower	Retain Rule 14.4.4 NC5 Non-Complying Activities, except for the amendments sought below; AND Amend Rule 14.4.4 NC5 Non-Complying Activities, as follows: <u>NC5 Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard</u> AND Amend Rule 14.4.4 NC5 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.
576.64	Transpower	Retain Rule 14.4.4 NC9 Non-Complying Activities, except for the amendments sought below; AND Amend Rule 14.4.4 -NC9 Non-Complying Activities, as follows: <u>NC9 Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive farming within the National Grid Yard</u> AND Amend Rule 14.4.4 NC9 Non-Complying Activities, to clarify intent and application of the rules and provide better linkage to permitted activity rules.
<i>FS1168.188</i>	<i>Hort NZ</i>	<i>Opposes 576.64</i>
576.65	Transpower	Retain Rule 14.4.4 NC10 Non-Complying Activities, except for the amendments sought below AND Amend Rule 14.4.4 NC10 Non-Complying Activities, as follows: <u>NC10 Any subdivision of land in any zone within the National Grid Corridor that does not comply with one or more of the conditions of Rule 14.4.2.1 (RD4)</u>
576.68	Transpower	Add a new advice note under Section 14.4.4 Non-Complying Activities, as follows: <u>Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001.</u>

		<p><u>(1) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.</u></p> <p><u>(2) An activity, including buildings and structures, earthworks, quarrying and planting vegetation, within the National Grid Corridor or National Grid Yard may require resource consent. Transpower will be considered to be an affected party where consent is required. Where an activity requires resource consent solely because it is within the National Grid Yard and/or Corridor public notification of the application is precluded. However, limited notification will be given to Transpower unless the written approval from Transpower is provided at the time the application is lodged.</u></p> <p><u>(3) The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the National Grid Corridor or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the National Grid Yard as shown on the District Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the National Grid Yard, contact the relevant network utility operator.</u></p> <p>OR</p> <p>Add the same advice note into the Introduction to Chapter 14 Infrastructure and Energy.</p>
<i>FS1168.178</i>	<i>Hort NZ</i>	<i>Supports 576.68</i>
419.105	Hort NZ	Amend Rule 14.4.4(a)NC8 Non-Complying Activities as follows: Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line. <u>The storage and handling of hazardous substances HSNO Classes 2-4 with explosive or intrinsic flammable properties in the National Grid Yard.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.
<i>FS1350.88</i>	<i>Transpower</i>	<i>Supports 419.105</i>
<i>FS1342.110</i>	<i>FFNZ</i>	<i>Supports 419.105</i>

## 12.1 Analysis

165. **Transpower** [576.82; 576.83] supports Rule 14.4.4 NC3, NC4 Non-Complying Activities, but seeks amendments to clarify intent and application of the rules and provide better linkage to permitted activity rules.

166. Transpower supports the provision of permitted activities status for certain activities and structures (specifically fences, network utilities, existing sensitive activity structures that do not increase the height or footprint and non-intensive/uninhabitable farm or horticultural buildings and

structures) within the National Grid Yard, but also supports the provision of a non-complying activity status for activities that do not comply with activity-specific conditions of permitted activities P1 and P2 (existing buildings, structures and sensitive activities). Transpower considers a non-complying activity status is the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. The activity status, most appropriately, recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2. Further, Transpower considers a non-complying activity status is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10, and that a non-complying activity status recognises the policy directive within Policy 11 to identify an appropriate buffer corridor, within which it can be expected that sensitive activities will generally not be provided for. The submitter notes that NPSET Policy 10 contains the phrase 'avoid reverse sensitivity effects' and 'to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised'. NPSET Policy 11 gives a clear direction that 'sensitive activities will generally not be provided for in plans and/or given resource consent'.

*167. FS1 168.190 Hort NZ opposes 576.82: Hort NZ does not support the suggestion that buildings that do not meet conductor clearances should be non-complying. Such an activity should be assessed as RDA.*

168. NC3 relates to existing buildings, structures and sensitive land uses within the National Grid Yard and within the Residential or Village Zones that infringe the activity specific conditions. NC4 relates to buildings, structures and sensitive land uses within the National Grid Yard and within all other Zones that infringe the activity specific conditions. The permitted activities and their activity-specific conditions effectively re-state existing use rights, but also provide clarification that building height and footprint must not be increased, and enable other minor and non-sensitive ancillary activities. In my opinion, the non-complying activity status for activities that do not comply with activity-specific conditions of permitted activities P1 and P2 (existing buildings, structures and sensitive activities) is the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. The status, most appropriately, recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2. Non-complying activity status is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10, and non-complying activity status recognises the policy directive within Policy 11 to identify an appropriate buffer corridor, within which it can be expected that sensitive activities will generally not be provided for. NPSET Policy 10 contains the phrase 'avoid reverse sensitivity effects' and 'to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised'; and NPSET Policy 11 gives a clear direction that 'sensitive activities will generally not be provided for in plans and/or given resource consent'. Together, in my opinion, the permitted activities P1 and P2, as amended, and the NC3 and NC4 activities, as notified, provide an appropriate cascade of activity status.

169. For the reasons provided above, and that an appropriate cascade of activities is provided for by the permitted and the non-complying activities of the PWDP, I recommend rejecting Transpower [576.82; 576.83], accepting *FS1 168.190 Hort NZ*.

170. **Transpower** [576.63] supports Rule 14.4.4 NC5 Non-Complying Activities, new building for a sensitive land use, within the National Grid Yard, but seeks amendments to include additions to an existing building that involves an increase in the building envelope or height for a sensitive land

use; and clarification of the intent and application of the rules including better linkage to permitted activity rules.

171. This suggested amendment covers the gap in the activity cascade, so that “addition to an existing building that involves an increase in the building envelope or height for a sensitive land use” is treated in the same way as a new building. I recommend, for completeness of the activity cascade, accepting Transpower [576.63].

172. **Transpower** [576.64] seeks to amend Rule 14.4.4 NC9, as follows:

NC9 Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive farming within the National Grid Yard

to clarify intent and application of the rules and provide better linkage to permitted activity rules.

173. *FSI 168.188 Hort NZ opposes 576.64: The changes sought by the submitter use undefined terms (PSA structures) and the reference to 'glass house' should be 'greenhouse'. It is important that correct terminology is used.*

174. In its submission, Transpower has clarified the types of structure which it can and cannot accommodate within the National Grid Yard as a permitted activity. That includes permitting structures and buildings accessory to dairy/milking sheds, and not permitting commercial glass houses or PSA structures. *FS Hort NZ* in their further submissions sought correction of “glass houses” to “greenhouses” and to address the uncertainty as the meaning of ‘PSA structures’. That correction and clarification can be made, by use of the term “greenhouses” and “Pseudomonas syringae pv. Actinidiae (Psa) disease control structures”. These amendments will provide greater certainty of activity status and better linkage to the permitted activity rules. Transpower is not opposed to structures accessory to dairy/milking sheds being located within the National Grid yard. I recommend accepting Transpower [576.64]; *FSI 168.188 Hort NZ*.

175. **Transpower** [576.65]: Amend Rule 14.4.4 NC10 Non-Complying Activities, as follows:

NC10 Any subdivision of land in any zone within the National Grid Corridor that does not comply with ~~one or more of~~ the conditions of Rule 14.4.2.1 (RD4)

176. This suggested amendment is intended as a clarification, and I consider it would correctly identify that all of the conditions must be met. I recommend accepting Transpower [576.65].

177. **Transpower** [576.68] also seeks to add a new advice note under Section 14.4.4 Non-Complying Activities, to assist plan users in understanding the National Grid and relationship with external documents. The submitter states that such advice notes would assist in plan interpretation and application. The advice note would also contain matters relating to notification of resource consents.

178. *FSI 168.178 Hort NZ supports 576.68 and seeks that an Advice Note is added to provide information regarding other regulations that apply in respect of infrastructure. Hort NZ supports clarification as to how other regulations apply but prefer the advice note in the Introduction to Chapter 14.*

179. I agree that advice notes would be useful in relation to NZCEP 34:2001 and Electricity (Hazards from Trees) Regulations 2003, and recommend they be included in the Chapter 14 introduction. In relation to affected party status and limited or public notification provisions, I do not consider an advice note would be able to act as a rule. Without a notification rule, for activities requiring

consent to occur within the National Grid Yard, the Council would need to decide who were potentially affected parties, and then whether public notification was precluded or not required, and then whether or not limited notification should occur to the affected parties, with written consent available to support non-notification. I am not confident that Transpower will always be the only affected party, particularly if the site is within an Identified Area. Affected parties, including Transpower, will be identified within the standard tests for notification. I recommend accepting in part Transpower [576.68]; *FS1168.178 Hort NZ* to the extent that the advice notes relating to NZCEP 34:2001 and Electricity (Hazards from Trees) Regulations 2003 are included within 14.1 Introduction. However, I also recommend that the advice note on affected parties, limited notification and written consent not be included, as it would not have the status of a rule and there may be other affected parties.

180. **FFNZ** [680.286; 680.287; 680.288] seeks to amend Rules 14.4.4 NC3, NC4 and NC10 to exempt activities within the rural zone from these rules.

181. The submitter is opposed to the requirement in Rule 14.4.4 for activity-specific conditions that are not met in Rule 14.4.1 or 14.4.2 to default to a non-complying activity status within the Rural Zone; and considers it is not necessary to trigger a default to non-complying activity status in this situation. FFNZ states that enabling farming activity should be afforded a higher priority in the Rural Zone in order to provide for efficient utilisation of the productive rural land resource. In this regard, the submitter considers a restricted discretionary activity status would be appropriate to ensure sufficient consideration of the relative priorities to be afforded to farming versus management of the National Grid. FFNZ states that there is little or no environmental benefit in triggering non-complying activity status, yet the pathway to granting consent is much more burdensome for the applicant; and farmers should not be presented with potentially insurmountable consent hurdles in seeking to manage their farms. Where activity-specific conditions are not able to be complied with, FFNZ suggests appropriate consideration could be given via a consent pathway which triggers restricted discretionary activity status, with appropriate discretion restricted to the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, as well as the effects of non-compliance with the relevant specified permitted activity or controlled activity standard(s).

*FS1350.89; FS1350.90; FS1350.80 Transpower opposes the submissions: The relief sought in submission points 680.286 and 680.287 opposes non-complying activity status, and instead seeks restricted discretionary activity status for permitted activities that do not meet the permitted activity conditions. The submission points are opposed. Non-complying activity status is considered the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. In particular, non-complying activity status: (a) Most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2; (b) Is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10. Non-complying activity status gives a very clear signal that certain activities within the defined area are not appropriate as they can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. While an application can still be made under the RMA, it would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan (including those in respect to electricity transmission) or that its adverse effects on the environment would be no more than minor. The relief sought in submission points 680.285 and 680.288 relate to point 680.284 seeking controlled activity status for subdivision within the rural zone. The submission points are opposed for the reasons previously outlined in 14.4.2 RD4 discussion above.*



182. In my opinion, non-complying activity status is the most effective means of giving effect to the NPSET's objective of managing the adverse effects of the network and managing the adverse effects of other activities on the network. In particular, non-complying activity status:

(a) Most appropriately recognises and provides for the effective operation, maintenance, upgrading and development of the network, as required by NPSET Policy 2;

(b) Is the best method to manage other activities to ensure the operation, maintenance, upgrading, and development of the network is not compromised, as required by NPSET Policy 10.

183. Non-complying activity status gives a very clear signal that certain activities within the defined area (National grid Yard and national grid Subdivision Corridor) are not appropriate, as they can potentially compromise the security of supply, safety, and impinge on the ability of Transpower to maintain its assets. While an application can still be made under the RMA, it would need to show the proposed activity would not be contrary to the objectives and policies of the District Plan (including those in respect to electricity transmission), or that its adverse effects on the environment would be no more than minor. The relief sought in submission points [680.285] and [680.288] relate to point [680.284] seeking controlled activity status for subdivision within the rural zone. The submission points are opposed for the reasons previously outlined by Transpower in 14.4.2 RD4 discussion above. For the reasons provided by the further submitter Transpower above, which I adopt, I recommend rejecting FFNZ [680.286; 680.287; 680.288], and accepting *FS1350.89; FS1350.90; FS1350.80 Transpower*.

184. **Hort NZ** [419.105] seeks the addition of "The storage and handling of hazardous substances HSNO Classes 2- 4 with explosive or intrinsic flammable properties in the National Grid Yard". This is to clarify the types of explosive and hazardous substances to be non-complying within the National Grid Yard, using HSNO classes.

185. *[FS1350.88] Transpower and [FS1342.110] FFNZ support [419.105], to provide certainty to the rule.*

186. HSNO explosive and flammable classes include Class 1 Explosives; Class 2 Flammable gases; Class 3 Flammable liquids; and Class 4 Flammable solids. Limiting to HSNO classes 2 – 4 could mean farm storage of explosives was not captured by this rule. I recommend rejecting Hort NZ [419.105], *[FS1350.88] Transpower and [FS1342.110] FFNZ*, to ensure the rule is not limited to exclude explosives.

## 12.2 Recommendations

187. For the reasons above, I recommend the Hearings Panel:

- a. Reject Transpower [576.82], accept *FS1168.190 Hort NZ*.
- b. Reject Transpower [576.83]
- c. Accept Transpower [576.63]
- d. Accept Transpower [576.64]; accept *FS1168.188 Hort NZ*.
- e. Accept Transpower [576.65]
- f. Accept in part Transpower [576.68]; *FS1168.178 Hort NZ*.
- g. Reject FFNZ [680.286; 680.287; 680.288], accept *FS1350.89; FS1350.90; FS1350.80 Transpower*.
- h. Reject Hort NZ [419.105], *[FS1350.88] Transpower and [FS1342.110] FFNZ*.

## 12.3 Recommended amendments

188. The following amendments are recommended to 14.1 Introduction:

### Advice Notes for 14.1 Introduction:

(10) Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.<sup>52</sup>

(11) The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the National Grid Corridor or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the National Grid Yard as shown on the District Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the National Grid Yard, contact the relevant network utility operator.<sup>53</sup>

### **12.4 Section 32AA evaluation**

189. The amendments provide useful guidance referring to a code of practice and regulations outside the Plan, and it is more efficient for the PWDP to include such advice note references than to leave them standing alone. There is a potential benefit of bringing these documents to the attention of people undertaking works that would otherwise comply with the PWDP provisions, and there is no additional cost.

## **13 Relocations or replications - Changes to other sections relating to National Grid –**

This following section details the submission points of Waikato District Council that seek to replicate or completely re-locate land use provisions from 14.4 National Grid into the Zone chapters.

Submission point	Submitter	Decision requested
697.6	Waikato District Council	Amend Zone Chapters by replicating Rule 14.4.1 Earthworks activities within the National Grid Yard P3 and its activity-specific conditions in Rule 14.4.1.3 into Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 where these zones are relevant to the location of the National Grid AND Consequential renumbering will be required in the zone chapters.
FS1350.76	Transpower	Opposes 697.6
FS1168.206	Hort NZ	Opposes 697.6
697.4	Waikato District Council	Amend Rule 14.4.1 P2 Permitted Activity Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018 (and its associated standards) by relocating into Chapters 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, where these zones are relevant to the location of the National Grid. Rule 14.4.1.2(1)(c) Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018 will apply solely to the Rural Zone and Country Living Zone (Chapter 22 and

<sup>52</sup> 576.68 Transpower

<sup>53</sup> 576.68 Transpower

		23 respectively). AND Undertake consequential renumbering in the zone chapters. AND Delete 14.4.1 (P2) and its activity specific conditions in 14.4.1.1 from Chapter 14.
FS1110.3	Synlait Milk Limited	Supports in part 697.4.
FS1291.20	Havelock Village Limited	Supports 697.4.
FS1322.27	Synlait Milk	Supports in part 697.4.
FS1350.68	Transpower	Opposes 697.4.
FS1168.185	Hort NZ	Opposes 697.4.
697.9; 697.10	Waikato District Council	Amend Zone Chapters by replicating Rule 14.4.2 (RD3 and its associated matters of discretion); Rule 14.4.2 (RD4 and its associated matters of discretion); into Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, where these zones are relevant to the location of the National Grid AND Consequential renumbering will be required in the zone chapters AND retain Rule 14.4.2 (RD3) and (RD4) in Chapter 14.
FS1168.207	Hort NZ	Opposes 697.9 in relation to RD3
FS1350.77	Transpower	Opposes 697.10 in relation to RD4
FS1168.196	Hort NZ	Opposes 697.10 in relation to RD4
697.14; 697.15; 697.16; 697.17; 697.19	Waikato District Council	Amend Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 by relocating Rule 14.4.4 NC4, NC5, NC6, NC7 and NC9 into where these zones are relevant to the location of the National Grid AND Undertake consequential renumbering in the zone chapters AND Delete 14.4.4 NC5, NC6, NC7 and NC9 from Chapter 14.
FS1168.198; FS1168.199; FS1168.200; FS1168.201; FS1168.203	Hort NZ	Opposes 697.14, 697.15, 697.16, 697.17 and 697.19
FS1350.81; FS1350.82; FS1350.83; FS1350.84; FS1350.86	Transpower	Opposes 697.14, 697.15, 697.16, 697.17 and 697.19
697.13; 697.18; 697.20	Waikato District Council	Amend Chapters 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 by replicating Rule 14.4.4 NC3, NC8 and NC10 into where these zones are relevant to the location of the National Grid AND Undertake consequential new numbering in the zone chapters AND Retain 14.4.4 NC3, NC8 and NC10 in Chapter 14.
FS1291.13	Havelock Village Limited	Supports 697.18 in relation to NC8
FS1350.85; FS1350.87	Transpower	Opposes 697.18 in relation to NC8; opposes 697.20 in relation to NC10
FS1168.197; FS1168.202; FS1168.204	Hort NZ	Opposes 697.13 in relation to NC3, opposes 697.18 in relation to NC8, opposes 697.20 in relation to NC10
FS1171.115	T&G Global	Supports 697.18 in relation to NC8
697.104	Waikato District Council	Amend Rule 16.2.4(2) Earthworks as follows: There are specific standards for earthworks within rules: (a) Rule 16.2.4.1A - Earthworks within the National Grid Yard <del>(a)</del> (b) Rule 16.2.4.2 - Maaori Sites and Maaori Areas of Significance;

		<p>(b) (c) Rule 16.2.4.3 - Significant Natural Areas;  (e) (d) Rule 16.2.4.4 - Landscape and Natural Character Areas.  AND Add new rule after Rule 16.2.4.1 Earthworks-General as follows:</p> <p><u>16.2.4.1A Earthworks within the National Grid Yard PI (a) The following earthworks within the National Grid Yard:</u></p> <p><u>(i) Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u>  <u>(ii) Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire,</u>  <u>(iii) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P2 (a) Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p><u>(i) Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u>  <u>(ii) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3 (a) Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p> <p><u>(i) Do not exceed 300mm depth within 6m of the outer edge of the visible foundation of the tower;</u>  <u>(ii) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u>  <u>(iii) Do not compromise the stability of a National Grid support structure;</u>  <u>(iv) Do not result in the loss of access to any National Grid support structure; and</u>  <u>(v) Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>RDI (a) Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 16.2.4.1A PI, P2 or P3.</u></p> <p><u>(b) Discretion is restricted to:</u></p> <p><u>(i) Impacts on the operation, maintenance, upgrading and development of the National Grid;</u>  <u>(ii) The risk to the structural integrity of the affected National Grid support structure(s);</u>  <u>(iii) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u>  <u>(iv) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>
FS1350.92	Transpower	Opposes 697.104
697.136	Waikato District Council	Add to Rule 16.3.9 Building setbacks new clause (6) as follows: (6) Rule 16.3.9.5 Building setback - National Grid Yard AND Add to 16.3 Land Use- Building new rule 16.3.9.5 after Rule 16.3.9.4 as follows:

		<p><u>16.3.9.5 Buildings and structures within the National Grid Yard</u></p> <p><u>P1 (a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u></p> <p><u>(i) Not involve an increase in the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</u></p> <p><u>P2 (a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u></p> <p><u>P3 (a) Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 16.3.9.5 P1, P2 or P3.</u></p>
<i>FS1350.105</i>	<i>Transpower</i>	<i>Opposes 697.136</i>
697.138	Waikato District Council	<p>Add to Rule 16.3.9.2 Building setback - Sensitive land use as follows:</p> <p><u>P2 (a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p> <p><u>P3 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land Yard must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</u></p> <p><u>D1 Any building for a sensitive land use that does not comply with Rule 16.3.9.2 P1 or P2.</u></p>

		<p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 16.3.9.2 P3.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard</u></p>
<i>FS1350.106</i>	<i>Transpower</i>	<i>Opposes 697.138</i>
697.206	Waikato District Council	<p>Add the following Permitted Activities Rule into Chapter 17, after Rule 17.3.4.2:</p> <p><u>17.3.4.2A Buildings and structures within the National Grid Yard</u></p> <p><u>PI(a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u></p> <p><u>(i) Not involve an increase in the building height or footprint;</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</u></p> <p><u>P2 (a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u></p> <p><u>P3 Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p>AND Add the following Non complying Activities Rule as follows:</p> <p><u>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 17.3.4.2A PI. N</u></p> <p><u>C2 Any new buildings or structures within the National Grid Yard that does not comply with Rule 17.3.4.2A P2 or P3.</u></p>
<i>FS1350.107</i>	<i>Transpower</i>	<i>Opposes 697.206</i>
697.207	Waikato District Council	<p>Add the following Permitted Activities Rule into Chapter 17, after new Rule 17.3.4.2A:</p> <p><u>17.3.4.2B Sensitive land uses</u></p> <p><u>PI (a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>

		<p><u>P2 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land use must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p>AND Add the following Discretionary Activities Rule as follows:</p> <p><u>DI Any building for a sensitive land use that does not comply with Rule 17.3.4.2B P1.</u></p> <p>AND Add the following Non-Complying Rule as follows:</p> <p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 17.3.4.2B P2.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard</u></p>
<i>FS1350.108</i>	<i>Transpower</i>	<i>Opposes 697.207</i>
697.262	Waikato District Council	<p>Amend Rule 18.2.4 Earthworks (2), as follows:</p> <p><del>(2) There is a specific standards for earthworks are within rules: (a) Rule 18.2.4.1A - Earthworks within the National Grid Yard</del></p> <p><del>(b) Rule 18.2.4.2 - Maaori Sites and Maaori Areas of Significance.</del></p> <p>AND Add new rule, after Rule 18.2.4.1 to read:</p> <p><u>18.2.4.1A Earthworks within the National Grid Yard</u></p> <p><u>P1 The following earthworks within the National Grid Yard:</u></p> <p><u>(a) Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u></p> <p><u>(b) Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire.</u></p> <p><u>(c) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P2 Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p><u>(a) Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u></p> <p><u>(b) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3 Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p>

		<p>(a) Do not exceed 300m depth within 6m of the outer edge of the visible foundation of the tower;</p> <p>(b) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</p> <p>(c) Do not compromise the stability of a National Grid support structure;</p> <p>(d) Do not result in the loss of access to any National Grid support structure; and</p> <p>(e) Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</p> <p>RDI Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 18.2.4.1A P1, P2 or P3. Discretion is restricted to:</p> <p>(a) Impacts on the operation, maintenance, upgrading and development of the National Grid;</p> <p>(b) The risk to the structural integrity of the affected National Grid support structure(s);</p> <p>(c) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</p> <p>(d) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</p>
FS1350.94	Transpower	Opposes 697.262
697.281	Waikato District Council	<p>Add the following rule into Chapter 18, after Rule 18.3.7:</p> <p><u>18.3.7A Buildings and structures within the National Grid Yard P1</u> (a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</p> <p>(i) Not involve an increase in the building height or footprint;</p> <p>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</p> <p><u>P2</u> (a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</p> <p><u>P3</u> Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</p> <p>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</p> <p>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663; or</p> <p>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 18.3.7A P1.</p> <p>NC2 Any new buildings or structures within the National Grid Yard that does not comply with Rule 18.3.7A P2 or P3.</p>
FS1350.109	Transpower	Opposes 697.281



697.282	Waikato District Council	<p>Add the following rule into Chapter 18 Business Town Centre Zone, after new rule 18.3.7A:</p> <p><u>18.3.7B Sensitive land uses</u></p> <p><u>P1 (a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p> <p><u>P2 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land use must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</u></p> <p><u>DI Any building for a sensitive land use that does not comply with Rule 18.3.7B P1.</u></p> <p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 18.3.7B P2.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard</u></p>
FS1350.110	Transpower	Opposes 697.282
697.648	Waikato District Council	<p>Add to Rule 20.3.4 Building setbacks a new clause (4), as follows:</p> <p><u>(4) Rule 20.3.4.4 Building setback - Sensitive land uses</u></p> <p>AND Add the following rule into Chapter 20 after new Rule 20.3.4.4:</p> <p><u>20.3.4.4 Building setback - Sensitive land uses</u></p> <p><u>P1 (a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p> <p><u>P2 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land use must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p>

		<p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>DI Any building for a sensitive land use that does not comply with Rule 20.3.4.4 P1.</u></p> <p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 20.3.4.4 P2.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard.</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard.</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard.</u></p>
<i>FS1350.112</i>	<i>Transpower</i>	<i>Opposes 697.648</i>
697.647	Waikato District Council	<p>Add to Rule 20.3.4 Building setbacks by new clause (3), as follows:</p> <p><u>(3) Rule 20.3.4.3 Buildings and structures within the National Grid Yard</u></p> <p>AND Add the following rule into Chapter 20, after Rule 20.3.4.2:</p> <p><u>20.3.4.3 Buildings and structures within the National Grid Yard</u></p> <p><u>P1 (a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u></p> <p><u>(i) Not involve an increase in the building height or footprint;</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</u></p> <p><u>P2 (a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u></p> <p><u>P3 Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is: A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 20.3.4.3 P1.</u></p> <p><u>NC2 Any new buildings or structures within the National Grid Yard that does not comply with Rule 20.3.4.3 P2 or P3.</u></p>
<i>FS1350.111</i>	<i>Transpower</i>	<i>Opposes 697.647</i>

697.695	Waikato District Council	<p>Amend Rule 21.2.5(2) Earthworks, as follows: There are specific standards for earthworks within rules:</p> <p>(a) Rule 21.2.5.1A Earthworks - within the National Grid Yard</p> <p>(b) Rule 21.2.5.2 Earthworks - Significant Natural Areas;</p> <p>(c) <del>(b)</del> Rule 21.2.5.3 - Landscape and Natural Character Areas.</p> <p>AND Add new rule after Rule 21.2.5.1 as follows:</p> <p><u>21.2.5.1A Earthworks - within the National Grid Yard</u></p> <p><u>P1 (a) The following earthworks within the National Grid Yard:</u></p> <p><u>(i) Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u></p> <p><u>(ii) Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire.</u></p> <p><u>(iii) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P2 (a) Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p><u>(i) Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u></p> <p><u>(ii) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3 (a) Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p> <p><u>(i) Do not exceed 300mm depth within 6m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(ii) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(iii) Do not compromise the stability of a National Grid support structure;</u></p> <p><u>(iv) Do not result in the loss of access to any National Grid support structure; and</u></p> <p><u>(v) Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>RDI (a) Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 21.2.5.1A P1, P2 or P3.</u></p> <p><u>(b) Discretion is restricted to: (i) Impacts on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The risk to the structural integrity of the affected National Grid support structure(s);</u></p> <p><u>(iii) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u></p> <p><u>(iv) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>
FS1350.98	Transpower	Opposes 697.695

697.716	Waikato District Council	<p>Add new clause (3) into Rule 21.3.4 Land Use - Building, as follows:  <u>(3) Rule 21.3.4.3 provides the permitted setbacks for buildings and structures within the National Grid Yard</u></p> <p>AND Add the following rule into Chapter 21, after Rule 21.3.4.2 Building setback-waterbodies, as follows:  <u>21.3.4.3 Buildings and structures within the National Grid Yard</u>  <u>P1 (a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u>  <u>(i) Not involve an increase in the building height or footprint;</u>  <u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</u>  <u>P2 (a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u>  <u>P3 Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u>  <u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u>  <u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u>  <u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u>  <u>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 21.3.4.3 P1.</u>  <u>NC2 Any new buildings or structures within the National Grid Yard that does not comply with Rule 21.3.4.3 P2 or P3.</u></p>
FS1350.113	Transpower	Opposes 697.716
697.721	Waikato District Council	<p>Add new clause (4) into Rule 21.3.4 Land use - Building, as follows:  <u>(4) Rule 21.3.4.4 provides the permitted setbacks for sensitive landuses</u></p> <p>AND Add the following rule into Chapter 21 after new Rule 21.3.4.4:  <u>21.3.4.4 Sensitive land uses</u>  <u>P1 (a) Any building for a sensitive land use must be set back a minimum of:</u>  <u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u>  <u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u>  <u>P2 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land use must comply with all the following conditions:</u>  <u>(i) Not increase the building height or footprint; and</u></p>

		<p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</u></p> <p><u>DI Any building for a sensitive land use that does not comply with Rule 21.3.4.4 P1.</u></p> <p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 21.3.4.4 P2.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard.</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard.</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard.</u></p>
<i>FS1350.114</i>	<i>Transpower</i>	<i>Opposes 697.721</i>
697.729	Waikato District Council	<p>Amend Rule 21.4(2) Subdivision, as follows:</p> <p><u>(f) Rule 21.4.6 Subdivision - within the National Grid Corridor</u></p> <p>AND Add new rule after Rule 21.4.5 Subdivision- Significant Natural Areas:</p> <p><u>21.4.6 Subdivision of land within the National Grid Corridor</u></p> <p><u>RDI (a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <p><u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></p> <p><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p> <p><u>NC1 Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 21.4.6 RDI.</u></p>
<i>FS1350.127</i>	<i>Transpower</i>	<i>Opposes 697.729</i>
697.859	Waikato District Council	<p>Amend Rule 23.2.3(2) Earthworks, as follows:</p> <p>There are specific standards for earthworks within rules:</p> <p><u>(a) Rule 23.2.3.1A - Earthworks within the National Grid Yard</u></p>

		<p>(b) Rule 23.2.3.2 - Maori Sites and Maori Areas of Significance; <del>(b)</del>(c) Rule 23.2.3.3 - Significant Natural Areas; <del>(c)</del>(d) Rule 23.2.3.4 - Landscape and Natural Character Areas.</p> <p>AND Add a new rule to Rule 23.2.3 Earthworks as follows:</p> <p><u>23.2.3.1A Earthworks within the National Grid Yard</u></p> <p><u>P1 (a) The following earthworks within the National Grid Yard:</u></p> <p><u>(i) Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u></p> <p><u>(ii) Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire.</u></p> <p><u>(iii) Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P2 (a) Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p><u>(i) Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u></p> <p><u>(ii) Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3 (a) Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p> <p><u>(i) Do not exceed 300mm depth within 6m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(ii) Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u></p> <p><u>(iii) Do not compromise the stability of a National Grid support structure;</u></p> <p><u>(iv) Do not result in the loss of access to any National Grid support structure; and</u></p> <p><u>(v) Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>RDI (a) Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 23.2.3.1A P1, P2 or P3.</u></p> <p><u>(b) Discretion is restricted to:</u></p> <p><u>(i) Impacts on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The risk to the structural integrity of the affected National Grid support structure(s);</u></p> <p><u>(iii) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u></p> <p><u>(iv) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>
<i>FS1350.100</i>	<i>Transpower</i>	<i>Opposes 697.859</i>
697.903	Waikato District Council	Add new clauses to Rule 23.3.7.2 Building Setback - sensitive land use, as follows:

		<p><u>P2 (a) Any building for a sensitive land use must be set back a minimum of:</u></p> <p><u>(i) 10m from the centre line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV;</u></p> <p><u>(ii) 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p> <p><u>P3 (a) Within the National Grid Yard, alterations or additions to a building used for an existing sensitive land Yard must comply with all the following conditions:</u></p> <p><u>(i) Not increase the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(iii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</u></p> <p><u>D1 Any building for a sensitive land use that does not comply with Rule 23.3.7.2 P1 or P2.</u></p> <p><u>NC1 Any activity within the National Grid Yard that does not comply with Rule 23.3.7.2 P3.</u></p> <p><u>NC2 Any new building for a sensitive land use within the National Grid Yard</u></p> <p><u>NC3 Any change of use of an existing building to a sensitive land use within the National Grid Yard</u></p> <p><u>NC4 The establishment of any new sensitive land use within the National Grid Yard</u></p>
<i>FS1350.118</i>	<i>Transpower</i>	<i>Opposes 697.903</i>
697.900	Waikato District Council	<p>Add a new clause (8) to Rule 23.3.7 Building setbacks, as follows:</p> <p><u>(8) Rule 23.3.7.7 Building setback - National Grid Yard</u></p> <p>AND Add a new rule to Chapter 23 Country Living Zone, after Rule 23.3.7.6, as follows:</p> <p><u>23.3.7.7 Buildings and structures within the National Grid Yard</u></p> <p><u>P1(a) Within the National Grid Yard, building alterations and additions to an existing building or structure must comply with the following conditions:</u></p> <p><u>(i) Not involve an increase in the building height or footprint; and</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions.</u></p> <p><u>P2(a) Within the National Grid Yard, the maximum height of fences is 2.5m within 5m from the nearest National Grid Pole or 6m from the nearest National Grid tower.</u></p> <p><u>P3 Within the National Grid Yard, new buildings and structures that are not for a sensitive land use must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p>

		<p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P4 Within the National Grid Yard, non-habitable buildings or structures for farming activities must following conditions:</u></p> <p><u>(i) Not include buildings for intensive farming buildings, commercial greenhouses or milking / dairy sheds;</u></p> <p><u>(ii) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P5 Within the National Grid Yard, yards for milking / dairy sheds must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P6 Within the National Grid Yard, artificial crop protection and support structures must comply with the following conditions:</u></p> <p><u>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p><u>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid tower and locate a minimum 12m from any pole and associated stay wire, unless it is:</u></p> <p><u>A. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663;</u></p> <p><u>(iii) Artificial crop protection and support structures between 8m and 12m from a single pole support structure and any associated guy wire (but not tower) must also:</u></p> <p><u>A. Be maximum 2.5m high;</u></p> <p><u>B. Be removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p>
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		<p><u>C. Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p> <p><u>NC1 Any building alterations or additions within the National Grid Yard that does not comply with Rule 23.3.7.7 P1.</u></p> <p><u>NC2 Any new buildings or structures within the National Grid Yard that does not comply with Rule 23.3.7.7 P2, P3, P4, P5, or P6.</u></p> <p><u>NC3 Intensive farming buildings within the National Grid Yard.</u></p> <p><u>NC4 Commercial greenhouses within the National Grid Yard.</u></p> <p><u>NC5 Milking and dairy sheds within the National Grid Yard.</u></p>
<i>FS1350.117</i>	<i>Transpower</i>	<i>Opposes 697.900</i>
697.951	Waikato District Council	<p>Amend Rule 24.2.4(2) Earthworks, as follows:</p> <p>There are specific standards for earthworks within rules:</p> <p>(a) <u>Rule 24.2.4.1A - Earthworks within the National Grid Yard</u></p> <p>(b) <u>Rule 24.2.4.2 - Maaori Sites and Maaori Areas of Significance;</u></p> <p>(b) (c) <u>Rule 24.2.4.3 - Significant Natural Areas;</u></p> <p>(e) (d) <u>Rule 24.2.4.4 - Landscape and Natural Character Areas.</u></p> <p>AND Add new rule after Rule 24.2.4.1 Earthworks General, as follows:</p> <p><u>24.2.4.1A Earthworks within the National Grid Yard</u></p> <p><u>P1 (a) The following earthworks within the National Grid Yard:</u></p> <p>(i) <u>Earthworks undertaken as part of domestic cultivation; or repair, sealing or resealing of a road, footpath or driveway;</u></p> <p>(ii) <u>Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of the pole support structure or stay wire,</u></p> <p>(iii) <u>Earthworks for which a dispensation has been granted by Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p> <p><u>P2 (a) Earthworks activities within the National Grid Yard near National Grid support poles or any stay wires must comply with the following conditions:</u></p> <p>(i) <u>Do not exceed a depth of 300mm within 2.2m of the pole or stay wire; and</u></p> <p>(ii) <u>Do not exceed a depth of 750mm between 2.2m and 5m of the pole or stay wire.</u></p> <p><u>P3 (a) Earthworks within the National Grid Yard near National Grid support towers (including any tubular steel tower that replaces a steel lattice tower) must comply with all of the following conditions:</u></p> <p>(i) <u>Do not exceed 300m depth within 6m of the outer edge of the visible foundation of the tower;</u></p> <p>(ii) <u>Do not exceed 3m between 6m and 12m of the outer edge of the visible foundation of the tower;</u></p> <p>(iii) <u>Do not compromise the stability of a National Grid support structure;</u></p> <p>(iv) <u>Do not result in the loss of access to any National Grid support structure; and</u></p> <p>(v) <u>Must be less than the minimum ground to conductor clearance distances in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663.</u></p>

		<p><u>RDI (a) Earthworks within the National Grid Yard that do not comply with one or more of the conditions of Rules 24.2.4.1A P1, P2 or P3.</u></p> <p><u>(b) Discretion is restricted to:</u></p> <p><u>(i) Impacts on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The risk to the structural integrity of the affected National Grid support structure(s);</u></p> <p><u>(iii) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u></p> <p><u>(iv) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>
FS1350.102	Transpower	Opposes 697.951

### 13.1 Analysis

190. **Waikato District Council's** submission points all relate to a proposed rearrangement of the National Grid rules to replicate some into other chapters and fully relocate others. Specific wording is given for how these rules are to be inserted into the various chapters, as per the table directly above. The submitter states this is so the rules are more easily able to be found, considering that the rules are focused on land use rather than infrastructure.

191. *These submission points are all opposed by Transpower's further submission points FS1350.76; FS1350.68; FS1350.77; FS1350.81; FS1350.82; FS1350.83; FS1350.84; FS1350.85; FS1350.86; FS1350.87; FS1350.92; FS1350.105; FS1350.106; FS1350.107; FS1350.108; FS1350.94; FS1350.109; FS1350.110; FS1350.111; FS1350.112; FS1350.98; FS1350.113; FS1350.114; FS1350.127; FS1350.100; FS1350.118; FS1350.117 and FS1350.102. Transpower's further submissions provide the following reasons: Transpower states that the District Plan, as notified, provides a specific suite of rules relating to the National Grid within a specific section of the proposed plan (section 14.4). Submitter 697 is requesting substantial changes to the layout and location of National Grid provisions within the proposed plan so that National Grid provisions are provided within the specific zone chapters. Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A stand-alone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, Transpower considers that it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7, District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities. Transpower states it is not clear from the submission why replication is sought in some cases, whereas in other cases relocation is sought. Transpower considers that duplication of provisions seems unnecessary and could add to confusion for users, and it is not clear from the submissions as to the relationship between chapter 14 and the National Grid provisions within other chapters given 14.1.1 states the zone provisions do not apply to infrastructure and energy activities. As such, any other network utility activities would appear to be subject to the National Grid provisions and this requires further clarification. Transpower requests that, if council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes. Notwithstanding*

*the location of National Grid provisions within the proposed plan, Transpower seeks the specific changes to provisions as sought in its original submission.*

192. *Some of the submission points are also opposed by Hort NZ FS1168.206; FS1168.185; FS1168.207; FS1168.196; FS1168.198; FS1168.199; FS1168.200; FS1168.201; FS1168.197; FS1168.202; FS1168.203; FS1168.204: the Council is seeking to restructure the rules relating to land use and locate them in Zone provisions rather than Ch 14. Such an approach would lead to considerable duplication through the Plan and is not supported.*
193. *FS1291.13 & FS1291.20 Havelock Village Limited and FS1171.115 T&G Global support a couple of the submission points, and FS1110.3 & FS1322.27 Synlait Milk Limited supported in part a couple of points to the extent that the original submission points made by Synlait are integrated in any review of the purpose and status of objectives.*
194. This type of submission point has also been allocated to zone hearings, and those s.42A reports have discussed whether the rule would be easier to find in the zone chapters or centralised in the infrastructure chapter. Avoiding duplication of rules, and the opportunity for clear signposting in the subdivision sections of each zone chapter to the National Grid Corridor and the location of those rules, including a hyperlink in the e-plan (as is required by the National Planning Standards) are relevant considerations.
195. The construction of the PWDP, as notified, includes chapters for Zones and for Infrastructure and Energy. It has no stand-alone chapters for the rules applying to overlay-type Identified Areas, such as high value landscapes and natural features, Historic Heritage Items, Significant Natural Areas and Maaori Sites and Areas of Significance, and the Urban Expansion Area (apart from the Schedules, which do not contain rules). Those overlays are mapped on the Planning Maps, and their generally protective rules and activity statuses are distributed throughout the Zone chapters and Chapter 14 Infrastructure and Energy, triggered by the maps marking them as Identified Areas of a particular type.
196. Although relocating parts of the rules in 14.4 into all the Zone chapter provisions would make the National Grid Yard rules easier to find for someone proposing land use or development in those Zones, such a drafting approach would, in my opinion, result in substantial duplication across the chapters.
197. I consider that the rules in relation to the National Grid Yard should more appropriately remain within Section 14.4 National Grid. The mapping of the National Grid will draw attention to the provisions in relation to works or other activities proposed for sites within the National Grid Yard. In my opinion, where the item (the National Grid) to be protected is identified on the Planning Maps, and visible on the land, then the rules can appropriately remain within the Infrastructure and Energy chapter. This matter is raised by the further submitter Transpower, in terms of the National Planning Standards; and in terms of avoidance of duplication and provision of a coherent set of rules. I note that the setbacks from electricity distribution lines and gas transmission lines are in the infrastructure chapter, while the rail and state highway setbacks are in the zone chapters, so there is some inconsistency across the PWDP. Nevertheless, I recommend that the National Grid Yard rules remain as a comprehensive set within the Infrastructure and Energy Chapter 14. I recommend, for the reasons above, rejecting the Waikato District Council submission points; *Havelock Village Limited; Synlait Milk Limited; T&G Global*, and accepting *Hort NZ; Transpower*.

### 13.2 Recommendations

198. For the reasons above, I recommend the Hearings Panel:

- a. Reject Waikato District Council [697.6, 697.4, 697.9, 697.10, 697.13, 697.14, 697.15, 697.16, 697.17, 697.18, 697.19, 697.20, 697.104, 697.136, 697.138, 697.206, 697.207, 697.262, 697.281, 697.282, 697.648, 697.647, 697.695, 697.716, 697.721, 697.729, 697.859, 697.903, 697.900 and 697.951];
- b. Accept *FS1350.76; FS1350.68; FS1350.77; FS1350.81; FS1350.82; FS1350.83; FS1350.84; FS1350.85; FS1350.86; FS1350.87; FS1350.92; FS1350.105; FS1350.106; FS1350.107; FS1350.108; FS1350.94; FS1350.109; FS1350.110; FS1350.111; FS1350.112; FS1350.98; FS1350.113; FS1350.114; FS1350.127; FS1350.100; FS1350.118; FS1350.117; FS1350.102 Transpower; FS1168.206; FS1168.185; FS1168.207; FS1168.196; FS1168.198; FS1168.199; FS1168.200; FS1168.201; FS1168.197; FS1168.202; FS1168.203; FS1168.204 Hort NZ;*
- c. Reject *FS1291.13 & FS1291.20 Havelock Village Limited; FS1171.115 T&G Global; reject FS1110.3 & FS1322.27 Synlait Milk Limited.*

### 13.3 Recommended amendments

199. No amendments are recommended.

### 13.4 Section 32AA evaluation

200. As there are no amendments recommended, no s.32AA re-evaluation is required.