



**PLAN CHANGE 34  
NETWORK UTILITIES AND RENEWABLE ENERGY  
GENERATION  
HUTT CITY DISTRICT PLAN**

**and**

**PLAN CHANGE 38  
NETWORK UTILITIES AND RENEWABLE ENERGY  
GENERATION  
UPPER HUTT DISTRICT PLAN**

**DECISION**





## **Commissioners' Recommendation**

**PLAN CHANGE 34  
NETWORK UTILITIES AND RENEWABLE ENERGY GENERATION  
HUTT CITY DISTRICT PLAN  
PLAN CHANGE 38  
NETWORK UTILITIES AND RENEWABLE ENERGY GENERATION  
UPPER HUTT DISTRICT PLAN**

**Report and Recommendation of M St.Clair, L Bridson and G McArthur  
Acting as Commissioners jointly appointed by the  
Hutt City Council and Upper Hutt City Council pursuant to Section 34A of the  
Resource Management Act 1991**

## **1. INTRODUCTION**

### **Context**

- 1.1 We were jointly appointed by the Hutt City Council and Upper Hutt City Council to hear submissions to, and to consider and make recommendations on, Plan Change 34 and Plan Change 38 (the Plan Changes), which amend the Network Utilities section of and add a new Renewable Energy Generation section to the Hutt City Council District Plan and the Upper Hutt City Council District Plan.
- 1.2 The Plan Changes have been the subject of a Council “section 32” report, consultation with infrastructure providers, land owners and occupiers, and of course the recent public notification and hearing, culminating in this report.
- 1.3 Before discussing the details of the Plan Changes and the submissions to them, there are some procedural issues that we need to address.

### **Report Outline**

- 1.4 In terms of the above, having familiarised ourselves with the Plan Changes and the background material, read all submissions, conducted the hearing and heard from the Council officers and submitters, we hereby record our recommendations. In this respect, this report is divided into the following parts:

(a) Background/Plan Changes Outline:

This section includes an outline of the background to the Plan Changes, including the sequence of events leading to this report. It also outlines the main components of the Plan Changes including an overview of the purpose. This background section provides a relevant context to considering each of the submissions to the plan changes.

(b) Statutory Requirements:

This section sets out the statutory requirements under the Resource Management Act 1991 (the RMA) that govern the decision making process in regard to the Plan Changes.

(c) Assessment of Submissions:

In this section, we record the various submissions received to the Plan Changes, outline the concerns of the submitters to the Plan Changes, and, where relevant, amplify on the evidence/statements presented at the hearing. We then undertake an assessment of the aspects of each of the submissions or groups of submissions and conclude with a recommendation on each Plan Change.

## **2. BACKGROUND**

### **Procedural Sequence**

- 2.1 The background to the Plan Changes is set out in full in the Officer's Report and the proposed Plan Change documentation, and is held on the respective Councils' file. Hence we will not repeat that in detail here.
- 2.2 Hutt City Council, Plan Change 34 itself was publicly notified on 2 December 2014 with the submission period closing on 30 January 2015. There were no late submissions. The summary of those submissions was notified on 8 April 2015, with further submissions closing on 21 April 2015. Eleven submissions were received and two further submissions were received. We note that part of the submission by Wellington Electricity Lines Limited (HS9) was withdrawn on 7 April 2015. Hence we have not considered those parts of their submission.
- 2.3 Upper Hutt City Council, Plan Change 38 itself was publicly notified on 3 December 2014 with the submission period closing on 30 January 2015. There were no late submissions. The summary of those submissions was notified on 8 April 2015, with further submissions closing on 22 April 2015. Nine submissions were received and three further submissions were received. We note that part of the submission by Wellington Electricity Lines Limited (HS9) was withdrawn on 7 April 2015. Hence we have not considered those parts of their submission.
- 2.4 Prior to the hearing commencing on 20 August 2015, we issued a series of minutes. The first minute, dated 26 May 2015, set out directions for the pre-circulation of the section 42A report, submitter's expert evidence, and conferencing between experts. The second minute, dated 3 August 2015, drew to the attention of the parties two preliminary procedural issues relating to the hearing date and an extension in the timetable for the lodging of expert evidence. The third minute, dated 5 August 2015, was in response to a request by Greater Wellington Regional Council for an extension in the timetable to lodge expert evidence. These extension requests were granted. Copies of these minutes were circulated to all parties and are held on Council's file.
- 2.5 As a result of the conferencing between experts the range of matters still in contention at the commencement of the hearing had been significantly reduced and the Commissioners recognize the efforts of the parties in that regard.

### **The Hearing**

- 2.6 The hearing was convened on 20 August 2015 in The Dowse Art Museum (James COE 1 Room) at 45 Laings Road, Lower Hutt. We heard from the following people during the course of the hearing:

#### *Submitters*

- Ms. Caroline Ammundsen – Policy Advisor - Greater Wellington Regional Council

- Ms. Sharyn Westlake - Senior Engineer, Flood Protection Department, Greater Wellington Regional Council
- Ms. Mary Barton - Senior Environmental Planner Chorus New Zealand Ltd
- Mr. Graeme McCarrison – Spark New Zealand Trading Limited
- Mr. Thomas Anderson - Senior Resource Management Consultant at Incite for Chorus New Zealand Limited and Spark New Zealand Trading Limited
- Ms. Frances Wedde – Counsel – Transpower New Zealand Ltd
- Mr. Dougall Campbell – Group Manager Environmental Policy Transpower New Zealand Ltd
- Ms. Pauline Whitney – Associate Principal and Senior Planner at Boffa Miskell Ltd – consultant planner to Transpower New Zealand Ltd
- Ms. Julie Silvester - Submitter
- Mr. Warren Thessman- Submitter.

#### *Council Officers*

- Ms. Gina Sweetman, Consultant Planner for Hutt City Council and Upper Hutt City Council – s42A Reporting officer
- Mr. Andrew Cumming - Divisional Manager Environmental Policy, Hutt City Council
- Ms. Nicola Etheridge - Policy Manager at Upper Hutt City Council
- Ms. Felicity Boyd - Policy Planner at Upper Hutt City Council
- Mrs. Emma Manohar, Senior Solicitor, DLA Piper for Hutt City Council

2.7 The hearing commenced with a presentation by the reporting officer for both Plan Changes, Ms. Sweetman. Ms. Sweetman outlined the matters that had changed since the receipt and distribution of the submitter's expert evidence. We then heard from the submitters, identified above. We record that representatives of the Royal Forest and Bird Society were not able to attend the hearing and that Ms. Sweetman read out a statement on behalf of that submitter.

2.8 Ms. Sweetman then responded to issues that had arisen during the hearing. We exercised the opportunity to question all persons present.

2.9 At that point, we adjourned the hearing at 3:56pm on Thursday 20 August 2015 indicating that we wished to consider whether or not we had all the information required to make our recommendations. On the 25<sup>th</sup> of August 2015, we issued a Minute (Minute #4) advising the parties that we had no further information requirements. As such the hearing was officially closed as at 25 August 2015.

#### **Outline of Plan Changes**

2.10 As mentioned above, the purpose of the Plan Changes is set out fully in the reporting officer's report which is held on the Council file. In summary, the policy aims of the Plan Changes are to:

- a) *review and update existing network utility provisions to ensure that they:*
  - *reflect best practice;*
  - *provide greater consistency between district plans across the region and*

- *best serve and reflect public and stakeholder expectations and requirements;*
- b) avoid unnecessary duplication between District Plan provisions and other legislation or regulations;*
- c) give effect to the National Policy Statement on Electricity Transmission (NPSET) (Hutt City only);*
- d) give effect to the National Policy Statement on Renewable Electricity Generation (NPSREG);*
- e) give effect to the Regional Policy Statement for the Wellington Region (RPS); and*
- f) amend the District Plan as required so as not to duplicate or conflict with the National Environmental Standard on Electricity Transmission Activities (NESETA) and the National Environmental Standard on Telecommunication Facilities (NESTF).<sup>1</sup>*

### 3. STATUTORY PROVISIONS

#### The Resource Management Act 1991

- 3.1 In this section of the report we set the statutory provisions we are required to take account of in reaching our recommendation.

#### Schedule 1

- 3.2 Part 1 of Schedule 1 to the RMA sets out the procedure for council initiated plan changes.
- 3.3 Directions on decisions are set out in clause 10 of Schedule 1 of the RMA, which states:

#### **10 Decisions on provisions and matters raised in submissions**

- (1) *A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*
- (2) *The decision—*
- (a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*
    - (i) the provisions of the proposed statement or plan to which they relate; or*
    - (ii) the matters to which they relate; and*
  - (b) may include—*
    - (i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
    - (ii) any other matter relevant to the proposed statement or plan arising from the submissions.*
- (3) *To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*
- (4) *The local authority must—*

<sup>1</sup> Section 42A (S42) Report, Page 4, Para 4

- (aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and
- (a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and
- (b) publicly notify the decision within the same time.

3.4 Matters to be considered in any plan changes are set out in section 74 of the RMA as follows:

**74 Matters to be considered by territorial authority**

- (1) A territorial authority must prepare and change its district plan in accordance with—
  - (a) its functions under [section 31](#); and
  - (b) the provisions of [Part 2](#); and
  - (c) a direction given under [section 25A\(2\)](#); and
  - (d) its obligation (if any) to prepare an evaluation report in accordance with [section 32](#); and
  - (e) its obligation to have particular regard to an evaluation report prepared in accordance with [section 32](#); and
  - (f) any regulations.
- (2) In addition to the requirements of [section 75\(3\) and \(4\)](#), when preparing or changing a district plan, a territorial authority shall have regard to—
  - (a) any—
    - (i) proposed regional policy statement; or
    - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under [Part 4](#); and
  - (b) any—
    - (i) management plans and strategies prepared under other Acts; and
    - (ii) [Repealed]
    - (iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the [Heritage New Zealand Pouhere Taonga Act 2014](#); and
    - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and
  - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.



3.5 Finally, section 75 of the RMA states that:

- (3) *A district plan must give effect to—*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
  - (a) *a water conservation order; or*
  - (b) *a regional plan for any matter specified in section 30(1).*

## **Part 2 Matters**

- 3.6 The purpose of the RMA is to promote the sustainable management of natural and physical resources (Section 5). This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life-supporting capacity of ecosystems and avoiding, remedying or mitigating adverse effects on the environment.
- 3.7 Section 6 contains a list of matters of national importance that all persons exercising functions and powers under shall recognise and provide for.
- 3.8 Section 7 addresses 'other matters' which, in achieving the purpose of the RMA, persons exercising functions and powers under the RMA shall have particular regard to. Those matters of particular relevance to the Plan Changes, as noted in the reporting officer's report are:
- (b) *the efficient use and development of natural and physical resources*
  - (ba) *the efficiency of the end use of energy*
  - (c) *the maintenance and enhancement of amenity values*
  - (f) *maintenance and enhancement of the quality of the environment*
- 3.9 Section 8 provides that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).
- 3.10 We note that the Wellington Tenths Trust, the Port Nicholson Settlement Trust, Orongomai Marae, Te Runanganui O Taranaki Whanui ke te Upoko o te Ika a Maui (Waiwhetu Marae) and Te Rūnanga o Toa Rangātira Inc and were consulted in preparation of the Plan Changes. We were advised that Wellington Tenths Trust, the Port Nicholson Settlement Trust, and Orongomai Marae, had no particular comment on the pre-notification draft Plan Changes<sup>2</sup>. We also note that none of

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<sup>2</sup> S42A, Para 16, Page 7

those parties lodged submissions to the proposed Plan Changes and that no submissions were received from any other iwi authority.

### **Sections 31, 32, 72 & 76 of the RMA**

3.11 Section 31 sets out the Councils' functions for the purpose of giving effect to the RMA. The Councils' functions are stated in section 31 of the RMA and include:

*31(1)(b) the control of any actual or potential effects of the use, development or protection of land.*

3.12 Section 32 of the RMA requires a report which summarises the process of evaluation undertaken in the preparation of a Plan Change. A Section 32 evaluation must examine the following:

*(1) An evaluation report required under this Act must—*

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

3.13 An evaluation must also take into account:

*(2) An assessment under subsection (1)(b)(ii) must—*

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) economic growth that are anticipated to be provided or reduced; and*
  - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3.14 Section 32 requires that a report must be prepared, summarising the evaluation and giving reasons. The section 32 requirements of the RMA were addressed in the officer's report and the changes to the documentation provided at the hearing.

- 3.15 In addition, we note that as the further submission process closed after the 21<sup>st</sup> of April (PC34) and the 22<sup>nd</sup> of April 2015 (PC38), Section 32AA requires that we undertake a further evaluation of any changes to the Plan Changes and refer to that evaluation in this recommendation report<sup>3</sup>.
- 3.16 We note that in response to questioning, Ms. Sweetman was of the view that the section 32 evaluation met the requirements of the RMA. In addition, Ms. Whitney addressed the issue of section 32 in her evidence as it related to aspects of Transpower's issues<sup>4</sup>. We did not hear any evidence to the contrary. We record that Ms. R Brown commented on the s32 report in her submission (US9.1-US9.7). For completeness we address those submission points now and agree with Ms. Sweetman<sup>5</sup> recommending that they be accepted in part insofar as they are noted.
- 3.17 In reaching our recommendations, we record that we have considered the changes in accordance with section 32(1) to (4) of the RMA and have done so in a level of detail that corresponds to the scale and significance of the changes.
- 3.18 Section 72 states as follows:
- The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.*
- 3.19 The following provisions of section 76 are also relevant:
- (1) *A territorial authority may, for the purpose of –*  
(a) *Carrying out its functions under this Act; and*  
(b) *Achieving the objectives and policies of the plan, - include rules in a district plan.*
- ...
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect...*
- 3.20 In relation to the statutory requirements, and the evidence and reports presented, our findings and recommendations are set out below.

#### **4. OVERVIEW OF SUBMISSIONS TO PLAN CHANGES 34(HCC) and 38 (UHCC)**

##### **Numbers and Categories**

- 4.1 For Plan Change 34 (Hutt City) there were 11 submissions and two further submissions received within the statutory time period. As we noted in paragraph 2.2 above, parts of one submission were later withdrawn.

<sup>3</sup> Resource Management Act 1991, Schedule 12, Clause 2

<sup>4</sup> Ms. P Whitney, Evidence in Chief (EIC), Pages 27 - 29, Paras 66 - 77

<sup>5</sup> S42A Report, Page 18, Para 79

4.2 The following list sets out the submitters and further submitters for PC34:

- New Zealand Transport Agency (NZTA) (HS1)
- Greater Wellington Regional Council (GWRC) (HS2);
- KiwiRail Holdings Limited (KiwiRail) (HS3);
- Mary Beachen (HS4);
- Warren Thessman (HS5);
- Transpower New Zealand Limited (Transpower)(HS6);
- Spark New Zealand Trading Limited (Spark) (HS7);
- Chorus New Zealand Limited (Chorus) (HS8);
- Wellington Electricity Lines Limited (WELL) (HS9);
- Powerco Limited (Powerco) (HS10);
- Julie Sylvester (HS11).

Further submissions were received from:

- Transpower New Zealand (HFS1):
- Powerco Limited (HFS2).

4.3 For Plan Change 38 (Upper Hutt City) there were 9 submissions and three further submissions received within the statutory time period. As we noted in paragraph 2.3 above, one submission was later partly withdrawn.

4.4 The following list sets out the submitters and further submitters for PC34:

- GWRC (US1);
- KiwiRail (US2);
- Spark (US3);
- Transpower (US4);
- Chorus (US5);
- WELL (US6)
- Powerco (US7);
- Royal Forest and Bird Protection Society of New Zealand Incorporated – Upper Hutt Branch (US8);
- Roz Brown (US9).

Further submissions were received from:

- Powerco Limited (UFS3);
- Transpower New Zealand Limited (UFS2);
- WEL (UFS3).

4.5 In reviewing the submissions we have found it useful to follow the format set out by Ms. Sweetman in her Section 42A(S42A) hearing's report. We have categorised the submissions to PC34 and PC 38 in the following manner noting that this list includes matters that may no longer be in contention:

A. Plan Changes in its entirety/ general submissions points

- i. Plan Change 34
- ii. Plan Change 38 – Section 32
- iii. Plan Change 34 – Renewable Energy
- B. Joint Matters between Plan Changes New Network Utilities Chapter - General
  - i. Definitions – Maintenance, Minor Upgrading, Upgrading
  - ii. Regionally significant network utilities
  - iii. Stopbanks / Flood Hazard Area
  - iv. Transmission Line Rules and Standards
  - v. Masts Rules and Standards
  - vi. Cabinets Rules and Standards
  - vii. Matters of Discretion
- C. Plan Change 34 - Network Utilities Chapter and the National Grid
  - i. Definitions
  - ii. Issues Objectives and Policies
  - iii. Rules and Standards
- D. Plan Change 38 – Network Utilities
  - i. Definitions
  - ii. Issues, objectives, policies, methods and anticipated environmental results
  - iii. Zone Rules
  - iv. Network Utilities Rules and Standards
- E. Plan Change 38 – Renewable Energy Generation
  - i. Issues, objectives and policies
  - ii. Rules and Standards

4.6 We have used these categories as the basis for the assessment that follows. In addition, we also record that through the hearing process, both in the pre-circulated hearing report and evidence, and at the hearing itself, amendments to the Plan Changes were agreed to by the parties. We have recorded above that we helpfully received from Ms. Sweetman a copy of the matters that were still in contention as the final piece of information before closing the hearing. It is these matters in contention that we have focused our deliberations on and set out in the recommendations. That said, where the parties agreed on matters, we record that we have considered those matters fully in reaching our recommendations and adopt as our reasons those provided in the hearings report and the evidence presented to us. Regardless, our recommendations address all the submissions and further submissions made on the Plan Changes and are set out in Table 1 for Hutt City Council and Table 2 for Upper Hutt City Council and are attached as Appendix 1 and Appendix 2 respectively.

### **Preliminary Issues**

4.7 The preliminary issues relate to a number of matters “of scope” of aspects of the submissions to the plan changes, and therefore the scope of our jurisdiction to assess them. The four relevant submissions are Powerco, Wellington Electricity Limited (WELL), Transpower and Ms. Sylvester. We note that prior to the hearing Powerco and WELL reached agreement with the Councils in regard to the scope issue related to their submissions and are no longer pursuing that relief<sup>6</sup>.

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<sup>6</sup> Reporting Officer Speaking Notes dated 20 August 2015, Section 2.1 and 3.1, Page 1

- 4.8 The Transpower submissions identified in the s42A report as being out of scope (Submission Nos. 4.7 – 4.13 on PC38) were withdrawn at the hearing<sup>7</sup>. However, in relation to PC34, submission 6.45, Ms. Wedde, counsel for Transpower argued that Amendments 61-64 which related to earthworks in the National Grid Yard were within scope of PC34. HCC had sought legal advice on this matter and Mrs. Manohar, on behalf of HCC, presented arguments to us at the hearing that aspects of the submission were not within scope.
- 4.9 Firstly we note the submission point was in two parts, and Ms. Sweetman, in responding to matters raised in the hearing, rightly drew our attention to the fact that in the s42A Report, she had left out that part of the submission point which related to a request for a change from a restricted discretionary activity status for building and structures to that of non-complying. Ms. Sweetman recommended that this part of submission be accepted. We concur with that recommendation.
- 4.10 The next matter is the remainder of the submission 6.45 which we note primarily relates to earthworks around transmission towers. We note that Ms. Wedde and Mrs. Manohar were in agreement as to the applicable case law<sup>8</sup>. Ms. Wedde set out in submissions arguments to show that remainder of submission 6.45 met both limbs of the High Court's bipartite test as established in the Clearwater case. Mrs. Manohar agreed with Ms. Wedde that both limbs of the test needed to be met. However, Mrs. Manohar at the hearing and in the advice to Council included in the s42A Report, was of the view that neither limb had been met. In particular we note Mrs. Manohar's argument that, "*there is a real risk that people who may be directly affected by the proposed rules may have been denied an opportunity to respond to the changes.*"<sup>9</sup> We questioned both Ms. Wedde and Mrs. Manohar on the details of their respective positions in some detail. In conclusion we find Mrs. Manohar's argument persuasive. We are not convinced that all parties affected by the change had the opportunity to participate in this matter.
- 4.11 As such we find that least one limb of the test has not been met and therefore those aspects of the submission are beyond the scope of the Plan Change. In determining this it follows that we have not addressed that relief sought in the substantive part of our discussion.
- 4.12 Ms. Sylvester, in submission HS11.1, questioned what consideration had been given to the effects on animals in rural areas where the Plan Change has effects. At the hearing, Ms. Sylvester clarified that her concern was in regard to the use of helicopters used by Transpower to check transmission lines and lack of notice given to land owners. The situation Ms. Sylvester described resulted in horses being scared by the helicopter and putting riders at risk. This being an operational issue and Transpower representatives being present, we asked that the parties meet outside of the hearing process to address the matter. We note that the parties agreed to this. We also explained to Ms. Sylvester that as an operational issue it

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<sup>7</sup> Ms F Wedde, Legal Submissions, Page 3, Para 10.

<sup>8</sup> Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290, [2014] NZRMA 519 and Clearwater Resort Ltd v Christchurch City Council HC Christchurch AP 34/02.

<sup>9</sup> Appendix 4, Section 42 A Report – Legal Opinion – DLA Piper Letter, dated 2 July 2015

was not matter that the Plan Change could really address and was therefore out of the scope of the Plan Change. We understood that Ms. Sylvester accepted this position. For completeness, we record that we recommend that that part of Submission 11.1 be rejected.

### **Plan Change 34 in its entirety**

- 4.13 Ms. M Beachen (HS4.1) sought that Transpower purchase her property (137 Tirohanga Rd) as the building restrictions beneath the power lines would prevent building a dwelling on the site. The Officer's report notes that in a further submission Transpower (HFS1.1) sought that HS4.1 be rejected as provisions did not prohibit the building of a dwelling and that the request to purchase the property was beyond the scope of the Plan Change<sup>10</sup>.
- 4.14 Ms. Beachen did not attend the hearing.
- 4.15 The reporting officer's assessment of these submissions notes in summary, that:
- Under s85 of the RMA, Council cannot require the purchase of the property;
  - PC34 would not prevent reasonable use of the property; and
  - Transmission lines had been in place since 1977 and restriction on development has been in place since that time.
- 4.16 Ms. Whitney in her evidence on behalf of Transpower addressed the matters raised by Ms. Beachen, noting that the restrictions on development already apply under NZECP34.<sup>11</sup>
- 4.17 Having considered the material put before us, we prefer the evidence of Ms. Sweetman and Ms. Whitney for the reasons set out above. As such we recommend that the submission of Ms. Beachen (HS4.1) be rejected and the further submission point of Transpower (HFS1.1) be accepted.
- 4.18 Mr. W Thessman HS5.1 noted that there was "*too much struck data, exclusions, dimensions etc.*" and was concerned that the implications of the Plan Change had not been understood by the Council. Mr. Thessman reinforced his concerns in his presentation at the hearing. In the hearing report, Ms. Sweetman expressed the view that the rationale for the changes had been fully set out in the S32 report and reflected the careful consideration of matters by Council. We concur with Ms. Sweetman's analysis and therefore recommend that HS5.1 be rejected.

### **Plan Change 34 - Renewable Energy**

- 4.19 Mr. Thessman's submission HS5.2 was concerned that the provisions on renewable energy were not specific enough and Mr. Thessman had particular concerns around;
- The use of sun trapped electronics is missing
  - What happens when small home solar panels are above the roof;
  - There is no comment on sun reflection;

<sup>10</sup> S42A Report, Page 16, Paras 66-67

<sup>11</sup> Ms. P Whitney, EIC, Page 41, Paras 164-168

- Should vertical axis wind generators be allowed on top of houses?<sup>12</sup>
- 4.20 Mr. Thessman's submission (HS5.3), also raised concerns that PC34 may not be consistent with the Council's 30 year Environmental Sustainability Strategy.
- 4.21 At the hearing Mr. Thessman reiterated his concerns drawing our attention to developments in renewable energy, an increase in house generation and expressing the view that the Plan Change did not provide for these types of generation.
- 4.22 The s42A report set out the provisions in PC 34 regarding home based renewable generation devices (e.g. solar panels) and noting the matters of discretion for instances where consent is required including visual and amenity effects.<sup>13</sup> In regard to the Environmental Sustainability Strategy, Ms. Sweetman was of the view that, "While it is important that the plan change and the Strategy do not conflict with each other, there is no direct relationship between each initiative. The key focus of PC34 is to address legislative requirements under the RMA."<sup>14</sup>
- 4.23 We find that PC34 does provide for home based renewable generation devices and appropriately has provisions that deal with the potential adverse effects of the installation of such devices rather than just considering the benefits of such devices. In regard to the link between the Environmental Sustainability Strategy and PC34 we are persuaded by the reasons set out in the s42A Report. We therefore recommend that submissions HS5.2 and HS5.3 be rejected.

### Regionally significant network utilities – PC34 and PC38

#### Definition

- 4.24 Spark and Chorus (HS7.4 and HS8.7 on PC34, US3.15 and US5.19 on PC38) "seek that telecommunications and radiocommunications are included within the definition of regionally significant network utilities as follows:  
*Facilities for provision of 'telecommunication' as defined in section 5 of the Telecommunications Act 2001 and facilities for the provision of 'radio communication' as defined in section 2(1) of the Radiocommunications Act 1989.*"<sup>15</sup>
- 4.25 Spark and Chorus supported the specific provision for regionally significant network utilities, but considered the exclusion of radiocommunications and telecommunications as inconsistent and unreasonable.
- 4.26 Spark and Chorus (HS7.6 and HS8.9 on PC34 and US3.7, US3.8, US5.7 and US5.8 on PC38) also seek consequential changes to issues, objectives, polices

<sup>12</sup> S42A Report, Page 19, Para 81

<sup>13</sup> S42A Report, Page 19, Para 83

<sup>14</sup> S42A Report, Page 19, Para 84

<sup>15</sup> S42A Report, Page 29, Para 130



and explanations of both Plan Changes which would be consequential to any change to the definition of Regional Significant Network Utilities.

4.27 We note that there is some detail around this issue and we find it necessary to repeat some of that material from the s42A report and evidence in order to provide the context for our recommendations and reasoning.

4.28 The section 42A report identified the issue of the inclusion of telecommunications and radiocommunications as regionally significant network utilities by reference to the s32 reports which state:

*“... , in considering how to give effect to the RPS, an issue that has arisen is in respect of the definition of regionally significant infrastructure, which in the RPS includes:*

- *“strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989”*

*A review of both pieces of legislation has identified that neither contain the definitions referred to. The explanation to the relevant policies provides no guidance as to what may or may not constitute a strategic telecommunication facility or radio-communications facility. Discussions with the Regional Council have not provided clarification. ....*

*In the absence of certainty or clarification of what may or may not be a strategic telecommunications or radio-communications facility, the PC38 does not contain these two matters as being regional significant network utilities. Without definitions of what the Regional Council considers are “strategic” telecommunication and radio communication facilities, it is not appropriate for the Council to presume the exact scope and nature of what these are. If the RPS is amended in the future to clarify what is meant by these terms, the District Plan can be updated to give effect to the amended RPS.”*

4.29 We note that the full definition from the RPS is as follows:

*“Regionally significant infrastructure includes:*

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989*
- *the national electricity grid, as defined by the Electricity Governance Rules 2003*
- *facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003*
- *the local authority water supply network and water treatment plants*
- *the local authority wastewater and stormwater networks, systems and wastewater treatment plants*

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- *the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*
  - *Wellington City bus terminal and Wellington Railway Station terminus*
  - *Wellington International Airport*
  - *Masterton Hood Aerodrome*
  - *Paraparaumu Airport*
  - *Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines”.*
- 4.30 The s42A Report set out the reporting officer’s reasons for recommending that the Spark and Chorus submissions be rejected. We summarise those reasons as follows:
- Specificity of what was included in RPS definition list - inclusion of parts of networks (e.g. transmission but not distribution networks, strategic roads not all roads), concluding that the Regional Council considered some more regionally significant than others<sup>16</sup>
  - If the definition in the RPS was a drafting error then it was not Council’s role to correct it.<sup>17</sup>
  - Importance and benefits of telecommunications and radiocommunications are recognised and provided for in the Plan Changes<sup>18</sup>
- 4.31 Ms. Sweetman’s conclusion on this matter was that the RPS needed be changed and that was the role of the Regional Council. We also note that Ms. Sweetman recorded that this issue was addressed in a similar Plan Change for Porirua City Council and tabled a report from Greater Wellington Regional Council addressing the “regional significance” issue. We also record that there was no objection from the parties to the tabling of that document.
- 4.32 We received evidence for Spark and Chorus, from Ms. Barton from Chorus NZ Ltd, Mr. McCarrison from Spark New Zealand Trading Limited and Mr. Thomas Anderson, a resource management consultant for both Spark and Chorus.
- 4.33 Mr. McCarrison drew our attention to the integrated nature of telecommunication networks, the role of telecommunication networks as a lifeline utility and the rapidly changing way in which people access networks.
- 4.34 Ms. Barton noted that Spark were currently engaging with the Regional Council to promote a Plan Change to the RPS to amend the definition. Nonetheless Ms. Barton was of the view that the relief sought by Chorus and Spark was not inconsistent or contrary to the RPS.<sup>19</sup>

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<sup>16</sup> S42A Report, Page 32, Para 140

<sup>17</sup> S42A Report, Page 32, Para 142

<sup>18</sup> S42A Report, Page 32, Para 143

<sup>19</sup> Ms Barton, EIC, Page 8, Para 32

- 4.35 We also heard from Mr. Anderson, a senior resource management consultant at Incite, on behalf of Chorus, in regard to this matter. Mr. Anderson considered that there was little similarity between different networks (e.g. electricity distribution and telecommunications). This meant that making comparisons in regard to the strategic component difficult and concluded that it was impossible to divide the telecommunications network into strategic and other components<sup>20</sup>. Mr. Anderson also noted that this hearing was not the correct place to debate the regional significance of the telecommunications network and that the industry was in discussions with the Regional Council on amending the RPS. Mr. Anderson considered that the definition in PC34 and PC38 should be amended so that any change to RPS definition would not require consequential amendments to the Hutt City and Upper Hutt District Plans.<sup>21</sup>

That relief being;

***Regionally Significant Network Utilities means has the same meaning as “Regionally Significant Infrastructure as defined in Appendix 3 of the Regional Policy Statement for the Wellington Region, where that infrastructure is located within [Hutt City/Upper Hutt].***

~~(a) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum...~~

- 4.36 In response to matters raised in the hearing, Ms. Sweetman was of the view that there was some merit in this amendment.
- 4.37 We considered this proposed amendment very carefully. The first point we would note is that we agree with Mr. Anderson that it not the role of this panel to determine the regional significance of the telecommunications network. Rather that this is a role for the Regional Council through the RPS. We commend the telecommunications industry for engaging with the Regional Council on that matter.
- 4.38 In regard to the proposed amendment we agree that there would be efficiencies gained in that the District Plans would not need to be amended, should definition in the RPS be changed. However, the definition problem in the RPS would remain. There may be other changes required to the District Plans as a result of RPS definition change (e.g. Objectives, Policies, Methods, Rules) in order to give effect to the RPS. We find that that would be appropriately done at the time the final detail of the change is known.
- 4.39 Having considered the evidence and information placed before us in regard to the definition of Regionally Significant Network Utilities, we recommend that the submissions of Spark and Chorus be rejected. It therefore follows that we recommend that the consequential amendments sought by Spark and Chorus, also be rejected.

<sup>20</sup> Mr Anderson. EIC Page 12, Pars 46-47

<sup>21</sup> Mr Anderson, EIC, Page 13-14, Paras 49-51

### **Stopbanks / Flood Hazard Area – PC34 and PC38**

- 4.40 The submissions and further submissions relating to these provisions in both Plan Changes are set out in full in the s42A Report<sup>22</sup>. They relate to submissions by the GWRC which in summary seek:
- A new policy requiring the location of utilities outside Flood Hazard Areas (FHA) or appropriate design (withstand flood event) if required to locate within them.
  - Amend policy 13.1.4(d) (PC34) and the explanation in 16.4.14 (PC38) to recognise that co-location was not always possible due to flood flow capacity and stopbank integrity
  - Amend policy 13.1.4(d) (PC34) and Policy 16.4.15 (PC38) to address the negative impacts of undergrounding services on or through flood protection stop-banks.
  - Amend policy 13.1.4(F) (PC34) to encourage network utility operators to consult with regional council regarding design and location of new infrastructure.
  - Amend PC34 and 38 to require consent for placement, maintenance or removal of underground services as restricted discretionary activities and works on transmission lines as controlled activities
  - That earthworks with the potential to affect stopbanks to be a restricted discretionary activity.
- 4.41 Powerco, WEL and Transpower opposed various aspects of the GWRC submissions in regard to potential impacts for their respective networks.<sup>23</sup>
- 4.42 In the s42A Report, Ms. Sweetman provided an assessment of the above submission points and in summary Ms. Sweetman was of the view that:
- Effects on stopbanks is not limited to network utility activities
  - The policy direction proposed by the Regional Council is not the most appropriate or efficient
  - Best planning practice would be to address natural hazards comprehensively
  - One of Regional Council's concerns is asset protection
  - Other mechanisms are available to the Regional Council
  - HCC, UHCC and GWRC are working together on how best to address this issue.
- 4.43 We received evidence and heard from Ms. Sharyn Westlake, a Senior Engineer in Flood Protection Department of GWRC. Ms. Westlake set out the role and responsibilities of GWRC in regard to river and floodplain management<sup>24</sup> as well as responding to the recommendations in the s42A Report. Ms. Westlake highlighted examples of network utility operations in stopbanks, the lack of

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<sup>22</sup> S42A Report, Pages 33-39, Paras 148 - 181

<sup>23</sup> S42A Report, Page 35, Paras 160 - 162

<sup>24</sup> Ms. S Westlake, EIC, Pages 2-3, Paras 2.1-2.6

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consultation by network utility operators with GWRC and the issues the Council has in regard to designations and easements.<sup>25</sup>

- 4.44 In regard to this matter we also received evidence and heard from Ms. Caroline Ammundsen, a policy advisor at GWRC. Ms. Ammundsen was of the view that the Plan Changes did not give effect to the RPS in regard to the risk and consequences of natural hazards.<sup>26</sup> Ms. Ammundsen did not agree with the s42A Report that the requested change in the activity status for infrastructure around stopbanks resulted in HCC and UHCC becoming third part managers of a GWRC asset and noting that all three Councils were signatories to the Hutt River Floodplain Management Plan (HRFMP) with joint responsibility in regard to flood management.<sup>27</sup> Similarly, Ms. Ammundsen disagreed with the S42A Report where it recommended waiting for the outcome of the Regional Hazards Management Strategy.<sup>28</sup> Ms. Ammundsen's view being that the issue should be addressed now.
- 4.45 Ms. Ammundsen drew our attention of the natural hazards chapters in the HCC and UHCC operative district plans and expressed the view that the proposed Plan Changes should give effect to those operative provisions.<sup>29</sup> In summary, Ms. Ammundsen concluded that the approach put forward by the Regional Council in regard to its submission on the policies and rules was an effective and efficient method to mitigate the adverse effects of flood hazard risk.<sup>30</sup>
- 4.46 In responding to matters raised in the hearing, Ms. Sweetman reiterated that she was still of the overall view that the submissions should be rejected as set out in the s42A Report and that a more comprehensive approach to the matter was appropriate. Ms. Sweetman conceded that in regard to HS2.3 that the policy 13.1.4(F) of PC34 should be amended to, *"To encourage network utility providers to consult with local communities and the regional council (where relevant) on the appropriate placement, location and design of new network utilities."* Ms. Sweetman also tabled legal advice received by HCC and UHCC that a comprehensive approach to stopbank protection is beyond the scope of the Plan Changes relating to network utilities.<sup>31</sup>
- 4.47 In considering this matter, we prefer the evidence of Ms. Sweetman for the reasons set out in the s42A Report and for her responses to matters raised in the hearing. We consider that a more comprehensive approach to activities in hazard areas to be a more appropriate and efficient approach.
- 4.48 We therefore recommended that;

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<sup>25</sup> Ms. S Westlake, EIC, Pages 3-6, Paras 3.1-3.15

<sup>26</sup> Ms. C Ammundsen, EIC, Page 3, Paras 6.1- 6.7

<sup>27</sup> Ms. C Ammundsen, EIC, Page 5, paras 8.6-8.8

<sup>28</sup> Ms. C Ammundsen, EIC, Page 6, Paras 8.9-8.11

<sup>29</sup> Ms. C Ammundsen, EIC, Page 7, Paras 9.1-9.4

<sup>30</sup> Ms. Ammundsen, EIC, Pages 7-11, Paras 10.1 – 25.0

<sup>31</sup> Mrs. E Manohar, DLA Piper letter dated 19 Aug 2015

- HS 2.1, HS 2.2, HS2.4, HS2.5, HFS2.1, HFS2.2 HFS2.3 and HFS2.4 (PC34) and US1.1, US1.3, US1.4, US1.5, US1.6, UFS1.1, UFS1.3 and UFS1.4 (PC38), be rejected.
- US1.5 be accepted in part, insofar as it is made clear that the rules in Chapter 33 also applies to Chapter 30 (PC38).
- HS2.3 (PC34) be accepted in part.
- UFS3.1 be accepted.

### **Masts – PC34 and PC38**

4.49 The submission points and reporting officer's recommendation relating to these provisions are set out in full in the s42A Report<sup>32</sup>. In general, the submissions opposed the lack of a permitted activity status for masts and associated antenna in the residential, rural and open space/recreation zones in the respective Plan Changes, as well as, seeking increased heights in the rural zones of both Plan Changes. The reporting officer recommended rejection the permitted activity status in the urban residential zones and Mr. Anderson concurred with that recommendation.<sup>33</sup> We understand that the remainder of the issues around mast height in the rural and open space/recreation zones still remain in contention.

4.50 In summary the remaining submissions from Spark and Chorus essentially sought increases in the mast heights as follows:

<b><u>Hutt City Council</u></b>				
<b><u>Standard</u></b>	<b><u>Utility</u></b>	<b><u>Rural</u></b>		<b><u>Recreation</u></b>
		<b><u>General</u></b>	<b><u>Residential</u></b>	
<u>13.3.2.2.1</u>	<u>Masts, antennas, lines and single-pole support structures.</u>	<u>15m</u>	<u>12m</u>	<u>12m</u>
	<u>Spark &amp; Chorus seek</u>	<u>20m</u>	<u>15m</u>	<u>15m</u>
<u>13.3.2.2.2</u>	<u>Masts and antennas (involving two or more providers).</u>	<u>20m</u>	<u>12m</u>	<u>12m</u>
	<u>Spark &amp; Chorus seek</u>	<u>25m</u>	<u>15m</u>	<u>15m</u>

<sup>32</sup> S42A Report, Pages 38 – 46, Paras 168 - 208

<sup>33</sup> Mr Anderson, Page 17, Para 65

<b>Upper Hutt City PC 38</b>		
<b><u>Network Utility</u></b>	<b><u>Rural</u></b>	<b><u>Open Space</u></b>
<u>Masts, antennas, lines and single-pole support structures</u>	<u>15m</u>	<u>n/a</u>
<u>Spark and Chorus seek</u>	<u>20m</u>	<u>15m</u>
<u>Masts and antennas (where there are two or more providers)</u>	<u>20m</u>	<u>n/a</u>
<u>Spark and Chorus seek</u>	<u>25m</u>	<u>15m</u>

- 4.51 Ms. Sweetman’s assessment of these requested amendments to the provisions led her to recommend rejecting the submission points. In summary, Ms. Sweetman considered;<sup>34</sup>
- Character and amenity values in rural residential area
  - Potential visual impacts
  - The wide range of environmental settings of recreation/open space zones
  - Inability to rely on public ownership as a mechanism to control effects
  - Permitted building height in rural zones
- 4.52 Mr. Anderson in evidence and in his presentation at the hearing, set out a contrary view to that of the reporting officer, in regard to the rural residential and recreation/open space zones being larger in areas and less developed than urban zones; therefore reducing the visual impact of masts and antennas.<sup>35</sup> Mr. Anderson also considered in evidence that<sup>36</sup>:
- 20m height in the recreation zone could reduce the need for masts in residential areas
  - Benefits of co-location of antenna on masts as incentive to telecommunication companies by way of increased height
- 4.53 On balance, we prefer the evidence of Ms. Sweetman for the reasons set out in her evidence. We therefore recommend that HS7.12, HS7.13, HS7.14, HS8.15, HS8.16, HS8.17, US3.11, US5.13, HS7.15, HS7.16, HS8.20 and HS8.21 be rejected.
- 4.54 We further recommended that US3.12 and US5.14 be accepted in part, and rejected insofar as they seek to amend 30.4 in respect of the Rural Zone.

<sup>34</sup> S42A Report, Pages -43-46, Paras 203-217

<sup>35</sup> Mr T Anderson, EIC, Page 18, Para 67

<sup>36</sup> Mr T Anderson, EIC, Pages 18-19, Paras 68-72

## Policy Framework – Effects Management PC34 and PC38

- 4.55 Spark (HS7.9) and Chorus (HS8.12) seek that *“policy 13.1.4(a)[PC34] be amended, so that the words “as far as practicable” be added to the end of the policy,...”* as well as an amendment to the associated explanation in recognition of residual effects<sup>37</sup>.
- 4.56 Spark and Chorus similarly seek amendments to Policy 16.4.12 (PC38) so that the words, *“to the extent practicable”* or *“to the extent possible”* are added, so that it acknowledges that not all adverse effects will be able to be avoided, remedied or mitigated.”<sup>38</sup>
- 4.57 Ms. Sweetman agreed that amendments to the explanation for policy 13.1.4(a) (PC34) may assist decision makers.<sup>39</sup> However, in regard to the amendments requested to the policies in both Plan Changes noted above, Ms. Sweetman was of the view that the amendments would *“weaken the policy framework and lessen the onus in the first instance for applicants to avoid, remedy or mitigate adverse effects.”*<sup>40</sup>
- 4.58 Mr. Anderson saw this differently. Mr. Anderson’s view was that the policy wording should be consistent with the objective and explanation and that *“by including the words ‘as far as practicable’ within the policy resolves any potential interpretation conflicts between the objective and which recognizes constraints may cause effects and that these can be managed, and its policy which states that all actual and potential effects must be avoided, remedied or mitigated.”*<sup>41</sup>
- 4.59 On this we are persuaded by the evidence of Ms. Sweetman for the reasons set out in her evidence.
- 4.60 We recommend that HS7.9, HS8.12, HSF2.10, HFS1.4 be accepted in part. We further recommend that US4.17, US5.6 and US6.18, and UFS3.9, UFS1.5, UFS3.18 and UFS3.30 also be accepted in part, insofar as there is a consequential amendment proposed to 16.3.4, as well as, the matters of discretion.

### Minor Upgrading PC34 and PC38

- 4.61 We note that at beginning hearing, the definition of minor upgrading was still in contention.<sup>42</sup> However, in response to matters raised in the hearing, Ms. Sweetman reconsidered her position and set out a revised definition in some detail.<sup>43</sup> We understood that this addressed the matters raised in submissions by Transpower and Chorus.

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<sup>37</sup> S42A Report, Page 57, Para 267

<sup>38</sup> S4A Report, Page 75 Para 360

<sup>39</sup> S42A Report, Page 58, Para 274

<sup>40</sup> S42A Report, Page 58, Para 273 and Page 75, Para 361

<sup>41</sup> Mr T Anderson, EIC, Page 16, Para 59

<sup>42</sup> S42A Report, Pages 21-25, Paras 96- 112

<sup>43</sup> Ms G Sweetman, Response to matter raised in the hearing, Pages 8-11



- 4.62 Mr. Thessman (HS5.1) queried the size of the bundling of cables included in the definition and reiterated his concerns at the hearing.
- 4.63 In the s42A report, Ms. Sweetman noted, *“the increased area of bundling cables is a relatively insignificant increase in width and provides for the continued effective use of existing network utilities.”*<sup>44</sup> We agree. There was agreement amongst the planning experts as to the appropriateness of the definition as revised. We therefore recommend that HS8.6, US5.18, UFS3.36, HS6.6, HS9.8, US4.37, US6.7 and UFS3.27 be accepted in part and that HS5.1 be rejected.

**PC38 – Issue 16.2.2**

- 4.64 In US8.2, Forest and Bird opposed the deletion of wording in the Issue statement relating to adverse effects on natural and physical resources and on amenity values. Transpower (USF2.4) opposed the request. In the material Forest and Bird had tabled at the hearing, Dr. Wards presented arguments relating to the particular wording in the issue statement.<sup>45</sup> Ms. Sweetman, was of the view that adverse effects were already adequately addressed in Issue 61.2.1 and including it in Issue 16.2.2 would be unnecessary duplication.<sup>46</sup> We agree. We therefore recommend that US8.2 be rejected and USF2.4 be accepted.

**PC38 – Policy 16.4.7 and Method 16.5.9**

- 4.65 In US8.5, Forest and Bird sought rewording of this policy to strengthen the word ‘encourage’ and identify situations where consultation is required.<sup>47</sup> In US8.6 Forest and Bird sought that this also be reflected in the associated method. Transpower and WELL sought that the requests be rejected. In the S42A Report, Ms. Sweetman noted that the District Plan could not require consultation on particular matters as this would be contrary to s36 of the RMA, which sets out that there is no duty on applicants to undertake consultation in regard to resource consent applications. In the material presented at the hearing for Forest and Bird, Dr. B Wards considered it unreasonable that such provision could not be required and wanted the matter to be noted for future consideration.<sup>48</sup> We note that this is not within our jurisdiction to do so. We accept the evidence of Ms. Sweetman and recommend that US8.5 and US8.6 be rejected and that UFS2.14, USF3.47, and USF2.14 be accepted.

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<sup>44</sup> S42A Report, Page 25, Para 109

<sup>45</sup> Forest and Bird, Material Presented at the Hearing, Item 5

<sup>46</sup> S42A Report, Page 70, Para 335

<sup>47</sup> S42A Report, Page 79, Para 79

<sup>48</sup> Forest and Bird, Material Presented at the Hearing, Item 4

## 5. RECOMMENDATION AND OVERALL REASONS

- 5.1 We recommend to the Councils that, pursuant to the First Schedule to the Resource Management Act 1991, Proposed Plan Change 34 to the Hutt City Council District Plan and Proposed Plan Change 38 to the Upper Hutt City Council District Plan be approved for all of the reasons set out in this report.
- 5.2 In terms of Part 2 of the RMA the proposal does not contravene any of the matters of national importance (Section 6), 'other matters' (Section 7), nor the principles of the Treaty of Waitangi (Section 8).
- 5.3 The Plan Changes are an appropriate way of achieving the purpose of the RMA.
- 5.4 For all of the reasons given above the Plan Changes meets the statutory requirements of the RMA, the Plan Changes satisfy Part 2 of the Act and therefore will promote the sustainable management of natural and physical resources as required by the RMA.
- 5.5 We recommend that the submissions on Plan Change 34 and Plan Change 38 be accepted, accepted in part or rejected, as outlined below.

## 6. RECOMMENDATIONS ON THE SUBMISSIONS

- 6.1 That the following submissions be accepted, accepted in part or rejected as set out in Appendix One. That the text of Plan Change 34 be amended as set out in Appendix Two. That the text of Plan Change 38 be amended as set out in Appendix Three.



L Bridson  
Panel - Hearings Commissioner



G McArthur  
Panel - Hearings Commissioner



M L St.Clair  
Chair - Hearings Commissioner

17 December 2015

## **APPENDIX ONE – DECISIONS ON SUBMISSIONS**

Any new text that is proposed to be added is underlined, while any text proposed to be deleted has been ~~struck through~~.

There are some submission points which the Commissioners recommend are not in scope of the Plan Change or on the Plan Change.

These are identified in *italics* and in **bold**.

<b>GENERAL – NETWORK UTILITIES</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Mary Beechen	4.1	Transpower to purchase submitter's property as the proposed restrictions prevent the building of any dwelling.	Oppose. The restrictions will prevent building a dwelling on the submitter's property.	Reject
Transpower	FS1.1	Reject	The provisions do not provide for prohibited activity status and therefore do not prevent development. The submitter's request that Transpower purchase the property is beyond the scope of this plan change.	Accept
Warren Thessman	5.1	Unclear that there is a reason to change the District Plan.	PC34 has too much struck out much data, exclusions and dimensions and HCC may be unaware of the consequences. Query over the bundling allowed by telcos.	Reject
Transpower New Zealand	6.1	<ul style="list-style-type: none"> <li>• Give full effect to the NPSET</li> <li>• Effect is given to the policies of the RPS</li> <li>• Recognition of the NESETA and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the RMA)</li> <li>• The protection of the National Grid from issues of reverse sensitivity and the direct effects from others' activities</li> </ul>	Supports the general intent of the plan change subject to appropriate amendments.	Accept in part

		<p>through the provision of appropriate National Grid Yard and National Grid Corridor provisions</p> <ul style="list-style-type: none"> <li>• Provide for the on-going operation, maintenance, upgrading and development of transmission lines, support structures and substations.</li> </ul>		
Transpower New Zealand	6.2	Approve the plan change subject to the amendments requested.	To ensure that policies 10 and 11 of the NPSET are given effect to.	Accept in part
Spark New Zealand Trading Limited	7.1	<p>Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Spark.</p> <p>Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions.</p> <p>And in relation to both (i) and (ii) above, (iii) any consequential amendments necessary as a result of the amendments to grant the relief sought above.</p>	Spark's general relief sought in this submission point (7.1) applies to submission points 7.2 to 7.21.	Accept in part
Chorus New Zealand Limited	8.1	<p>Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Chorus</p> <p>Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions</p> <p>And in relation to both (i) and (ii) above, (iii) any consequential amendments necessary as a result of the amendments to grant the relief sought above.</p>	Chorus' general relief sought in this submission point (8.1) applies to submission points 8.2 to 8.26.	Accept in part
Powerco	10.1	Amend the relevant	Support the general	Accept in part

Limited		<p>provisions of the District Plan to:</p> <ul style="list-style-type: none"> <li>• Address the relevant provisions in sections 5-8 of the RMA, including with respect to the sustainable management of Powerco's assets as a physical resource;</li> <li>• Implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA;</li> <li>• Recognise and provide for the ongoing operation, maintenance, upgrade and development of Powerco's gas and electricity networks.</li> </ul>	<p>intent.</p> <p>Powerco supports the move by Hutt, Porirua and Upper Hutt City Councils to provide a consistent approach to the management of network utilities across the three districts. Powerco has submitted on all three plan changes. Reliable and constant energy supply is critical to sustaining the regional economy, population and way of life and energy demand is constantly increasing. Powerco faces a number of constraints in terms of providing a secure and reliable supply of gas. It is critical that the planning documents adequately provide for the core strategic infrastructure, its ongoing operation and maintenance and that required to support growth. Some amendments are sought to further clarify the specific regulatory approach for gas distribution infrastructure.</p>	
	10.2	<p>Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in Powerco's submissions, as necessary.</p>	<p>To give effect to Powerco's submission.</p>	<p>Accept in part</p>
Julie Sylvester	11.1	<p>Not stated.</p>	<p>The submitter questions what consideration has been given to animals that live in the rural area where the plan change has effects. The submitter also questions what consideration do owners of rural</p>	<p>Reject</p>

			properties get.	
	FS1.2 Transpower	Reject	Transpower considers that, subject to the amendments it seeks, the provisions of the Plan Change are appropriately drafted to a) minimise impacts on rural land owners, and b) address the potential adverse effects of all land activities on the National Grid, which is a nationally significant physical resource.	Accept
	11.2	Not stated.	The submitter comments that the topic of Renewable Energy Generation should be very high on the Hutt City Council's to do list and that some councils have this system already working in their areas, and generating additional energy for their rate payers. The submitter states that care must be taken not to destroy the environment when and if this activity takes place.	Reject

<b>GENERAL – RENEWABLE ENERGY GENERATION</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Warren Thessman	5.2	Unclear.	<p>The provisions for Renewable Energy Generation are not very specific and do not address some matters; in particular:</p> <ul style="list-style-type: none"> <li>• The use of sun trapped electronics is missing</li> <li>• What happens when small home solar panels are above the roof;</li> <li>• There is no comment on sun reflection;</li> </ul>	Reject

			<ul style="list-style-type: none"> <li>Should vertical axis wind generators be allowed on top of houses?</li> </ul>	
Warren Thessman	5.3	Unclear.	The Environmental Sustainability Strategy has been tabled with no discussion. Has Proposal 34 been ticked off to allow the so called 30 year environmental strategy to be achieved?	Reject
Julie Sylvester	11.2	Not stated.	The submitter comments that the topic of Renewable Energy Generation should be very high on the Hutt City Council's to do list and that some councils have this system already working in their areas, and generating additional energy for their rate payers. The submitter states that care must be taken not to destroy the environment when and if this activity takes place.	Reject

<b>Amendment 1 – Definition of Antenna</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Spark New Zealand Trading Limited	7.2	Retain the exemption of (c) and the two 'notes' as notified.	Support in part. The definition adequately provides for antennas and provides certainty of how the provisions will be applied.	Accept
Chorus New Zealand Limited	8.2	Retain the exemption of (c) and the two 'notes' as notified.	Support in part. The definition adequately provides for antennas and provides certainty of how the provisions will be applied.	Accept

<b>Amendment 3 – Definition of Building</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation</b>



				<b>on Submission Point</b>
Wellington Electricity Lines Limited (WELL)	9.2	Amend the definition to include the following exemption: <i><u>"(a) A network system owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipment owned or used by a network utility operator, provided that a system including any structure or equipment does not exceed 1.5m in height and has 3m<sup>2</sup> or less ground coverage."</u></i>	Oppose. The current definition used for 'Building' does not suitably reflect the intent of the 2004 Building Act when identifying what does not include a building. In particular section 9 states that a building does not include a network utility operator system and specifically excludes elements that are excluded from the definition of a building.	Accept in part
Powerco Limited	10.19	Retain as notified.	Support.	

<b>Amendment 4 – Definition of Cabinet</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Wellington Electricity Lines Limited (WELL)	9.3	Amend as follows: <i>"means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities, which includes single transformers and associated switching gear distributing electricity at a voltage</i>	Support in part. 110kV, not 100kV, is the industry standard.	Accept

		up to, and including, <del>100kV</del> -110kV. ... ”		
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**Amendment 10 – Definition of Height**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.3	Insert the following note after the definition of height: <i><u>“Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, 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></i>	Oppose in part. The exclusions in clause (b) of both the maximum height and maximum overall height would mean that structures may be established too close to National Grid lines. An advice note should be attached to the definition which clearly states that compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is required.	Accept
Spark New Zealand Trading Limited	7.3	Retain exclusion for lightning rods attached to network utilities from the definition of Height and the associated definition of Maximum Overall Height as notified.	Support in part. Exclusion of lightning rods is supported as they have negligible visual effects.	Accept
Chorus New Zealand Limited	8.3	Retain exclusion for lightning rods attached to network utilities from the definition of Height and the associated definition of Maximum Overall Height as notified.	Support in part. Exclusion of lightning rods is supported as they have negligible visual effects.	Accept

**Amendment 11 – Definition of Line**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation
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				on Submission Point
Transpower New Zealand	6.4	Amend as follows: <i>"Means 'line' as defined in section 5 of the Telecommunications Act 2001 <del>and includes the definition of line or in section 2 of the Electricity Act 1992.</del>"</i>	Support in part. Clarify that the activity does not need to meet the definition of line under both Acts referenced.	Accept
Chorus New Zealand Limited	8.4	Retain definition of Line in so far as it relates to the Telecommunications Act 2001.	Support in part.	Accept
Wellington Electricity Lines Limited (WELL)	9.5	Retain as notified.	Support.	Accept in part

<b>Amendment 12 – Definition of Maintenance</b>				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
NZ Transport Agency	1.1	Retain as notified.	Support.	Accept
KiwiRail	3.1	Retain as notified.	Support.	Accept
Transpower New Zealand	6.5	Replace the definition of maintenance with one that is clear and which provides for standard National Grid maintenance activities; or alternatively delete the definition of maintenance.	Oppose. The definition is too restrictive and does not appropriately 'provide for' standard maintenance activities that Transpower regularly undertakes on the National Grid. The definition as drafted provides no greater right than what is provided for through existing use rights. The definition also lacks certainty and it is unclear which of Transpower's maintenance activities are covered by it.	Reject
Powerco	FS2.5	Reject in part	The submission is opposed to the extent that it is uncertain what alternative definition of	Accept

			'maintenance' is proposed.	
Wellington Electricity Lines Limited (WELL)	9.6	Retain as notified.	Support.	Accept

Amendment 14 – Definition of Minor Above Ground Line				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Chorus New Zealand Limited	8.5	Retain as notified.	Support.	Accept
Wellington Electricity Lines Limited (WELL)	9.7	Retain as notified.	Support.	Accept

Amendment 15 – Definition of Minor Upgrading				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.6	<p>Amend as follows:  <i>"Minor Upgrading:</i>  ...  (d) <i>the addition of any new circuits, lines or utility structures, where this results in an increase in the number of new lines or utility structures</i></p> <p><i>Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to <del>all the existing n</del> National g-Grid, and <del>applies to all</del> Transmission Lines that were operational, or able to be operated, on 14 January 2010."</i></p>	<p>Oppose in part. Exclusion (d) of the definition requires clarification to ensure that in stating the addition of it means an increase in the number of, rather than the replacement of existing circuits, lines and utility structures, which should be considered a minor upgrade. In addition, the note associated with the definition is not clearly worded.</p>	Accept in part

Chorus New Zealand Limited	8.6	<p>Amend as follows:  <i>“Minor Upgrading. means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise existing or replacement support structures and includes:....</i></p> <p><i>(j) an increase in the height of replacement poles in road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in 13.4.2.1 is not exceeded and/or the replacement of an existing pole in road reserve is within 2m horizontal distance of that existing pole.</i></p> <p>...</p> <p><i>(l) the addition of a new overhead telecommunication fibre optic line provided that:</i></p> <p><i>(i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;</i></p> <p><i>(ii) the diameter of new fibre optic lines does not exceed 25mm; and</i></p> <p><i>(iii) the location of the new fibre optic line is consistent with the following figure: [please refer to the full</i></p>	<p>Oppose in part. Chorus seeks amendments to allow for:</p> <p>(a) the provision of up to two fibre optic lines utilising existing or replacement support structures subject to specific controls; and</p> <p>(b) the replacement of an existing support poles in road reserve within 2 metres of the existing pole which it is replacing.</p> <p>These changes are sought to allow for the efficient and effective use of existing infrastructure for activities that have less than minor adverse effects.</p>	Accept
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		<p>submission which contains the figure]</p> <p><i>Minor upgrading shall not include:</i></p> <p>...</p> <p><i>(d) the addition of any new circuits, lines (with the exception of additional overhead telecommunication lines utilising existing support poles as provided for in item (l) above) or utility structures."</i></p>		
Wellington Electricity Lines Limited (WELL)	9.8	Amend the definition for Minor Upgrading by including a new provision for the addition of circuits and conductors on existing support structures.	Support in part. Minor activities such as circuits and conductors should be added to the definition of Minor Upgrading as it will enable WELL to provide for growth and future demand for electricity across the city. This would also improve adherence with proposed Policy 13.1.4(c), as it would provide for co-location, mitigating visual impacts.	Accept in part

<b>Amendment 16 – Definition of National Grid</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.7	Amend as follows: <i>"National Grid: means 'National Grid' as defined in the National Policy Statement on Electricity Transmission."</i>	Support in part. Prefer that references to the National Grid are capitalised.	Accept

<b>Amendment 17 – Definition of National Grid Corridor</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission</b>

				Point
Transpower New Zealand	6.8	Amend as follows: “...measured either side of the centreline of the transmission line, as depicted in Diagram 1, <del>below</del> of the definition of National Grid Yard. The measurement of setback distances ...”	Support in part. Clarify that Diagram 1 is located within the definition of National Grid Yard, rather than simply stating ‘below’, which implies it is immediately below the text.	Accept

Amendment 18 – Definition of National Grid Yard				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
Transpower New Zealand	6.9	Amend as follows: “National Grid Yard: means (a) the area located 12m either side of the centreline of <del>an above ground</del> National Grid transmission line which is 110kV or greater; ...”	Support in part. Clarify in relation to (a), to show there is no need to refer to ‘above ground’ since the Note under the definition states that the National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.	Accept

Amendment 19 – Definition of Network Utility				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
NZ Transport Agency	1.2	Retain as notified.	Support.	Accept
KiwiRail	3.2	Retain as notified.	Support.	Accept
Transpower New Zealand	6.10	Replace clause (c) of the definition as follows: “(c) <del>the provision, operation and maintenance of works (as defined in section 2 of the Electricity Act 1992) for the conveyancing of electricity, as defined in section 2 of the Electricity</del>	Oppose in part. The definition could be clearer.	Accept

		<i>Act 1992;</i>		
Wellington Electricity Lines Limited (WELL)	9.9	Retain as notified.	Support.	Accept

<b>Amendment 20 – Definition of Network Utility Structure</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
NZ Transport Agency	1.3	Retain as notified.	Support.	Accept
KiwiRail	3.3	Retain as notified.	Support.	Accept
Transpower New Zealand	6.11	Retain as notified.	Support.	Accept
Wellington Electricity Lines Limited (WELL)	9.10	Retain as notified.	Support.	Accept

<b>Amendment 22 – Definition of Regionally Significant Network Utilities</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
KiwiRail	3.4	Amend the definition as follows: <i>“Regionally Significant Network Utilities means: ... (f) the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040”</i>	Supports in part. The references to the RLTS may not remain relevant when it is updated.	Reject
Transpower New Zealand	6.12	Amend as follows: <i>“(b) the National Grid, as defined by the National Policy Statement on Electricity Transmission”</i>	Support in part. Reference to the NPSET is not required as Amendment 16 which contains a definition of the National Grid already makes the connection.	Accept



Spark New Zealand Trading Limited	7.4	Add additional item (g) to the definition as follows: “ ... <u>(g) facilities for provision of ‘telecommunication’ as defined in section 5 of the Telecommunications Act 2001 and facilities for the provision of ‘radio communication’ as defined in section 2(1) of the Radiocommunications Act 1989.”</u>	Oppose in part. Inclusion of telecommunications and radiocommunications in the definition will recognise the essential nature of these services to the economic, health, safety and wellbeing of the Hutt City community and the wider region.	Reject
Chorus New Zealand Limited	8.7	Add item (g) to the definition as follows: <u>“(g) facilities for provision of ‘telecommunication’ as defined in section 5 of the Telecommunications Act 2001 and facilities for the provision of ‘radio communication’ as defined in section 2(1) of the Radiocommunications Act 1989.”</u>	Oppose in part. Chorus seeks recognition of the essential nature of these services to the economic, health, safety and wellbeing of the Hutt City community and the wider region.	Reject
Powerco Limited	10.26	Retain as notified.	Support.	Accept

<b>Amendment 26 – Definition of Sensitive Activity</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
KiwiRail	3.5	Delete proposed definition if not required.	Supports, however question how the existing definition of ‘Noise Sensitive Activity’ in the District Plan is different from the proposed definition of ‘Sensitive Activity’	Accept in part
Transpower New Zealand	FS1.3	Reject	The submitter seeks that the definition be deleted as they are not clear	Accept

			about its purpose. Transpower considers that inclusion of the term is critical to ensuring that the District Plan gives effect to the NPS on Electricity Transmission. The term is taken from that NPS and subsequently used in rules relating to the National Grid Yard.	
Transpower New Zealand	6.13	Amend as follows: <i>“Sensitive Activity: means the following activities: (a) residential <u>buildings</u> (b) the accommodation or care of people, <u>including hospitals</u> (c) childcare facilities, kohanga reo, primary, intermediate and secondary schools.”</i>	Support in part. Prefer to see explicit reference to hospitals within the definition and also notes that the definition should apply to residential buildings and not all residential activities. This would be consistent with the definition of sensitive activities in the NPSET.	Accept

Amendment 31 – Definition of Transmission Line				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
Transpower New Zealand	6.14	Amend as follows: <i>“means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>in the National Grid</u>; and ...”</i>	Support in part. The phrase ‘ <i>in the National Grid</i> ’, which is part of the definition in the NESETA, should be included in the District Plan definition. The use of the phrase in the Plan Change appears to only relate to the National Grid.	Accept
Wellington Electricity Lines Limited (WELL)	9.11	Retain as notified.	Support.	Accept in part

Amendment 32 – Definition of Upgrading				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point

NZ Transport Agency	1.4	Clarity is required around the scope of this definition.	Support in part. Not all upgrading results in physical changes on the ground and/or any increase in capacity	Accept in part
KiwiRail	3.6	Amend the definition as follows: <b>Upgrading:</b> <i>As it applies to network utilities, upgrading means the <del>replacement, repair, renewal</del> or improvement or <b>physical works that result in an</b> increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:</i> <i>(a) ‘maintenance’ (as it relates to network utilities);</i> <i>(b) ‘minor upgrading’;</i> <i>and</i> <i>(c) any activity specifically provided for under Rules 13.3.1.9 to 13.3.1.41; and any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in 13.3.2.2, 13.3.2.3 or 13.3.2.4.</i>	The definition of ‘upgrading’ as proposed includes ‘replacement, repair, renewal’ It is unclear whether replacement, repair or renewal activities would be maintenance or upgrading purely based on both definitions covering the same activity. Some clarity is required.  The improvement in carrying capacity and operational efficiency is not something that necessarily results in physical changes, or one that would necessarily be an upgrade. Changing engine type for example, or putting an extra carriage on a train, are improvements in operational efficiency and carrying capacity respectively. Therefore in some instances, some activities will be technically an ‘upgrade’ where they are in effect operational activities and needing to get Outline Plan or resource consent approval each time seems outside the intention of the provision or the RMA in relation to designations. KiwiRail would support wording that restricted upgrading to physical works on the network utility itself, rather than the operation of the utility.	Accept in part
Transpower New	6.15	Amend as follows: “Upgrading: ...	Oppose. Unclear what is the difference between	Accept

Zealand		<p><i>(c) any activity specifically provided for under Rules 13.3.1.9 to 13.3.1.41; and any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in 13.3.2.2, 13.3.2.3 or 13.3.2.4."</i></p>	<p>minor upgrading, upgrading and 'new' facilities and unable to determine what activities would fall under the 'upgrade' category of activities. It remains unclear what is the difference between minor upgrading, upgrading and 'new' facilities. Transpower is unable to determine what activities would fall under the 'upgrade' category of activities. In relation to transmission lines, including their support structures, the definition should provide for all upgrading that is not 'minor upgrading' and which is not the establishment of new transmission lines. The definition also needs to allow for upgrades to substations. In addition Transpower is concerned specifically with clause (c) which references permitted activity standards. Standards relevant to 'upgrading' activities rules should be listed in the rule itself, and not in both the definition and in the rule. Including standards in multiple locations simply adds to the complexity of the plan change.</p>	
Spark New Zealand Trading Limited	7.5	<p>Amend the wording of the definition to make it clear that it applies to all telecommunications and radiocommunications, other than lines which are provided for separately.</p>	<p>Oppose in part. The currently drafted definition is unclear and does not reflect the intended approach of providing for all network utilities under the 'Upgrading' provisions, other than telecommunication and electricity lines which are provided for in the</p>	<p>Accept in part</p>

			'Minor Upgrading' provisions.	
Powerco	FS2.13	Accept in part	Powerco agrees there would be benefit in amending the definition of 'upgrading' to clarify the distinction between network utilities covered by the definition of 'minor upgrading' and those covered by the definition of 'upgrading'. It should be clear from any such amendment that the definition of 'upgrading' will apply to Powerco's gas distribution network.	Accept in part
Chorus New Zealand Limited	8.8	Amend the wording of the definition of "Upgrading" to make it clear that it applies to all telecommunications and radiocommunications, other than lines which are provided for separately.	Oppose in part. Chorus considers the currently drafted definition is unclear and does not reflect the intended approach of providing for all network utilities under the 'Upgrading' provisions, other than telecommunication and electricity lines which are provided for in the 'Minor Upgrading' provisions.	Accept in part
Wellington Electricity Lines Limited (WELL)	9.12	Retain as notified.	Support.	Accept in part

<b>Amendment 34 – Rule 11.2.2.2 – Matters in which Council seeks to Control</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
NZ Transport Agency	1.5	Retain as notified.	Support.	Accept
KiwiRail	3.7	Retain as notified.	Support. For subdivisions, the consideration of the impact of the design and layout of the subdivision on the rail network as a	Accept

			regionally significant network utility, and the outcome of consultation with KiwiRail, are supported as being matters Council seek to control.	
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<b>Amendment 35 – Rule 11.2.2.3 – Assessment Criteria</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
NZ Transport Agency	1.6	Retain as notified.	Support.	Accept
KiwiRail	3.8	Retain as notified.	Support that potential reverse sensitivity effects on regionally significant network utilities are considered through the subdivision process. Consideration of elements such as setbacks, design standards and mitigation requirements for development on a site at the time of subdivision, will ensure that future occupants are fully aware of the potential effects from residing adjoining a railway, and that these effects are mitigated so that the railway is not subject to reverse sensitivity effects.	Accept

<b>Amendment 36 – Rule 11.2.3(b) and associated Standards and Terms 11.2.3.2</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.16	Retain the proposed Restricted Discretionary Rule 11.2.3(b) without amending except for the following: "11.2.3	Oppose in part. The reference in rule 11.2.3 (b) to 'standards and terms under Rule 11.2.3.1' appears incorrect and should be	Accept

		<i>(b) Any subdivision located within a National Grid Corridor that complies with the standard and terms under Rule <del>11.2.3.1</del> 11.2.3.2”</i>	amended.	
Transpower New Zealand	6.17	Retain the standards and terms (11.2.3.2) without amending except for the following: 11.2.3.2 (a) (ii) <i>Demonstrate that each new <u>residential</u> allotment can provide a complying shape factor as required under rule 11.2.2.1(a) or in the case of industrial or commercial activities, a suitable building platform which is fully located outside of the national grid yard.”</i>	Oppose in part. At present, the District Plan only requires the demonstration of shape factors where residential activities are proposed: it is not required for commercial and industrial activities.  A subdivision should be required to demonstrate that a building platform can be provided for all activities outside of the National Grid Yard	Accept

<b>Amendment 38 – Matters of Discretion</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
Transpower	6.18	Amend as follows:  <i>“The Council has restricted its discretion to the following matters when considering an application for resource consent under Rule 11.2.3.1 (i) the extent to which the design, construction and layout of the subdivision <del>(including landscaping)</del> demonstrates that a suitable building platform(s) <del>for a dwelling</del> can be located outside of the National Grid</i>	Support in part. Transpower states that in relation to clause (i) it is not clear how landscaping relates to the demonstration that a suitable building platform can be located outside of the National Grid yard. Having noted this Transpower does consider that the potential benefits and adverse effects of landscaping should be within the discretion of Council, and seeks changes accordingly. In relation to proposed clause (b) it is noted that this refers to ‘electricity	Accept

		<p><i>Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;</i></p> <p><i>(ib) <u>the extent to which landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid;</u></i></p> <p><i>(ii) <u>The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;</u></i></p> <p><i>(iii) <u>The risk to the structural integrity of the National Grid;</u></i></p> <p><i>(iv) <u>The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;</u></i></p> <p><i>(v) <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 transmission asset.</u></i></p> <p><b>Advice Note:</b>  <i>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the</i></p>	<p>transmission lines’, whereas the term defined in the proposed plan change is ‘transmission lines’. Transpower considers that the defined term should be used.</p> <p>Transpower considers that clause (a) is inappropriately limited to dwellings and should also include commercial and industrial buildings.</p> <p>Transpower submit that the second paragraph of the note includes some minor inaccuracies which should be amended, and that the second paragraph implies restrictions on vegetation under the Electricity (Hazards from Trees) Regulations 2003 is restricted to the National Grid Yard, when they are not.</p>	
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		<p><i>Electricity Act 1992. All activities regulated by NZECP34, 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.</i></p> <p><i>Vegetation to be planted <u>within proximity to Transmission Lines</u> <del>within the National Grid Yard as shown on the planning maps</del> 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 <del>electricity</del> <u>Transmission Line</u> especially works within the transmission corridor; contact the <del>relevant network utility</del> <u>National Grid operator.</u>"</i></p>		
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<b>Amendment 41 – Rule 11.2.5</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.19	Amend as follows: “(a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule <del>11.2.3.1</del> <u>11.2.3.2.</u> ”	Support. The reference to Rule 11.2.3.1 appears to be incorrect and should be amended.	Accept

**Amendment 42 – Deletion of existing Chapter 13**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.20	Retain as notified.	Support.	Accept

Amendment 43 – Chapter 13 Introduction				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.9	Retain as notified.	Support. In particular the paragraph which recognises that utilities are vital for a community and the ability to construct, maintain, upgrade and operate these effectively is very important.	Accept
Transpower New Zealand	6.21	Amend as follows: “... <i>The Council is required to give effect to any National Policy Statement. The National Policy Statement on Electricity Transmission came into force in 2008 and applies to effects on and effects of the <del>transmission network</del> National Grid. The National Policy Statement on Electricity Transmission's objective is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the National Grid and the establishment of new transmission resources to meet the needs of present and future generations while: managing the adverse environmental effects of</i>	Support in part. There should be minor terminology changes to ensure consistency with other parts of the Plan Change.	Accept

		<p><i>the network; and managing the adverse effects of other activities on the network.</i></p> <p><i>...</i></p> <p><i>For example, network utilities may typically include buildings, poles, overhead wires, pylons, pipes or antennas, which may have an adverse visual impact depending on their location and proximity to other land use activities. The installation and upgrading of network utilities will also typically involve earthworks. However, network utilities may also involve few structures and have limited visual impact, such as underground <del>power</del> electricity and telecommunication lines. Network utilities are also often seen as a necessary and normal part of the environment, such as a road.</i></p> <p><i>..."</i></p>		
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<b>Amendment 44 – 13.1.1 Issues, Objectives and Policies: Regionally Significant Network Utilities</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	
NZ Transport Agency	1.7	Retain as notified.	Support.	Accept
KiwiRail	3.10	Retain as notified.	Support.	Accept
Transpower New Zealand	6.22	<p>Amend as follows:</p> <p><i>“Objective</i> <i>To recognise <u>and protect</u> the benefits of regionally significant network utilities.</i></p> <p><i>Policies</i> <i>(a) To identify regionally significant network utilities within the City on Council planning maps, as practicable.</i></p>	<p>Oppose. The provisions fail to ‘protect’ regionally significant infrastructure as required under the RPS (eg: Objective 10 and Policy 8 of the RPS).</p> <p>Paragraph 3 of the explanation and reasons which identifies the benefits of regionally significant network utilities, does not recognise the key</p>	Accept in part

		<p><i>(b) To recognise <u>and protect the national, regional and local benefits of regionally significant network utilities.</u></i></p> <p><i>Explanation and Reasons ...</i></p> <p><i>Policy (b) recognises that regionally significant network utilities provide benefits within the City, as well as regionally and nationally. These benefits need to be protected and considered in respect of any matter relating to regionally significant network utilities. Some of these benefits are:</i></p> <ul style="list-style-type: none"> <li><i>i. That people and goods can travel to, and from and around the City and Region efficiently and safely;</i></li> <li><i>ii. That community well-being and public health and safety is maintained through the provision of essential services including supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;</i></li> <li><i>iii. People have access to electricity and gas to meet their needs, <u>and location of supply and demand for these services can be effectively and efficiently connected.</u></i></li> </ul>	<p>national benefit arising from electricity being able to be transmitted from sources of generation to the centres of demand. This has particular relevance in the Hutt City case given that the Haywards substation is a key hub in the National Grid.</p>	
Powerco	FS2.6	Accept	Powerco supports the amendments sought. It is appropriate to protect as well as simply recognise the benefits of regionally significant network utilities.	Accept

Spark New Zealand Trading Limited	7.6	<p>Amend the second paragraph of the Explanation and Reasons as follows:  <i>“Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps, <u>as practicable</u>. ..... Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines <u>and telecommunication networks.</u>”</i></p> <p>Amend item (iii) in paragraph 3 of the Explanation and Reasons to 13.1.1 Regionally Significant Network Utilities as follows:  <i>“iii. People have access to electricity, <u>telecommunication</u> <u>s</u>, <u>radiocommunications</u> and gas to meet their needs.”</i></p>	<p>Oppose in part. It is inconsistent and inappropriate to exclude telecommunications and radiocommunications as there is provision for similar services expressly provided within the definition (ie: electricity and gas).</p> <p>It is not appropriate to map telecommunications networks due to the sheer volume of detail that would be required, therefore Spark seeks to clarify that mapping should be undertaken as practicable in paragraph two of the Explanations and Reasons.</p>	Accept in part
Chorus New Zealand Limited	8.9	<p>Amend the second paragraph of the Explanation and Reasons as follows:  <i>“Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps, <u>as practicable</u>. ..... Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network</i></p>	<p>Oppose in part. It is inconsistent and inappropriate to exclude telecommunications and radiocommunications as there is provision for similar services expressly provided within the definition (ie: electricity and gas).</p> <p>It is not appropriate to map telecommunications networks due to the sheer volume of detail that would be required, therefore Chorus seeks</p>	Accept in part

		<p><i>utilities on Council planning maps, particularly the local gas distribution lines <u>and telecommunication networks.</u></i></p> <p>Amend item (iii) in paragraph 3 of the Explanation and Reasons to 13.1.1 Regionally Significant Network Utilities as follows:  <i>“iii. People have access to electricity, <u>telecommunication</u> <u>s</u>. <u>radiocommunications</u> and gas to meet their needs.”</i></p>	to clarify that mapping should be undertaken as practicable in paragraph two of the Explanations and Reasons.	
Powerco Limited	10.3	Retain as notified	Support. Accepts it would not be practicable to show gas distribution lines on the planning maps. As an alternative, it may be possible to make information about the location of Powerco’s gas lines available on the Council’s GIS system.	Accept

<b>Amendment 45 – 13.1.2 Issues, Objectives and Policies: Managing Adverse Effects, including Reverse Sensitivity Effects</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
NZ Transport Agency	1.8	Retain as notified.	Support.	Accept
KiwiRail	3.11	Retain as notified.	Support. Not opposed to development on sites adjoining the rail network, however as trains can often be intermittent and cause effects on amenity, KiwiRail support that these potential effects are mitigated.	Accept
Transpower	6.23	Amend as follows:	Oppose. The qualifier	Accept in part

<p>New Zealand</p>		<p><i>“Objective To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not <del>unreasonably</del> compromised by other activities.</i></p> <p><i>Policies</i></p> <p><i>(a) To avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects, including reverse sensitivity effects on regionally significant network utilities from incompatible new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.</i></p> <p><i>(b) To ensure the safe and efficient maintenance, operation, upgrade and development of the National Grid by avoiding the incompatible <u>earthworks</u>, establishment of or changes to sensitive activities and incompatible buildings and structures within a defined National Grid Yard.</i></p> <p><i>Explanation and Reasons</i></p> <p><i>... Policy (a) requires that any potential adverse effects, including reverse sensitivity effects on regionally significant network utilities are appropriately managed, with priority given to avoiding adverse effects,</i></p>	<p>‘unreasonably’ used in the Objective of this section is not consistent with Policy 10 of the NPSET as the Policy does not use that word.</p> <p>The new section fails to recognise the adverse effects earthworks can have on the National Grid and that the explanation regarding Policy (b) fails to recognise that avoiding certain activities in the National Grid Yard is not about only protecting access but also safety and protecting the structural integrity of transmission lines.</p>	
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	<p><del>where practicable</del>, on those utilities. The location of inappropriate new subdivision, use or development, <u>including earthworks</u>, in proximity to existing regionally significant network utilities has the potential to compromise the efficient operation and use of the network utility including by restricting access and result in the benefits of that network utility being reduced. In addition, the safety and amenity values of the community may be adversely affected by locating in too close proximity to regionally significant network utilities. The potential for reverse sensitivity effects may arise when the pattern and density of land use activities changes through the subdivision or rezoning of land. At the time of rezoning, the Council will seek to introduce new provisions to manage those potential reverse sensitivity effects on existing or designated regionally significant network utilities. Any applications for subdivision that involve potential intensification located in proximity to regionally significant network utilities will require assessment in terms of the potential effects on those utilities as well as consultation with the relevant network utility operator.</p> <p>Policy (b) recognises the importance of the National Grid and seeks to protect the continued</p>		
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	<p><i>operation, <u>maintenance and upgrade and upgrade and functioning</u> of that network. The policy provides for the establishment of a National Grid Yard within which sensitive activities and incompatible <u>earthworks, buildings and structures</u> will be avoided. The <del>management avoidance of sensitive activities and incompatible earthworks,</del> of buildings and structures within a National Grid Yard is aimed at <del>ensuring that these do not hinder required access to the network for its on-going operation and maintenance,</del>:</i></p> <ol style="list-style-type: none"> <li><i>1. <u>maintaining access to the network for its on-going operation, maintenance, upgrading and development,</u></i></li> <li><i>2. <u>mitigating safety risks for occupants and users of properties;</u></i></li> <li><i>3. <u>protecting the structural integrity of transmission lines; and</u></i></li> <li><i>4. <u>maintaining the opportunity to further optimise existing National Grid lines in the future.</u></i></li> </ol> <p><del>which</del> <i>This is a matter of national significance under the National Policy Statement <del>for on</del> Electricity Transmission. This Chapter contains specific rules that apply to the use and development of land within the National Grid Yard throughout the</i></p>		
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		<i>District Plan. Chapter 11 Subdivision, contains specific rules that apply to subdivision within the National Grid Corridor. The on-going operation, upgrade and maintenance of the existing National Grid is provided for by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. These regulations specify that existing electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects. The standards also specify resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities."</i>		
Spark New Zealand Trading Limited	7.7	Retain as notified.	Support.	Accept
Chorus New Zealand Limited	8.10	Retain as notified.	Support.	Accept
Powerco Limited	10.4	Retain as notified.	Support.	Accept

<b>Amendment 46 – 13.1.3 Issue, Objective and Policies: Recognising and Providing for Network Utilities</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
NZ Transport Agency	1.9	Retain as notified.	Support.	Accept
KiwiRail	3.12	Retain as notified.	Support. While new rail networks are not	Accept

			common, upgrading to ensure safety and technology adjustments are accommodated, and maintenance to ensure safety is constantly maintained, are pivotal to the operation of the network. Being able to undertake works with little impediment and restriction is supported given the nature of the network, the purpose it services for the region, and the consequences of an unmaintained network on public safety being significant. This supports the changes sought to the definition at KiwiRail's submission point 3.6.	
Transpower New Zealand	6.24	Retain as notified.	Support.	Accept
Spark New Zealand Trading Limited	7.8	Retain as notified.	Support.	Accept
Chorus New Zealand Limited	8.11	Retain as notified.	Support.	Accept
Wellington Electricity Lines Limited (WELL)	9.13	Amend Policy 13.1.3 (a) as follows: <del>“(a) To recognise and provide for the:</del> <del>(i) need for new and the maintenance and upgrading of existing network utilities;</del> <del>(ii) technical and operational requirements and constraints of network utilities in assessing their location, design, development,</del>	Support in part. As currently worded, Policy 13.1.3(a) is not explicit enough in recognising that not all environmental effects can be avoided remedied or mitigated. The policy does not state that some adverse effects may need to be accepted.	Reject

		<p><i>construction and appearance; and</i></p> <p><i>(iii) benefits that network utilities provide to the economic, social and cultural functioning of the City.</i></p> <p><u>To recognise that residual adverse environmental effects have the potential to result from the development of Network Utilities, and that such residual effects will be offset by the public good, or benefit, that will be derived from the Network Utilities development.</u></p>		
Transpower New Zealand	FS1.5	Accept	Transpower supports the principle of what the submitter is seeking. It is important that the District Plan recognises that to achieve the benefits which arise from network utilities some adverse effects will be necessary. Further accepting that some adverse environmental effects may arise from network utilities is part of 'providing for' these significant physical resources.	Reject
Powerco	FS2.12	Accept / reject in part	While Powerco supports the intent of the submission, the proposed new policy is not considered to be entirely necessary as PC34 contains policies that address both the benefits and effects of network utilities and these matters must be balanced when considering an	Accept

			application in the context of all policies in Chapter 13 – Network Utilities.	
Powerco Limited	10.5	Retain as notified.	Support.	Accept

<b>Amendment 47 – 13.1.4 Issues, Objectives and Policies: Managing Environmental Effects</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Powerco Limited	10.6	Retain Issue 13.1.4 as notified.	Support in part.	Accept
Powerco Limited	10.7	Retain Objective 13.1.4 as notified.	Support in part.	Accept
Transpower New Zealand	6.25	Add a new policy as follows: <i><u>(aa) To take account of technical and operation requirements of the network and of the extent to which any adverse effects have been avoided remedied or mitigated by route, site and method selection when considering the adverse effects of the National Grid.</u></i>	Oppose. The provisions fail to adequately recognise the constraints created by the technical and operational requirements of the National Grid as required in Policy 3 of the NPSET.  The provisions fail to adequately recognise any adverse effects that may have been avoided, remedied or mitigated by the route, site or method selection as required in Policy 4 of the NPSET.	Reject
Powerco	FS2.7	Accept in part	Powerco supports the inclusion of an additional policy requiring the technical and operational requirements of network utilities to be taken into account when considering the adverse effects of such works. Any such new policy should, however, apply in relation to all linear network utilities and not just to the National Grid.	Reject
Wellington Electricity	9.14	Amend by adding a new policy as follows:	Support in part. The PC34 policies do not	Accept in part

Lines Limited (WELL)		<p><i><u>“To weigh up any residual adverse environmental effect that cannot be otherwise avoided remedied or mitigated with the benefits that will be derived from the Network Utility.”</u></i></p>	<p>suitably coalesce with the stated policy explanation. The wording used in the explanation is confusing as it reads that any effects that cannot be avoided remedied or mitigated will be required to be mitigated- which is somewhat contradictory. A more appropriate concept to be articulated in Section 13.1.4 would be the balancing of positive effects to be derived from Network Utilities, with those residual environmental adverse effects that could not be avoided, remedied or mitigated.</p>	
Spark New Zealand Trading Limited	7.9	<p>Amend 13.1.4 Policy (a) as follows:  <i><u>“To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment as far as practicable.”</u></i></p> <p>Amend the last sentence of the first paragraph of the Explanation and Reasons to 13.1.4 as follows:  <i><u>“However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning that there <del>will</del> may be some level of residual adverse effect on the surrounding environment. <del>that</del></u></i></p>	<p>Oppose in part. Changes are sought to 13.1.4 Policy (a) and the associated Explanation and Reasons to remove inconsistencies in the current wording. In particular, changes are sought to consistently acknowledge throughout the policy framework that it is not always possible to avoid, remedy or mitigate all adverse effects of network utilities due to their technical and operational constraints.</p>	Accept in part

		<del>requires mitigation.</del> In such circumstances there is a need to carefully consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.”		
Powerco	FS2.10	Accept	The amendments proposed to Policy 13.1.4(a) and the associated Explanation and Reasons are supported for the reasons set out in the primary submission.	Accept in part
Chorus New Zealand Limited	8.12	<p>Amend 13.1.4 Policy (a) as follows:  <i>“To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment <u>as far as practicable.</u>”</i></p> <p>Amend the last sentence of the first paragraph of the Explanation and Reasons to 13.1.4 as follows:  <i>“However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning that there <del>will</del> <u>may</u> be some level of <u>residual</u> adverse effect on the surrounding environment. <del>that</del> <del>requires mitigation.</del> In such circumstances there is a need to carefully consider both the</i></p>	Oppose in part. Changes are sought to 13.1.4 Policy (a) and the associated Explanation and Reasons to remove inconsistencies in the current wording. In particular, changes are sought to consistently acknowledge throughout the policy framework that it is not always possible to avoid, remedy or mitigate all adverse effects of network utilities due to their technical and operational constraints.	Accept in part

	<p><i>benefits the utility will provide and the significance of the adverse effects on the surrounding environment.”</i></p> <p>Amend the second paragraph of the Explanation and Reasons to 13.1.4 as follows:  <i>Policy (a) recognises the importance of managing the design, location, operation, upgrading, construction, operations and maintenance of network utilities, <b><u>while also acknowledging that it is not always possible to</u></b> <del>and requires that any potential adverse effects arising from network utilities are avoided, remedied or mitigated</del> <b><u>all adverse effects. This is due to the technical and operational requirements of network utilities (as identified in Policy 13.1.3 (a) (ii)).</u></b></i></p> <p>Amend the fifth paragraph in the Explanation and Reasons to 13.1.4 (relating to Policy (d)) as follows:  <i>Policy (d) requires the underground placement of network utilities unless particular circumstances apply. The adverse visual effects of certain network utilities can often be managed by putting the services underground. This is <del>the</del> <b><u>generally the</u></b> required approach for those network utilities, such as cables that can be located underground....  .....In particular, the</i></p>		
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		<p><i>underground placement of electricity lines and telecommunication lines is required <b><u>in most circumstances</u></b> by only providing for aboveground lines in particular defined situations, such as for customer connections <b><u>and where permitted as minor upgrading.</u></b> <del>and through different activity status.</del> New above ground lines and their associated supporting structures in areas that do not have existing above ground lines are generally considered to be unacceptable within the City, except in those areas that can visually absorb new above ground lines, such as the Rural zone where they are permitted.</i></p>		
Transpower New Zealand	FS1.4	Accept	Transpower supports this submission as the principle is an important part of 'providing for' the benefits of network utilities.	Accept in part
Powerco Limited	10.8	Retain Policy 13.1.4 (a) as notified.	Support in part.	Accept
Powerco Limited	10.9	<p>Amend Policy (b) as follows:  <i>"(b) <u>To manage effects on health and safety by ensuring</u> <del>Ensure</del> network utilities, <del>in particular those emitting electric and magnetic fields,</del> are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other</i></p>	Support in part. The explanation and reasons given to Policy (b) identify health and safety matters as being the focus; however this is not reflected in the Policy.	Accept

		<i>nationally recognised standards and guidelines.”</i>		
Transpower New Zealand	FS1.6	Accept	Transpower considers this change is appropriate.	Accept
Transpower New Zealand	6.26	Amend Policy (c) as follows: “(c) <i>To enable the co-location or multiple use of network utilities where this is efficient and <del>practicable</del> <u>operationally and technically feasible</u> and assists with avoiding, remedying or mitigating adverse effects on the environment.”</i>	Oppose. The reference to ‘practicable’ in policy (c) should be replaced with ‘operationally and technically feasible’.	Accept in part
Powerco	FS2.8	Accept	Support.	Accept
Spark New Zealand Trading Limited	7.10	Retain 13.1.4 Policy (c) as notified.	Support.	Accept in part
Chorus New Zealand Limited	8.13	Retain 13.1.4 Policy (c) as notified.	Support.	Accept in part
Powerco Limited	10.10	Retain Policy 13.1.4 (c) as notified.	Support in part.	Accept in part
Greater Wellington Regional Council	2.2	Amend policy 13.1.4 (d) as follows: “...to require the underground placement of new network utilities unless (i) <i>there are natural or physical features or structures, or technological and operational constraints and effects on flood flow capacity and stopbank integrity, that makes underground placement impractical or</i>	Supports the encouragement of co-location services, but seeks recognition within the proposed policy or its explanation that co-location is not always appropriate, namely where its effects may be to constrict flood flows.	Reject

		<i>unreasonable”...</i>		
Powerco	FS2.2	Reject in part	<p>Powerco accepts there is a need to protect the integrity of flood protection assets and that this may not be achieved if there is a requirement to underground new network utilities under or near stopbanks. However, the policy already recognises that undergrounding of new network utilities may not be appropriate where physical features or structures are present (which would include stopbanks) and as such, Powerco does not consider the amendment is necessary. If the council is minded to include a specific reference to stopbanks and flood flow capacity, the additional wording should be amended to use ‘or’ rather than ‘and’, as follows:</p> <p><i>“...to require the underground placement of new network utilities unless</i></p> <p><i>(i) there are natural or physical features or structures, or technological and operational constraints and or effects on flood flow capacity and or stopbank integrity, that makes underground placement impractical or unreasonable”...</i></p> <p>This would ensure effects on flood flow capacity and stopbanks are considered separately to, rather than in conjunction with, the remainder of the</p>	Reject

			matters addressed in Policy 13.1.4(d).	
Transpower New Zealand	6.27	Amend Policy (d) as follows: “(d) <u>Except for transmission lines, to require the underground placement of new network utilities unless</u> (i) <i>there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;</i> (ii) <i>they are of a temporary nature and required for emergency purposes or critical events; and</i> (iii) <i>they are of a nature that they can only operate aboveground.</i> ”	Oppose. Policy (d) does not recognise that a key constraint associated with the undergrounding of the National Grid is the financial cost which makes it impractical for the country (it can be 10-15 times more expensive (as a monopoly Transpower is heavily regulated and any significant expenditure must be specially approved by the Commerce Commission.)). Policy (d) should either recognise this financial constraint or specifically exempt the National Grid.	Reject
Powerco Limited	10.11	Retain Policy 13.1.4 (d) as notified.	Support in part.	Accept
Powerco Limited	10.12	Retain Policy 13.1.4 (e) as notified.	Support in part.	Accept
Greater Wellington Regional Council	2.3	Amend policy 13.1.4 (f) as follows: “(f) <u>To encourage network utility providers to consult with local communities and the regional council on the appropriate placement, location and design of new</u>	Support. Seek regional council be included as they are not always informed that activities and earthworks are happening on, or in, stopbanks, and uncontrolled earthworks can and do cause a real risk of stopbank breach or failure.	Accept in part

		<i>network utilities”</i>		
Powerco Limited	10.13	Retain Policy 13.1.4 (f) as notified.	Support in part.	Accept
Transpower New Zealand	6.28	<p>Amend the Explanations and Reasons as follows:</p> <p><b>“Explanation and Reasons</b></p> <p><i>The issue and supporting objective recognise that the construction, operation, upgrading and/or maintenance of network utilities can have adverse effects and adversely affect the amenity of areas of the City, as a result of noise, emissions, and visual dominance, for example. Some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the surrounding environment. Such network utilities may also have <u>perceived</u> adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and/or upgrade works. For new linear network utilities, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning there will be</i></p>	Oppose. The references to public health and safety in the explanation and reasons are inaccurate and overstate the risks and the second to last sentence of the first paragraph contains some internal inconsistency.	Accept in part

	<p>some level of adverse effect on the surrounding environment. <del>that requires mitigation.</del> In such circumstances, there is a need to carefully consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.</p> <p>...</p> <p>Policy (b) recognises that some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. <del>Electricity transmission/distribution can generate electromagnetic fields (EMF) which may be a risk to health and also generates the risk of electrocution.</del> <u>Electricity transmission/distribution can generate electromagnetic fields (EMF), the National Policy Statement on Electricity Transmission, requires that the exposures be limited to the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) to</u></p>		
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		<p><u>prevent the potential for health effects.</u></p> <p>...</p> <p><i>Policy (c) recognises that the co-location and co-siting of network utilities may provide environmental benefits in terms of reduced visual impacts and consolidation of network utilities in existing areas thereby reducing adverse effects on amenity by reducing the need for more network utility structures. While co-location is encouraged it needs to be understood that technical requirements will generally mean that associated structures may need to be taller or bulkier to avoid interference between the two or more providers, such as radio-frequency bands. It is also recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference, lease arrangements and structural capacity."</i></p>		
Powerco Limited	10.14	<p>Amend 13.1.4 Explanations and Reasons as follows:  <i>"Policy (b) recognises that some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the</i></p>	<p>Support in part. There is concern that the wording of the explanation relating to electromagnetic fields (EMF) generated by electricity transmission/distribution activities may cause unnecessary concern about potential health effects of EMF. Despite numerous international studies, there is still no persuasive evidence that EMF poses any health risks. Because of this, it is therefore not</p>	<p>Accept in part</p>

		<p><i>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. Electricity transmission/distribution activities can generate electromagnetic fields (EMF) which may be present a risk to public health and safety, primarily though, and also generates the risk of electrocution from direct contact with conductors or as a result of a flashover. Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines, accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used in conjunction with some network utilities, such as water treatment plants for example, also pose a risk if an accidental spill occurs.</i></p> <p><i>There are a number of relevant national and international standards and guidelines addressing health and safety matters that are external to the District Plan. Some of these but <del>that</del> must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, while others provide best practice guidance, including the New Zealand Electrical</i></p>	<p>appropriate to suggest that EMF from electricity transmission/distribution may be a risk to health or for the policy to focus on utilities emitting electric and magnetic fields.</p>	
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		<i>Code of Practice and the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines.”</i>		
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<b>Amendment 48 – How to use the Network Utility Rules</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
Powerco Limited	10.15	Retain as notified.	Support.	Accept

<b>Amendment 49 – Network Utility Rules 13.3.1</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
Greater Wellington Regional Council	2.4	<p>Add new rules for Removal, Maintenance and Upgrading (Rules 13.3.1.1 to 13.3.1.7)</p> <ol style="list-style-type: none"> <li>1. Make any removal, maintenance or upgrading associated with underground services (excluding those associated with works on existing transmission lines) where they are located in or on a stopbank a restricted discretionary activity. Council’s discretion should be restricted to the effects of the works on the integrity of the stop-bank.</li> <li>2. To accord with the NESETA, such works on existing electricity transmission lines in stopbanks should be a controlled activity. Council’s control should be restricted to the effects of the works on the</li> </ol>	<p>GWRC has concerns about the implications of permitted activity status for utilities operations where there is potential for adverse effects on flood protection assets.</p> <p>With regard to the National Environmental Standard on Electricity Transmission Activities (NESETA), GWRC notes that permitted activity clause 33(5) requires that earthworks related to an existing transmission line must not contribute to slope instability, drainage problems, or flooding of overland flow paths, otherwise earthworks are to be considered a controlled activity.</p> <p>Earthworks in stopbanks can contribute to all of these effects e.g. slope instability; therefore it is appropriate that where existing electricity</p>	Reject

		integrity of the stop-bank.	transmission lines are concerned, the activity status should be controlled. However, for all other network utilities including new utilities, the activity status should be a restricted discretionary activity, so that GWRC retains the ability to seek that an application be refused if the flood hazard risks/effects are inappropriate.	
Powerco	FS2.3	Accept	Powerco accepts there is a need to protect the integrity of flood protection assets and can support a rule requiring restricted discretionary consent for removal, maintenance or upgrades associated with underground services where they are located in or on a stop-bank.	Reject
Transpower New Zealand	6.29	<p>Amend the Activity Status in 13.3.1 so that:</p> <ul style="list-style-type: none"> <li>• It can be easily determined which rules apply to different transmission activities. In this regard Transpower seeks very clear rules and related definitions associated with the operation and maintenance, minor upgrading, upgrading and establishment of new transmission lines (including their support structures) and of substations</li> <li>• National Grid activities are given the following activity status: <ul style="list-style-type: none"> <li>○ Permitted: The operation,</li> </ul> </li> </ul>	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Accept in part

		<p>maintenance, minor-upgrading of transmission lines, transmission line support structures and substations.</p> <ul style="list-style-type: none"> <li>○ Restricted Discretionary: The upgrading of transmission lines, transmission line support structures and substations.</li> <li>○ Discretionary: New transmission lines, transmission line support structures and substations.</li> <li>○ Non-complying: All network utilities which do not comply with the permitted activity standards for electric and magnetic fields.</li> </ul> <ul style="list-style-type: none"> <li>● Transmission lines and their support structures are covered by the same rules</li> <li>● The status of activities which do meet standards is clearly stated</li> <li>● Only Health and Safety Standard 13.3.2.1 applies to discretionary activities for new lines</li> </ul>		
Transpower New Zealand	6.32	Amend the Rules to specifically provide for transmission line support structures as the standards referenced are too restrictive (particularly height). It is considered that support structures	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Accept in part

		should be specifically provided for and that this would give effect to the NPSET and RPS.		
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**Amendment 49 – Network Utility Rule 13.3.1.1 Removal of existing network utilities, including any existing associated structures**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.13	Retain as notified.	Support.	Accept
Wellington Electricity Lines Limited (WELL)	9.15	Retain as notified.	Support.	Accept
Powerco Limited	10.16	Retain as notified.	Support.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.2 Operation and maintenance of existing network utilities**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.14	Amend as follows: <i>"The operation and maintenance of <del>existing</del> network utilities."</i>	Support. Question whether this should not reference 'existing' – new network utilities should also be able to be operated and maintained, with any consent or adverse effects being managed through the consent process to construct the network utility. At the time that consent is sought for construction, the operation and maintenance would not be a permitted activity as the network utility would not be existing. Certainty over whether that would also therefore require consent, or could at a future stage rely on a permitted activity rule	Accept

			would be removed with the removal of the word 'existing'.	
Transpower New Zealand	FS1.7	Accept	Transpower agrees that the term is unnecessary and may create confusion about when a network utility needed to exist to come within the scope of these rules. Transpower considers that once a network utility exists it should be subject to the permitted activity rules, regardless of when it was constructed.	Accept
Wellington Electricity Lines Limited (WELL)	9.16	Retain as notified.	Support.	Accept
Powerco Limited	10.17	Retain as notified.	Support.	Accept

<b>Amendment 49 – Network Utility Rule 13.3.1.3 Minor upgrading of existing electricity and telecommunication lines</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
NZ Transport Agency	1.10	Remove the word existing from this rule. <i>"The minor upgrading of <del>existing</del> electricity and telecommunication lines."</i>	Support in part. All network utilities need to be able to operate and maintain their assets without the need for consent.	Accept
Transpower New Zealand	FS1.8	Accept	Transpower agrees that the term is unnecessary and may create confusion about when a network utility needed to exist to come within the scope of these rules. Transpower considers that once a network utility exists it should be subject to the permitted activity rules, regardless of when it was constructed.	Accept
Transpower	6.30	Amend Rule 13.3.1.3 as	Oppose. The rules and	Accept

New Zealand		it is unclear on whether it covers minor upgrades to the support structures associated with lines. Minor upgrade of these structure should be provided for as a permitted activity (as is anticipated by the definition of minor upgrade)	their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	
Wellington Electricity Lines Limited (WELL)	9.17	Retain as notified.	Support.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.4 Upgrading of existing network utilities excluding electricity and telecommunication lines and gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.15	Retain as notified.	Support.	Accept
Powerco Limited	10.18	Remove the requirement for Upgrading of Existing Network Utilities to comply with Standard 13.3.2.5.2 for Slope, Height, Depth and Area of Earthworks.	The upgrading work Powerco undertakes involves trenching which is an essential and temporary activity. Powerco submits that as currently worded, consent would be required for earthworks to enable upgrading work on existing gas distribution lines located at a depth of more than 1.5m. While the average depth of gas distribution lines is typically less than 1.5m, it may not remain constant due to topography, road or stream placement or third party actions (ie: additional filling). Powerco does not want to be in a position where upgrading is required on a section of line to find that a section is deeper than 1.5m and a consent	Accept in part

			<p>is required before the work can be carried out.</p> <p>It is impractical for the Standard to set an area threshold for earthworks based on the zone in which the activity is located as linear infrastructure crosses multiple zone boundaries as well as the road reserve.</p>	
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**Amendment 49 – Network Utility Rule 13.3.1.5 Removal, operation and maintenance of network utilities and the minor upgrading of electricity and telecommunication lines that does not meet permitted activity standards**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.16	Retain as notified.	Support.	Accept
Transpower New Zealand	FS1.9	Accept	Transpower agrees this rule is appropriate and should be retained.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.6 Upgrading of existing network utilities excluding electricity and telecommunication lines and gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals that does not meet permitted activity standards**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.17	Retain as notified.	Support but conditional upon the definition of Upgrading and Maintenance being clarified so that repair and replacement are clearly not upgrading. Without that clarification, there is the potential that activities that would be permitted or controlled in the event the permitted standards are not complied with become restricted discretionary.	Accept
Transpower New	6.31	Amend Rule 13.3.1.6 'upgrading of network	Oppose. The rules and their associated	Accept in part

Zealand		utilities' excluding lines above 110kV that do not meet permitted activity standards - as it is unclear which rule applies if the upgrade does meet permitted activity standards	definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	
Wellington Electricity Lines Limited (WELL)	9.18	Subject to WELL's requested amended to the Definition of Minor Upgrading (submission reference 9.8) being accepted by Council, Retain Rule 13.3.1.6 as notified.	Support in part.	Accept in part

**Amendment 49 – Network Utility Rule 13.3.1.8 Subdivision for the purpose of accommodating any network utility**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Powerco Limited	10.19	Retain as notified.	Support.	Accept
Transpower New Zealand	FS1.10	Accept	Transpower agrees this rule is appropriate and should be retained.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.9 Cabinets and other network utility structures not otherwise listed (in all Activity Areas excluding Historic Residential and Landscape Protection Residential)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.33	Amend Rules 13.3.1.9 so it is clear whether these apply to new cabinets and structures as this is not clearly stated (as compared to the rules relating to lines).	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Reject

**Amendment 49 – Network Utility Rule 13.3.1.10 Cabinets and other network utility structures not otherwise listed (in Historic Residential and Landscape Protection Residential Activity Areas)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation
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				<b>on Submission Point</b>
Transpower New Zealand	6.34	Amend Rules 13.3.1.10 so it is clear whether these apply to new cabinets and structures as this is not clearly stated (as compared to the rules relating to lines).	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Reject

**Amendment 49 – Network Utility Rule 13.3.1.11 Cabinets and other network utility structures not otherwise listed that do not meet the permitted activity standards in Rule 13.3.1.9**

<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.35	Amend Rules 13.3.1.11 so it is clear whether these apply to new cabinets and structures as this is not clearly stated (as compared to the rules relating to lines).	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Reject
Spark New Zealand Trading Limited	7.11	Delete the application of the standards under Rule 13.3.1.11.	Oppose in part. It is unclear why the same standards as applied to cabinets as a permitted activity under Rule 13.3.1.9 are then again applied under the default restricted discretionary activity rule.	Accept in part
Transpower New Zealand	FS1.11	Accept	Transpower agrees with the submitter that it is unclear why the same standards which are applied to permitted activities under Rule 13.3.1.9 are then again applied under the default restricted discretionary activity rule.	Accept in part
Chorus New Zealand Limited	8.14	Delete the application of the standards under Rule 13.3.1.11.	Oppose in part. It is unclear why the same standards as applied to cabinets as a permitted activity under Rule 13.3.1.9 are then again	Accept in part

			applied under the default restricted discretionary activity rule.	
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**Amendment 49 – Network Utility Rule 13.3.1.12 Cabinets and other network utility structures not otherwise listed in this table that do not meet the restricted discretionary activity standards (in Historic Residential and Landscape Protection Residential Activity Areas)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.36	Amend Rules 13.3.1.12 so it is clear whether these apply to new cabinets and structures as this is not clearly stated (as compared to the rules relating to lines).	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Reject

**Amendment 49 – Network Utility Rule 13.3.1.14 Aerial crossings necessary for network utilities located on or within existing bridges and structures or across streams and including regulator stations but not compressor stations**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.18	Amend as follows: <i>"Aerial crossings necessary for network utilities, located on or within existing bridges and structures or across <u>watercourses</u> streams, and including regulator stations but not compressor stations."</i>	Support in part. The current wording of the rule could be clarified for certainty and consistency with the RMA.	Accept
Transpower New Zealand	FS1.12	Accept	Transpower agrees that amendment will help to clarify the scope of the rule, and that otherwise the rule should be retained.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.17 Underground Utilities**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
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Greater Wellington Regional Council	2.5	Make new underground utilities where they are located in or on a stopbank a restricted discretionary activity, not a permitted activity as currently proposed. Council's discretion should be restricted to the effects of the works on the integrity of the stop-bank.	GWRC has concerns about the implications of permitted activity status for utilities operations where there is potential for adverse effects on flood protection assets.	Reject
Powerco	FS2.4	Accept	Powerco accepts there is a need to protect the integrity of flood protection assets and can support a rule requiring restricted discretionary consent for new underground facilities where they are located in or on a stopbank.	Reject
KiwiRail	3.19	Retain as notified.	Support.	Accept

**Amendment 49 – Network Utility Rule 13.3.1.18 Masts with or without associated antennas (in Commercial (all), Business (all), General Rural, Community Health and Community Iwi Activity Areas)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.12	Amend Rule 13.3.1.18 to provide as a permitted activity for masts with or without associated antennas as a permitted activity in the General or Hill Residential, Rural Residential and General Recreation Activity areas.	Oppose. There is no proposed permitted provision for masts and associated antennas in the General or Hill Residential, Rural Residential and General Recreation zones. The restriction on masts in these areas is unreasonable. The areas have not been specifically zoned to protect 'amenity values' and the permitted activity standards will ensure that any adverse effects are less than minor.	Reject
Chorus New	8.15	Amend Rule 13.3.1.18 to	Oppose. There is no	Reject

Zealand Limited		provide as a permitted activity for masts with or without associated antennas as a permitted activity in the General or Hill Residential, Rural Residential and General Recreation Activity areas.	proposed permitted provision for masts and associated antennas in the General or Hill Residential, Rural Residential and General Recreation zones. The restriction on masts in these areas is unreasonable. The areas have not been specifically zoned to protect 'amenity values' and the permitted activity standards will ensure that any adverse effects are less than minor.	
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**Amendment 49 – Network Utility Rule 13.3.1.19 Masts with or without associated antennas (in Residential (excluding Historic and Landscape Protection), Recreation (all) and Rural Residential Activity Areas)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.13	Consequential amendments are required to Rule 13.3.1.19 to remove the activity areas outlined in submission point 7.12 from the Rule.	Oppose. Refer to Reasons under submission point 7.12.	Reject
Chorus New Zealand Limited	8.16	Consequential amendments are required to Rule 13.3.1.19 to remove the activity areas outlined in submission point 8.15 from the Rule.	Oppose. Refer to Reasons under submission point 8.15.	Reject

**Amendment 49 – Network Utility Rule 13.3.1.23 Masts, with or without associated antennas that do not meet permitted activity standards**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.14	Consequential amendments are required to 13.3.1.23 to include the activity areas outlined in submission	Oppose. Refer to Reasons under submission point 7.12.	Reject

		point 7.12.		
Chorus New Zealand Limited	8.17	Consequential amendments are required to Rule 13.3.1.23 to include these activity areas outlined in submission point 8.15.	Oppose. Refer to Reasons under submission point 8.15.	Reject

**Amendment 49 – Network Utility Rule 13.3.1.26 New and additional above ground lines (in all Rural Activity Areas)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.37	Amend Rule 13.3.1.26 as: It is unclear if new support structures as well as lines are covered by these rules. Transpower considers that a single provision should cover both new lines and support structures and that this would assist the clarity of the plan. It is also unclear what activity status applies if the standards listed for either rules are not complied with.	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Accept in part

**Amendment 49 – Network Utility Rule 13.3.1.27 New and additional above ground lines (in all Activity Areas excluding all Rural)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.38	Amend Rule 13.3.1.27 as: It is unclear if new support structures as well as lines are covered by these rules. Transpower considers that a single provision should cover both new lines and support structures and that this would assist the clarity	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Accept in part

		<p>of the plan.</p> <p>It is also unclear what activity status applies if the standards listed for either rules are not complied with.</p> <p>As a discretionary activity the listed standards are inappropriate and effectively serve no purpose as Council has full discretion to assess effects of proposals under this rule.</p>		
Chorus New Zealand Limited	8.18	<p>Amend as follows:</p> <p><i>“New or additional above ground lines <u>not otherwise provided for.</u>”</i></p>	<p>Oppose in part. As currently drafted, the provision for a fibre optic line using existing or replacement support structures is a Discretionary Activity under Rule 13.3.1.27 in all zones except the Rural zone (where it is permitted activity under Rule 13.3.1.26). In conjunction with Chorus’ submission point 8.6 to Amendment 15, an amendment is required to Rule 13.3.1.27 to remove potential conflict. Chorus state that their identified issue also applies to the permitted provision of additional lines elsewhere e.g. “minor above ground lines”.</p>	Accept

<b>Amendment 49 – Network Utility Rule 13.3.1.28 Minor above ground lines</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners’ Recommendation on Submission Point</b>
Chorus New Zealand Limited	8.19	Retain as notified.	Support.	Accept
Wellington Electricity Lines Limited	9.19	Retain as notified.	Support.	Accept

(WELL)				
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<b>Amendment 49 – Network Utility Rule 13.3.1.30 New and upgraded transformers, substations and switching stations distributing electricity and ancillary buildings</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.39	Amend Rule 13.3.1.30 as it is the only specific rule applying to substations and requires consent for all but the operation and maintenance of these important components of the national grid. The rules should provide for the operation, maintenance, replacement work and minor upgrade of the substations within Hutt City without the need for resource consent.	Oppose. The rules and their associated definitions should be re-drafted to ensure that network utility operators can easily determine the activity status of their activities.	Accept in part
Wellington Electricity Lines Limited (WELL)	9.20	Amend as follows: <i>“New and upgraded transformers, substations and switching stations <u>(other than those encased within a cabinet and/or those that are pole mounted within the Rural Activity Area)</u>, distributing electricity and ancillary buildings.”</i>	Oppose as it includes all new and upgraded transformers as a discretionary activity in all activity areas. Transformers vary in size according to voltage. The smaller transformers will be able to meet the permitted activity standards for all zones specified in Rule 13.3.1.9 (note: subject to road reserve area standards being increased to 5m <sup>2</sup> as sought below). The permitted activity rule for Cabinets should also apply to transformers and switch gear located within a Cabinet as the proposed definition includes these. As currently worded Rule 13.3.1.30 would require resource consent (discretionary activity) for overhead transformers in all activity areas. WELL	Accept in part

			<p>consider that the definition of “line” in Section 2 of the Electricity Act 1992, which is inherited as the definition of “line” in this plan change, includes overhead transformers, and therefore placement of an overhead transformer (pole mounted) on an overhead line, within the Rural Activity Area, should be a permitted activity to reflect that overhead lines in the rural resource area are also permitted activities. It is unreasonable to have permitted overhead lines in the rural environment only to then apply a mandatory resource consent requirement by virtue of the lines operational requirements.</p>	
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**Amendment 49 – Network Utility Rule 13.3.1.31 Underground gas distribution and transmission pipelines at a pressure not exceeding 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment, including regulator stations but not compressor stations**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
Powerco Limited	10.20	Remove the requirement for Upgrading of Existing Network Utilities to comply with Standard 13.3.2.5.2 for Slope, Height, Depth and Area of Earthworks.	Support subject to amendment (refer to submission point 10.18). Seek consistency with Porirua City Council’s Network Utility Plan Change 16.	Accept in part

**Amendment 49 – Network Utility Rule 13.3.1.37 Traffic control signals and devices, light and decorative poles and associated structures and fittings, post boxes, landscaped gardens, artworks and sculptures, bus stops and shelters, phone boxes, public toilets and road furniture located within road reserve**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation
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				<b>on Submission Point</b>
KiwiRail	3.20	Amend as follows: <i>Traffic control signals and devices, light and decorative poles and associated structures and fittings, post boxes, landscaped gardens, artworks and sculptures, bus stops and shelters, phone boxes, public toilets and road furniture located within the road reserve <u>and the rail corridor.</u></i>	Support in part. Within the rail corridor there are also traffic control signals and devices, light poles, gardens, shelters, phone boxes, etc.	Accept

**Amendment 51 – Standard 13.3.2.2.1 Height**

<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.40	Amend the height standard to exclude transmission lines including their associated support structures.	Oppose. This standard inappropriately applies to transmission lines and other structures. Transmission lines are commonly higher than the Standard for Height would allow. The Standard is very restrictive and would mean that the activity status rules for new and additional above ground lines (13.3.1.26 and 13.3.1.27) do not specifically provide for transmission lines. This does not give effect to the proposed objectives and policies, or the RPS and NPSET.	Accept in part
Spark New Zealand Trading Limited	7.15	Amend the permitted standard 13.3.2.2.1 to provide for a height of 20m in the General Rural zone and for a 15m height limit in the General Recreation and the Rural Residential zones for one provider	Oppose in part. The existing height provisions are too restrictive in terms of the likely level of adverse effects and the necessity of telecommunications and radiocommunication facilities, particularly in the Rural zone where the	Reject

			height (for one provider) is less than in the existing District Plan height limit, and where the environment has the ability to absorb larger structures. The provision of the same height limit for one or two providers will not encourage co-location in the Rural zone.	
Chorus New Zealand Limited	8.20	Amend the permitted standard 13.3.2.2.1 to provide for a height of 20m in the General Rural zone and for a 15m height limit in the General Recreation and the Rural Residential zones for one provider	Oppose in part. The existing height provisions are too restrictive in terms of the likely level of adverse effects and the necessity of telecommunications and radiocommunication facilities, particularly in the Rural zone where the height (for one provider) is less than in the existing District Plan height limit, and where the environment has the ability to absorb larger structures. The provision of the same height limit for one or two providers will not encourage co-location in the Rural zone.	Reject

<b>Amendment 51 – Standard 13.3.2.2.2 Height of masts and antennas (involving two or more providers)</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Spark New Zealand Trading Limited	7.16	Amend the permitted standard 13.3.2.2.2 to provide a height of 25m for two or more providers in the General Rural Zone and to provide for a 15m height limit in the General Recreation and the Rural Residential zones.	Oppose in part. Refer to Reasons under submission point 7.15.	Reject
Chorus New Zealand	8.21	Amend the permitted standard 13.3.2.2.2 to	Oppose in part. Refer to Reasons under	Reject

Limited		provide a height of 25m for two or more providers in the General Rural Zone and to provide for a 15m height limit in the General Recreation and the Rural Residential zones.	submission point 8.20.	
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**Amendment 51 – Standard 13.3.2.2.4 Height of cabinets and other network utility structures within road reserve and not otherwise provided for**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Wellington Electricity Lines Limited (WELL)	9.21	Retain as notified.	Support.	Accept
Powerco Limited	10.21	Retain as notified.	Support.	Accept

**Amendment 51 – Standard 13.3.2.2.5 Height of cabinets and network utility structures not within road reserve and not otherwise provided for**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Wellington Electricity Lines Limited (WELL)	9.22	Retain as notified.	Support.	Accept
Powerco Limited	10.22	Retain as notified.	Support.	Accept

**Amendment 52 – Standard 13.3.2.3.2 Size and Diameter of masts (involving two or more providers)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.17	Amend permitted standard 13.3.2.3.2 to provide for a diameter of 1.5m for a mast in all the Business zones involving two or more	Oppose in part. The proposed standards are too restrictive and will not encourage co-location.	Accept

		providers.		
Chorus New Zealand Limited	8.22	Amend permitted standard 13.3.2.3.2 to provide for a diameter of 1.5m for a mast in all the Business zones involving two or more providers.	Oppose in part. The proposed standards are too restrictive and will not encourage co-location.	Accept

**Amendment 52 – Standard 13.3.2.3.3 Horizontal diameter circle of antenna attached to masts**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.18	Amend permitted standard 13.3.2.3.3 to provide as a permitted standard for antenna attached to a mast to be located within a horizontal circle of 5m in the General Rural zone.	Oppose in part. Refer to Reasons under submission point 7.17.	Accept
Chorus New Zealand Limited	8.23	Amend permitted standard 13.3.2.3.3 to provide as a permitted standard for antenna attached to a mast to be located within a horizontal circle of 5m in the General Rural zone.	Oppose in part. Refer to Reasons under submission point 8.22.	Accept

**Amendment 52 – Standard 13.3.2.3.4 Horizontal diameter circle of antenna attached to masts (two or more providers)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.19	Amend permitted standard 13.3.2.3.4 to provide as a permitted standard for antenna attached to a mast to be located within a horizontal circle of 5m in the General Rural zone.	Oppose in part. Refer to Reasons under submission point 7.17.	Accept
Chorus New Zealand Limited	8.24	Amend permitted standard 13.3.2.3.4 to provide as a permitted standard for antenna	Oppose in part. Refer to Reasons under submission point 8.22.	Accept

		attached to a mast to be located within a horizontal circle of 5m in the General Rural zone.		
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**Amendment 52 – Standard 13.3.2.3.5 Antenna attached to other buildings**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Spark New Zealand Trading Limited	7.20	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m <sup>2</sup> in the Suburban Commercial zone.	Oppose in part. Spark considers that the allowable area for antennas attached to buildings in the Suburban Commercial area zone is too restrictive and inconsistent with the provision in other zones elsewhere e.g. (Recreational and Rural zones 1.3m antenna diameter and 1.2m <sup>2</sup> in area).	Accept
Chorus New Zealand Limited	8.25	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m <sup>2</sup> in the Suburban Commercial zone.	Oppose in part. The allowable area for antennas attached to buildings in the Suburban Commercial area zone is too restrictive and inconsistent with the provision in other zones elsewhere e.g. (Recreational and Rural zones 1.3m antenna diameter and 1.2m <sup>2</sup> in area).	Accept

**Amendment 52 – Standard 13.3.2.3.6 Cabinets and other network utility structures located within road reserve (not otherwise provided for)**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Wellington Electricity Lines Limited (WELL)	9.23	That Council amend Standard 13.3.2.3.6 to enable road reserve cabinets associated with electrical distribution networks to have an	Support in part. The size and diameter standards for Cabinets located within the road reserve are too restrictive. As shown in Attachment	Accept in part

		area up to 5m <sup>2</sup> as permitted activities adjacent to all land use zones; and	C to WELL's submission, electricity distribution cabinets are common elements within the City's road reserves and represent the only above ground structures associated with other wise permitted underground networks. The design and location of the distribution cabinet are thoroughly considered prior to their positioning, thereby ensuring that pedestrian access and safety will not be compromised by the road reserve cabinet.	
Powerco Limited	10.23	Retain as notified.	Support.	Accept

**Amendment 52 – Standard 13.3.2.3.7 Cabinets and other network utility structures not otherwise provided for that are not located within road reserve**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Wellington Electricity Lines Limited (WELL)	9.24	Retain as notified.	Support.	Accept
Powerco Limited	10.24	Retain as notified.	Support.	Accept

**Amendment 53 – Standard 13.3.2.4 Separation Distance and Setbacks**

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
KiwiRail	3.21	Amend as follows: <i>"Separation Distance and Setbacks With the exception of standard 13.4.4.1, which applies to all network utility structures, including lines, the following table applies to masts and antenna</i>	Support in part. The restrictions on meeting setbacks in the road corridor by virtue of being a long narrow corridor, also apply to the rail network.	Accept

		<i>attached to masts and any cabinet or other network utility structure that is defined as a building that are not located in the road reserve or rail corridor:..."</i>		
Transpower New Zealand	6.41	Exclude transmission lines, including their associated support structures from the separation distance and setback standard.	Oppose. The standard is entirely inappropriate to apply to transmission lines, including their support structure. Transmission lines commonly cross rivers and therefore could encroach within the 20 metre riparian setback therefore is unclear what effect applying this setback standard to lines is intended to manage. The only activity status rules for new and additional above ground lines (13.3.1.26 and 13.3.1.27) do not provide for transmission lines which does not give effect to the proposed objectives and policies, the RPS or the NPSET.	Accept in part
Wellington Electricity Lines Limited (WELL)	9.25	Retain as notified but correct the drafting error relating to the exception of Standard 13.4.4.1.	Support. There is a drafting error as an item referenced as 13.4.4.1 does not exist.	Accept

<b>Amendment 53 – Standard 13.3.2.4.3 Separation distance or setback for cabinets and other network utility structures</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Wellington Electricity Lines Limited (WELL)	9.26	Retain as notified.	Support.	Accept
Powerco Limited	10.25	Retain as notified.	Support.	Accept

Amendment 54 – Standard 13.3.5.2 Slope, Height, Depth and Area of Earthworks				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
NZ Transport Agency	1.11	Add new performance standard under (iv) of the rule to reflect the long, lineal and multi-zoned nature of the road network.	Support in part. The road network is a long lineal network and crosses multiple zones and the rule does not take this into account.	Accept in part
KiwiRail	3.22	Amend as follows: <i>"Slope, Height, Depth and Area of Earthworks</i> ... <i>(iv) Area: ...</i> <u><i>Within any Rail Corridor – 1000m<sup>2</sup></i></u>	Support in part. Acknowledge that the area restrictions proposed in the earthworks rules provide some certainty, however they are complicated to try and implement in the instance of rail. The rail network, like the road network, is a long linear network. Unlike the road network, the rail network throughout the City has an underlying zone that alters consistently with the adjoining sites. If a 'site' where the works are to occur extends across multiple zones, there is uncertainty which area under 13.3.2.5.2.iv would apply. Even if the 'all other activity areas' area was used, at 500m <sup>2</sup> that is not facilitating a large area of earthworks to occur over a long linear network. KiwiRail suggest that the earthworks in a rail corridor be referenced independent of zone recognising the unique restriction the zones and small areas place on long linear networks.	Accept in part
Transpower New Zealand	6.42	Amend as follows: <i>"The following shall apply to all network utility activities, except to earthworks within</i>	Oppose. The proposed standard may unnecessarily catch earthworks associated with the foundations for	Accept in part



		<p><i>2.0m of the exterior walls of any network utility building or structure that is defined as a building measured in plain view and to piling undertaken for the installation of a network utility mast, where that piling is contained within 2.0m of the edge of the mast, and to earthworks within 2 metres of the outer edge of a network utility support structure without exterior walls: ...”</i></p>	<p>transmission support structures. Transpower is concerned that the reference to exterior walls means this exemption does not apply to transmission towers. It is appropriate that earthworks associated with these towers are exempt from the standard in the same way as earthworks for other buildings and structures are, and consistent with directions in the NPSET to provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.</p>	
Spark New Zealand Trading Limited	7.21	<p>Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <b><u>“Slope, Height, Depth and Area of Earthworks</u></b> <i>The following shall apply to all network utilities except to:</i> <i>(a) earthworks within 2.0m of the exterior walls of any network utility building or structure that is defined as a building measured in plain view;</i> <i>(b) trenching in road reserve; and to</i> <i>(c) piling associated with the installation of network utility masts.”</i></p>	<p>Oppose in part. Spark submits that trenching in road reserve to provide for as a permitted activity commonly occurs throughout the country with little environmental effect. Accordingly it is considered that this activity should be excluded from compliance with the permitted activity standards. Further, the restriction on piling to within 2m of the edge of the mast is unnecessary in terms of the nature and the effects of this work.</p>	Accept in part
Powerco	FS2.11	Accept	<p>As set out in its own submission, Powerco considers that trenching in the road reserve should not be subject to the earthworks standards in 13.3.2.5.2 and supports the</p>	Accept in part

			amendments proposed.	
Chorus New Zealand Limited	8.26	Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <b><u>"Slope, Height, Depth and Area of Earthworks</u></b> <u>The following shall apply to all network utilities except to:</u> <u>(a) earthworks within 2.0m of the exterior walls of any network utility building or structure that is defined as a building measured in plain view;</u> <u>(b) trenching in road reserve; and to</u> <u>(c) piling associated with the installation of network utility masts."</u>	Oppose in part. Trenching in road reserve to provide for as a permitted activity commonly occurs throughout the country with little environmental effect. Accordingly it is considered that this activity should be excluded from compliance with the permitted activity standards. Further, the restriction on piling to within 2m of the edge of the mast is unnecessary in terms of the nature and the effects of this work.	Accept in part
WELL	9.27	Amend as follows: <u>"The following shall apply to all network utility activities, except to earthworks associated with cable trenching, within 2.0m of the exterior walls of any network utility building or structure that is defined as a building measured in plain view and to piling undertaken for the installation of a network utility mast or support structure, where that piling is contained within 2.0m of the edge of the mast:..."</u>	Support in part. Support the earthworks standard in so far as they do not apply to 2 meters of the external walls of any network utility building or structure.  However, clarification be more explicit that the earthworks standards do not apply to Pole Structures or to cable trenching. It is unclear that the slope, height, depth, and area of earthworks do not related to support structures that are not defined as a building. As electricity support structure foundations will often be required to go deeper than 1.5m for safety purposes, a clear exclusion from this standard is necessary.  As Council has determined that in all	Accept in part

			activity areas (apart from Rural) new lines are to be located underground, the associated earthwork provision should not be applicable to cable trenching. Quite often, when competing for service space within the transportation corridor, maintaining minimum clearances from other services will require trenching depths greater than 1.5m.	
Transpower New Zealand	FS1.13	Accept	Transpower supports the submitters request and agrees with them that basic maintenance activities should not be subject to native vegetation rules.	Accept

<b>Amendment 55 – Standard 13.3.2.6 Native Vegetation Cover</b>				
<b>Submitter</b>	<b>Sub. Ref.</b>	<b>Decision/Relief Sought</b>	<b>Reasons</b>	<b>Commissioners' Recommendation on Submission Point</b>
Transpower New Zealand	6.43	Amend standard 13.3.2.6 by including an exemption for tree removal and trimming undertaken in accordance with the Electricity (Hazard and Trees) Regulations 2003.	It is unclear what is meant by the phrase 'destruction of any native vegetation'. This standard appears to catch the management of vegetation required to meet the Electricity (Hazard and Trees) Regulations 2003. If the standard does catch these activities it would mean that basic maintenance works would require resource consent. Requiring resource consent for basic maintenance works does not give effect to the proposed objectives and policies, or to the RPS and NPSET.	Accept
Wellington Electricity	9.28	Amend as follows: <i>"Within the Rural</i>	Support in part. Agree with Council that	Accept in part

Lines Limited (WELL)		<i>Residential and General Rural Activity Areas, <u>and apart from damage caused by a Network Utility Operators maintenance activities, there shall be no destruction of any native vegetation where:...</u></i>	destruction of native vegetation should be avoided; however WELL are required to maintain growth limits on vegetation within set distances from electricity conductors under the Schedule: Growth Limit Zones of the Electricity (Hazards from Trees) Regulations 2009. In order to meet this obligation under the regulation, damage to native vegetation provisions should be exempt in PC34 for the electricity network utility operator.	
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Amendment 57 – Standard 13.3.2.8 Temporary Above Ground Lines				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Wellington Electricity Lines Limited (WELL)	9.29	Retain as notified.	Support.	Accept

Amendment 59 – 13.3.4 Matters in which Council has restricted its discretion				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.44	Replace the matters of discretion with the following: <u>"(a) Any positive effects to be derived from the activity.</u> <u>(b) The degree, extent and effects of the non-compliance with the Permitted Activity Conditions.</u> <u>(c) Health and safety.</u> <u>(d) Suitability of the site for the proposed activity, including</u>	Oppose. The proposed matters of discretion fail to allow recognition of the benefits of regional significant network utilities, do not adequately give effect to Policies 3 and 4 of the NPSET and generally are not all appropriate.  The matters should be redrafted to be simpler, consistent with those in Amendment 72 relating	Accept in part

		<p><u>consideration of geotechnical and natural hazard constraints.</u></p> <p><u>(e) Layout, design and location of proposed structures.</u></p> <p><u>(f) Traffic and transport effects.</u></p> <p><u>(g) Extent of any earthworks.</u></p> <p><u>(h) Effects on historic heritage.</u></p> <p><u>(i) Visual, character and amenity effects.</u></p> <p><u>(j) Noise and lighting effects.</u></p> <p><u>(k) Effects on public access.</u></p> <p><u>(l) Effects on natural character and native vegetation.</u></p> <p><u>(m) Adequacy of the methods of mitigation/remediation or ongoing management, including the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</u></p> <p><u>(n) Any constraints arising from technical and operational requirements of the network which may limit measures to avoid, remedy or mitigate environment effects”</u></p> <p>Make consequential amendments to the references to the matters of discretion in section 13.3.1.</p>	<p>to renewable energy generation.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• Clause (n) relating to alternatives should be removed. The Act only requires applicants to describe possible alternatives if it is likely that the activity will result in significant adverse effects on the environment. The proposed clause is unnecessary (as it duplicates the Act) and creates an undue expectation that alternatives will be assessed in every instance</li> <li>• Clause (r) relating to consultation is not a relevant ‘matter of discretion’. It is unclear how the extent of consultation with affected persons or the community should have a bearing on a resource consent application. The Act does not require consultation.</li> </ul>	
Powerco	FS2.9	Accept in part	The proposed matters of discretion are considered to be appropriate.	Accept in part

Amendments 61, 62, 63 and 64 – Rules relating to activities in the National Grid Yard				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Transpower New Zealand	6.45	<p>Amend 13.4 as follows:</p> <p>a) <u>Include the new permitted activity rule:</u>  <u>"In all activity areas, earthworks within the National Grid Yard which:</u>  <u>a) are for a Network Utility or undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track; or</u>  <u>b) do not exceed 300mm in depth within 12m of any National Grid support structure foundation;</u>  <u>c) do not compromise the stability of a National Grid support structure;</u>  <u>and</u>  <u>d) do not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34."</u></p> <p>b) Delete proposed restricted discretionary rule.</p> <p>c) Insert as a new restricted discretionary rule  <u>"Any earthworks</u></p>	<p>Oppose. The provision made for buildings within the National Grid Yard as a restricted discretionary activity is inappropriate and does not give full effect to the NPSET. Other than very small buildings, buildings in the National Grid Yard should be non-complying activities.</p> <p>The rules do not control earthworks within the national grid yard. Earthworks can have significant adverse effects on the national grid, in particular on the stability of support structures. Earthworks within the national grid should therefore be specifically managed in the District Plan.</p>	Reject

		<p><u>within the National Grid Yard that exceed 300mm in depth and are within 12m of any National Grid support structure foundation.”</u></p> <p>d) Insert new matters of discretion for the new restricted discretionary rule:  <u>“a) Impacts on the operation, maintenance, upgrade and development of the National Grid.</u>  <u>b) Compliance with NZECP34:2001.</u>  <u>c) Technical advice provided by the National Grid owner (Transpower).</u>  <u>d) The risk to the structural integrity of the National Grid.</u>  <u>e) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</u>  <u>f) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.”</u></p> <p>e) Replace non-complying rule 13.4.3 with the following:  <u>“In all activity areas, within the National Grid Yard:</u>  <u>a) The establishment of sensitive land use activity, including the change of the</u></p>		
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		<p><u>use of an existing building or structure.</u></p> <p><u>b) The construction of a new, or addition to an existing, building or structure not meeting permitted activity rule 13.4.1.</u></p> <p><u>c) Earthworks not meeting permitted activity rule 13.4.XX”.</u></p>		
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Amendment 75 – Other Provisions				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
Transpower New Zealand	6.46	Amend clause (c) of all ‘Other Provisions’ as follows: “(c) <u>Network Utilities, including the National Grid and all activities (such as earthworks, buildings and structures, residential activities, education facilities, health care facilities) within the National Grid Yard – See Chapter 13.”</u>	Oppose. The proposed change does not adequately direct parties to the National Grid provisions in proposed section 13.4 of the Plan.	Reject

Amendment 76 – Planning Maps				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners’ Recommendation on Submission Point
Transpower New Zealand	6.47	Amend the Plan maps as included in amendment 76 of the Plan Change.  Ensure the key included in amendment 76 is included on each relevant Plan map	Support in part. It is unclear from the plan change documentation whether it is proposed to include the key shown in the text of amendment 76 on each Plan map. The key labels the lines	Accept



			as 'National Grid Centre Line' and 'National Grid Corridor maximum extent (39 m from the centre line)'. These labels should be included in the legend included on each Plan map.	
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ADDITIONAL PROVISIONS – NEW POLICY TO CHAPTER 13				
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons	Commissioners' Recommendation on Submission Point
Greater Wellington Regional Council	2.1	Add new policy as follows: <i><u>"Seek to locate network utilities outside of flood hazard areas, and most importantly outside of stopbanks. Where this is not practicable, ensure that they are designed and installed in a manner to withstand a design flood event"</u></i> .	Concerned about the interaction of activities undertaken by network utility providers with the infrastructure which protects communities from the adverse effects of flooding. Stopbanks are an integral aspect of this risk management to protect the development which has occurred in our communities. A particular issue is with any activity which may compromise the integrity of stopbanks. A common activity is the installation of pipes and other facilities through or on stopbanks which are carried out by various network utility providers. Excavation and backfill in stopbanks, even if completed to a high standard, can increase the chance of stopbanks failing during major floods. Because of the swift rising nature of the rivers and streams in the Wellington region, any excavation in the stopbanks, regardless of reason should only be undertaken exercising due caution.	Reject
Transpower	FS1.14	Reject	Transpower	Accept

New Zealand			acknowledges the principle of the Policy; however it considers that the policy fails to recognise the need for linear infrastructure to commonly cross water bodies, including the flood hazard area. Transpower considers that linear infrastructure should be specifically excluded from the Policy to avoid confusion about its intent.	
Powerco	FS2.1	Accept in part	Powerco accepts the need to protect the integrity of flood protection assets and can support inclusion of the policy proposed by GWRC. The suggested wording is considered appropriate as it focuses on locating network utilities outside of flood hazard areas but recognises that this may not always be practicable in which case network utilities should be designed and installed to be resilient to the effects of flooding.	Reject



UPPER HUTT CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 38 – NETWORK UTILITIES AND RENEWABLE ENERGY GENERATION

RECOMMENDATION ON DECISIONS REQUESTED

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LIST OF SUBMITTERS

Submitter number	Submitter name	Address for service
1	Greater Wellington Regional Council	Greater Wellington Regional Council PO Box 11646 Manners Street Wellington 6142 Attention: Caroline Ammundsen
2	KiwiRail Holdings Limited	KiwiRail Holdings Limited Wellington Railway Station PO Box 593 Wellington 6140 Attention: Rebecca Beals
3	Spark New Zealand Trading Limited	Spark New Zealand Trading Limited Private Bag 92028 Auckland 1010 Attention: Mary Barton
4	Transpower New Zealand Limited	Transpower New Zealand Limited PO Box 1021 Wellington Attention: Sarah Shand
5	Chorus New Zealand Limited	Chorus New Zealand Limited PO Box 632 Wellington Attention: Mary Barton
6	Wellington Electricity Lines Limited	Wellington Electricity Lines Limited c/- Edison Consulting Group PO Box 4269 Mount Maunganui South 3149 Attention: Tim Lester
7	Powerco Limited	Burton Planning Consultants Limited Level 1, 2-8 Northcroft Street PO Box 33-817 Takapuna Auckland 0740 Attention: Georgina McPherson
8	Royal Forest and Bird Protection Society of New Zealand Incorporated – Upper Hutt Branch	Royal Forest and Bird Society of New Zealand Incorporated – Upper Hutt Branch 14 Cruickshank Road Upper Hutt 5018 Attention: Barry Wards
9	Roz Brown	Roz Brown PO Box 40718 Upper Hutt 5140

COMMISSIONERS' RECOMMENDATIONS ON DECISIONS REQUESTED BY PROPOSED AMENDMENT NUMBER

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
<b>General</b>					
S3.1	Spark	General	<p>Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Spark</p> <p>Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions</p> <p>And in relation to both (i) and (ii) above,</p> <p>(iii) any consequential amendments necessary as a result of the amendments to grant the relief sought above.</p>	<p>Spark's network is subject to constant maintenance, modification and upgrading as the number of customers and services increase, and changes in technology occur rapidly. Technological advances during the life to the District Plan, along with more instances of telecommunications providers seeking to co-locate on each other's assets, are also likely to occur requiring existing assets to be upgraded.</p> <p>Consider that any new District Plan provisions should be created with such technological advancements and/or provision for co-location of equipment being kept in mind.</p>	Accept in part
S4.1	Transpower	General	<p>That Proposed Plan Change 38 is approved, subject to appropriate amendments that ensure:</p> <ul style="list-style-type: none"> <li>• Full effect is given to the National Policy Statement on Electricity Transmission 2008;</li> <li>• Effect is given to the policies of the RPS;</li> <li>• Recognition of the NESETA and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the RMA);</li> <li>• Provide an appropriate policy framework for the protection of National Grid infrastructure, including reverse sensitivity effects; and</li> <li>• Provide for the ongoing operation, maintenance, upgrading and development of existing National Grid infrastructure.</li> </ul>	<p>Support the general intent of the Plan Change subject to appropriate amendments.</p>	Accept in part
S5.1	Chorus	General	<p>Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Chorus</p> <p>Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions</p> <p>And in relation to both (i) and (ii) above,</p> <p>(i) (iii) any consequential amendments necessary as a result of the amendments to grant the relief sought above.</p>	<p>Chorus' general relief sought in this submission point (5.1) applies to submission points 5.2 to 5.21.</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S7.1	Powerco	General	Amend the relevant provisions of the District Plan to: <ul style="list-style-type: none"> <li>address the relevant provisions in sections 5-8 of the RMA, including with respect to the sustainable management of Powerco's assets as a physical resource;</li> <li>implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA;</li> <li>Recognise and provide for the ongoing operation, maintenance, upgrade and development of Powerco's gas and electricity networks.</li> </ul>	Support the general intent and the move by Upper Hutt City, Porirua City and Hutt City Councils to provide a consistent approach to the management of network utilities across the three districts and have submitted on all three plan changes. Reliable and constant energy supply is critical to sustaining the regional economy, population and way of life, and demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of gas to meet the increasing demand and population growth. Some amendments are sought to further clarify the specific regulatory approach for gas distribution infrastructure.	Accept in part
<b>AMENDMENT 1: Amendments to Chapter 16 – Network Utilities Issues, Objectives and Policies</b>					
S2.1	KiwiRail	16.1 Background	Retain as notified.	Support. In particular the paragraph which recognises that utilities are vital for a community and the ability to construct, maintain, upgrade and operate these effectively is very important.	Accept
S4.2	Transpower	16.1 Background	<u>...Network utilities can be vulnerable to reverse sensitivity effects when new buildings or structures and activities (that are sensitive to the effects of the existing network utility) are established nearby, leading to constraints on the operation of the network utility...</u>	Support in part, subject to a minor amendment to the wording of a new sentence added to paragraph seven of the background section that was not included in the draft version of the Plan Change. The inclusion of 'new buildings and structures' in the sentence is in line with the rules in each of the zone chapters that control new buildings and structures within the transmission line corridor.	Accept
S8.1	Forest and Bird	16.1 Background	Include 'environmental wellbeing' as an intrinsic part of the provisions of people and communities affected and impacted by network utilities and infrastructure.	Support in part. 'Environmental wellbeing' includes trying to live in harmony with the environment by recognising and understanding the impact(s) of our interactions with nature and taking action to protect that environment, and protecting ourselves from environmental hazards and minimising the negative impact(s) of our behaviours on the environment. Environmental wellness involves a number of different aspects of personal and societal responsibilities, including being aware of the earth's natural resources and their respective limits. Identify that the Local Government Act 2002 includes a focus on sustainability with the reference to the 'four well-beings' (social, economic, environmental and cultural) and that the purpose of the Act is (a) to enable democratic decision-making	Accept in part



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS2.1	Transpower		Reject	and action by, and on behalf of, communities, and (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and in the future. Transpower considers that the adverse effects of network utilities are already appropriately addressed in the Plan Change.	Accept in part
S2.2	KiwiRail	Issue 16.2.1	Retain as notified.	Support.	Accept
S3.2	Spark	Issue 16.2.1	<u>In some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a utility, meaning that there will may be some level of residual adverse effect on the environment.</u>	Oppose in part. Support that the issue recognises the essential nature of network utilities, and the need to balance the benefits with the adverse effects. Also support the acknowledgement in the Explanation that it may not be possible to avoid, remedy or mitigate all adverse effects due to their constraints. Seek an amendment to the second to last sentence in the third paragraph of 16.2.1 to recognise that there will not necessarily always be an adverse effect from network utilities, for example from undergrounding.	Accept
FS2.2	Transpower		Accept	Transpower agrees with the general support to the issue provided by the submitter, and also agrees that network utilities do not always have adverse environmental effects that cannot be either avoided, remedied or mitigated.	Accept
FS3.8	WELL		Accept	WELL support the submission point as it correctly notes that network utility benefits should be given consideration as part of the effects assessment.	Accept
S4.3	Transpower	Issue 16.2.1 (Explanation)	<u>The high voltage electricity transmission lines that form part of the National Grid play a vital role in the well-being of the community. The adverse effects of the high voltage electricity transmission lines are often local, while the benefits may be in a different locality and/or extent beyond the local to the regional and national... ... Adverse effects may only occur at the time of construction or installation of the network utility, but in some instances may continue throughout its operation or during maintenance and upgrade works. In some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there will be some level of adverse effect on the surrounding environment. In such circumstances, there is a need to carefully consider both the benefits the network utility will provide and the significance</u>	Support in part. In particular, support the acknowledgement in paragraph three of the explanation that network utilities may have 'perceived' adverse effects on public health and safety. Also support the later part of paragraph three where it is acknowledged that in some cases, it may not be possible to avoid, remedy or mitigate all adverse effects associated with a utility, and that in these circumstances, consideration will be given to both the benefits of the utility and the significance of the adverse effects on the surrounding environment. Seek a minor wording change so that this paragraph refers to 'network utility' as is defined in the Plan Change, not 'utility'.	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			of the adverse effects on the surrounding environment. And any consequential amendments replacing 'national grid' with 'National Grid' and 'utility with network utility'. Accept		
FS3.12	WELL		Accept	WELL agree that not all effects of network utility development and operation can be avoided remedied or mitigated. This submission point reflects WELL's submission on the same matter.	Accept in part
S5.2	Chorus	Issue 16.2.1	<u>In some cases, it might not be entirely possible to avoid...remedy or mitigate all adverse effects associated with a utility, meaning that there will may be some level of residual adverse effect on the environment.</u>	Oppose in part. Support in that it recognises the essential nature of network utilities, and the need to balance the benefits with the adverse effects. Support the acknowledgement in the Explanation that it may not be possible to avoid, remedy or mitigate all adverse effects due to their constraints. Seek an amendment to the 2nd to last sentence in the 3rd paragraph of 16.2.1 to recognise that there will not necessarily always be an adverse effect from network utilities, for example from undergrounding.	Accept
FS3.29	WELL		Accept	WELL support the requested amendment as it reflects WELL's submission in that residual environmental effects may result from network utility development and/or operation.	Accept
S7.2	Powerco	Issue 16.2.1	Retain Issue 16.2.1 and the associated explanation without modification.	Support.	Accept
S2.3	KiwiRail	Issue 16.2.2	Retain as notified.	Support. Not opposed to development on sites adjoining the rail network, however as trains can often be intermittent and cause effects on amenity, support that these potential effects are mitigated. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should therefore be imposed to ensure the long term amenity of those occupying those sites. Along with the need for mitigation is the need to manage the risk of objections and complaints leading to restraints on the operation, maintenance and enhancement of the rail corridor.	Accept
FS3.2	WELL		Accept	WELL support this submission point in principle only to the extent that it similarly reflects WELL's desire to protect critical electricity lines from reverse sensitivity. Support.	Accept
S3.3	Spark	Issue 16.2.2	Retain Issue 16.2.2.		Accept
FS2.3	Transpower		Accept	Except for the amendment sought in its original submission relating to earthworks,	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.4	Transpower	Issue 16.2.2 (Explanation)	Inappropriate subdivision, use and development including earthworks in the vicinity of regionally significant network utilities...	Transpower agrees with Spark's submission and generally considers that the resource management issue is appropriate. Oppose in part. The issue and its explanation fails to recognise the adverse effects that earthworks can have on the National Grid. It is recognised that the inclusion of 'inappropriate activities' in the sentence relating to reverse sensitivity has been incorporated into the proposed Plan Change. The sentence now proposed recognises that reverse sensitivity activities can occur when both sensitive activities or inappropriate subdivision, use and development occurs near network utilities. Support this amendment.	Reject
S5.3	Chorus	Issue 16.2.2	Retain Issue 16.2.2	Support.	Accept
S6.11	WELL	Issue 16.2.2	<p>Include a definition for Critical Electricity Lines (CEL) which includes the sub-transmission network within the City (see S6.3).</p> <p>Include appropriate references throughout PC38 to CELs and subsequently provide appropriate Objectives, Policies and rules to protect network utility infrastructure against the adverse effects of reverse sensitivity. Such appropriate rules have been provided to Council in this submission and are contained within Attachment A to WELL's submission.</p>	<p>Support in part. Concerned that reverse sensitivity issues for CELs have not been adequately addressed. Council have associated issues of reverse sensitivity primarily with regionally significant network utilities with little regard, or inconsistent recognition, that such effects can impact network utilities not defined as regionally significant. An example of this inconsistency is in the explanation of Issue 16.2.2 where it is stated:</p> <p>Reverse sensitivity can occur when sensitive or inappropriate activities locate near to or intensify by existing network utilities and seek to or constrain the operation or expansion of these utilities.</p> <p>The City's sub-transmission network is an element of electricity distribution that can be adversely effected by reverse sensitivity to the same degree as other high voltage transmission lines; however, as the sub-transmission line network has not been identified as Regionally Significant Infrastructure in the Greater Wellington Regional Policy Statement, proposed PC38 avoids addressing this effect on CELs.</p>	Reject
S7.3	Powerco	Issue 16.2.2	Retain Issue 16.2.2 and the associated explanation without modification.	Support.	Accept
S8.2	Forest and Bird	Issue 16.2.2	Retain reference to adverse effects on natural and physical resources and on amenity values.	Oppose. The sections deleted include specific reference to the management, avoidance, remediation and mitigation of	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS2.4	Transpower		Reject	adverse effects on natural and physical resources and on amenity values. See no reason to delete these specific reference highlights because they remind people of what could be affected. Transpower is opposed to this submission as this is no longer intended to be the scope of resource management issue 16.2.2. The issue as proposed addresses adverse effects on network utilities, rather than those arising from network utilities. Transpower supports the focus of this particular resource management issue and explanation. The matter of adverse effects arising from network utilities is addressed elsewhere in the plan change.	Accept
FS3.44	WEILL		Reject	Issue 16.2.2 relates to effects on network utilities / reverse sensitivities. The submission point relates to effects of network utilities. The effects of network utilities is adequately addressed throughout PC38 (i.e., Objective 16.3.4) and does not require the retention of the preceding issue.	Accept
S4.5	Transpower	Issue 16.2.5	Retain Issue 16.2.5 without amendment.	Support.	Accept
S2.2	KiwiRail	Objective 16.3.1	Retain as notified.	Support.	Accept
S3.4	Spark	Objective 16.3.1	Retain Objective 16.3.1.	Support.	Accept
S4.6	Transpower	Objective 16.3.1 Objective 16.3.1 (Explanation)	Objective 16.3.1: <u>To recognise the benefits of and protect regionally significant utilities and ensure their functions and operations are not unreasonably compromised by other activities.</u>  Explanation: <u>The objective and supporting policies are focused on recognising the benefits that these locally, regionally and nationally and ensuring that these network utilities benefits are protected from incompatible inappropriate subdivision, use and development.</u>  And make any other consequential amendments to the Plan Change to ensure that the benefits of regionally significant network utilities are both recognised and protected.	Oppose. Consider that provisions fail to 'protect' regionally significant infrastructure as required under the RPS (e.g. Objective 10 and Policy 8 of the RPS). Seek inclusion of 'protect' in the objective. The qualifier 'unreasonably' is not consistent with Policy 10 of the NPSET as the Policy does not use that word. Seek that the word 'unreasonably' be deleted from the objective. Seek an amendment to replace 'incompatible subdivision, use and development' with 'inappropriate subdivision, use and development' in order to achieve consistency with the explanation and other provisions of the Plan Change including the explanation to Issue 16.2.2 to which this objective relates.	Accept in part
S5.4	Chorus	Objective 16.3.1	Retain Objective 16.3.1	Support.	Accept
S7.4	Powerco	Objective 16.3.1	Retain Objective 16.3.1 and the associated explanation without modification.	Support.	Accept
S4.7	Transpower	Objective 16.3.2 Objective	Objective 16.3.2: <u>The sustainable, secure and efficient use and development of the high voltage</u>	<b>Support in part, on the basis that the reference to 'avoid, remedy or mitigate adverse effects on the environment'</b>	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
		16.3.2 (Explanation)	(110kV or greater) electricity transmission lines which avoids, remedies or mitigates adverse effects on the environment to the extent practicable and recognises the technical and operational requirements and constraints of the network.  Explanation: The efficient transmission of electricity on the national grid plays a vital role in the social, economic and cultural well-being of people. Technical, operational and security requirements associated with high voltage electricity transmission lines can limit the extent to which it is feasible practicable to avoid or mitigate all adverse environmental effects.	should be qualified with the inclusion of 'to the extent practicable'. This is consistent with the NPSET and in particular the preamble of the NPSET which recognises that, in not all effects can be avoided, remedied or mitigated.	
FS3.13	WELL		Accept in part	WELL support the intent of this submission to the extent that it agrees that not all adverse effects associated with high voltage transmission networks can be avoided remedied or mitigated. However, WELL considers that reference to the National Grid should be removed as not all 110kV transmission lines are in fact owned by Transpower, and that high voltage lines can and are being divested from Transpower to lines companies such as WELL.	Reject
S6.12	WELL	Objective 16.3.2	Clarify the application of Objective 16.2.3 by removing the reference to the 'national grid' in the explanation.	Oppose in part. Consider that the explanation to Objective 16.3.2 is confusing in that it refers to both high voltage electricity transmission lines, as well as the transmission of electricity on the National Grid. WELL own high voltage transmission assets that were previously owned by Transpower. However, as ownership of the asset has changed, acknowledgement in PC38 of high voltage transmission lines is applied interchangeably between High Voltage (110kV or greater) transmission lines (which would include WELL assets), and the National Grid (Transpower Assets). Seek amendments to clarify this.	Reject
S2.4	KiwiRail	Objective 16.3.3	Retain as notified.	Support. While new rail networks are not common, maintenance and upgrading of existing networks to ensure safety and technology adjustments occur, are pivotal to the continued operation of the network. Support being able to undertake works with little impediment or restriction given the nature of the rail network, the purpose it	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S3.5	Spark	Objective 16.3.3	Retain Objective 16.3.3.	services for the region, and the consequences of an unmaintained network on public safety being significant.	
FS2.5	Transpower		Accept	Support.	Accept in part
S4.8	Transpower	Objective 16.3.3	To recognise and provide for the sustainable, secure and efficient use, operation, maintenance, upgrading and development of network utilities within the City.	Except for the amendment sought in its original submission relating to maintenance and upgrading, Transpower agrees with Spark's submission and generally considers that the Objective is appropriate. Support in part. Given that the definition of 'Network Utilities' specifically includes 'Regionally Significant Utilities' this objective covers the National Grid. Accordingly, seek the inclusion of the terms 'maintenance' and 'upgrading' to the objective to ensure consistency with Policy 2 of the NPSET. Policy 2 includes 'operation, maintenance, upgrading and development' and as such it can be implied that the term development does not capture or incorporate upgrading and maintenance activities.	Accept in part
S5.5	Chorus	Objective 16.3.3	Retain Objective 16.3.3	Support.	Accept in part
S7.5	Powerco	Objective 16.3.3	Retain Objective 16.3.3 and the associated explanation without modification.	Support.	Accept in part
S2.4	KiwiRail	Objective 16.3.4	Retain as notified.	Support. While new rail networks are not common, maintenance and upgrading of existing networks to ensure safety and technology adjustments occur, are pivotal to the continued operation of the network. Support being able to undertake works with little impediment or restriction given the nature of the rail network, the purpose it serves for the region, and the consequences of an unmaintained network on public safety being significant.	Accept in part
FS3.3	WELL	Objective 16.3.4	Council reject the submission in part and do not retain Objective 16.3.4 and Policy 16.4.8 unaltered – rather, the amendments sought by WELL are accepted by Council.	Oppose retention of Objective 16.3.4 as indicated in WELL's submission, there needs to be more explicit acknowledgement that not all adverse environmental effects of network utility development or operation can be avoided remedied or mitigated. WELL's opposition to Policy 16.4.8 being retained is based on the same rationale as the above.	Accept in part
S3.6	Spark	Objective 16.3.4	Objective 16.3.4: <u>To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities to the extent practicable.</u>  Explanation to Objective 16.3.4: <u>However, in some cases, it might not be</u>	Oppose in part. Seek amendments to both Objective 16.3.4 and its associated Policy 16.4.12 to consistently recognise that adverse effects will be managed as far as practicable, and that not all adverse effects may be able to be avoided, remedied or mitigated. Seek an amendment to 16.6 'Anticipated environmental results' to reflect that all	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS1.5	Powerco		<p>entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning that there will may be some level of residual adverse effect on the surrounding environment <del>that requires mitigation.</del></p> <p>Accept</p>	<p>Powerco supports the requested amendments, which recognise that it will not always be possible to avoid, remedy or mitigate all adverse effects due to the technical and operational constraints associated with network utilities.</p>	Accept in part
FS3.9	WELL		Accept	<p>Support for the submission points have been given because they reflect similar outcomes being sought by WELL in their submission.</p> <p>WELL consider that the new network utility chapter should provide more explicit acknowledgement to the fact that not all adverse environmental effects can be avoided remedied or mitigated. WELL consider that the use of the words "to the extent practicable" suitably acknowledges that there may be residual effects of network utility developments.</p>	Accept in part
S4.9	Transpower	Objective 16.3.4 (Explanation)	<p>Amend the explanation to Objective 16.3.4 as follows:</p> <p><del>...However in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there will be some level of adverse effect on the surrounding environment that requires mitigation.</del></p> <p>Or amend the paragraph in line with the explanation of Issue 16.2.1 as follows:</p> <p>However in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network adverse effect on the surrounding environment. In such circumstances, there is a need to consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.</p> <p>Accept</p>	<p>Support in part. While the last part of the explanation correctly recognises that all adverse effects of network utilities cannot always be mitigated, it then states that there will always be some level of adverse effect on the surrounding environment that requires mitigation. This statement is contradictory and as such, seek the requirement to mitigate 'some level of adverse effect' be deleted.</p>	Accept in part
FS3.14	WELL		Accept	<p>WELL support this submission point as it similarly reflects WELL's submissions on the same matter.</p> <p>WELL support the amended wording in the submission point as it recognises positive effects (i.e., community benefits) need to be considered for a balanced assessment</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S5.6	Chorus	Objective 16.3.4	Objective 16.3.4: <u>To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities to the extent practicable.</u>  Explanation to Objective 16.3.4: However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning that there <del>will</del> may be some level of residual adverse effect on the surrounding environment <del>that requires mitigation.</del>	of environmental effects. Oppose in part. Seek amendments to consistently recognise that adverse effects will be managed as far as practicable, and that not all adverse effects may be able to be avoided, remedied or mitigated.	Accept in part
FS3.30	WELL		Accept	Supported for the reasons stated in the submission. WELL also submitted that Objective 16.3.4 needed to better acknowledge that some residual environmental effects of network utility development and/or operation would not be able to be avoided remedied or mitigated. The recommended amendment to the Objective's explanation is supported as it mirrors WELL's submission on the same matter. WELL support the use of the words "...to the extent practicable" as requested by the submitter in Proposed Policy 16.4.12 and the corresponding 16.6 Anticipated environmental result	Accept
S6.13	WELL	Objective 16.3.4	Amend the explanation to proposed Objective 16.3.4 to include that the development and operation of network utilities may result in residual effects that cannot be avoided, remedied or mitigated, and that such residual effects will be suitably offset by the public good that they provide.  Accept	Support in part. Current wording is confusing as it reads that any effects that cannot be avoided remedied or mitigated will be required to be mitigated - which is somewhat contradictory. Consider that the explanation should acknowledge that some residual effects may need to be accepted.	Accept in part
FS2.6	Transpower			Transpower supports this submission in so far as it makes an important connection between the need to accept some degree of adverse environmental effects from network utilities and the benefits that arise from these physical resources. Transpower considers that what the submitter is seeking is relevant to providing for network utilities.	Accept in part
S7.6	Powerco	Objective 16.3.4	Retain Objective 16.3.4 and the associated explanation without modification.	Support.	Accept in part
S8.3	Forest and Bird	Objective 16.3.4	<u>To effectively manage any adverse effects on the environment resulting from the design,</u>	Support in part. Adverse effects on the environment resulting from network utilities also include those caused during	Accept in part



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS2.7	Transpower		<u>location, operation, upgrading, construction and maintenance of network utilities.</u>  Reject	construction (as identified in the explanation), not just design, location, operation, upgrading and maintenance. Consider that the statement would be strengthened by including the word 'effectively' before manage.  Transpower opposes the inclusion of the term 'effectively' as it considers that this is an unnecessary addition to the Objective. It also raises questions about what is meant by the direction to 'manage' adverse effects in other provisions of the Plan, where this is not prefaced with the adverb 'effectively'. Transpower accepts that the effects of construction should be managed, and that this would be consistent with the drafting of Policy 16.4.12.	Reject
FS3.45	WELL		Reject	WELL consider it appropriate to refer to construction in Objective 16.3.4.	Accept
S1.1	GWRC	16.4 Policies	Add a new policy as follows:  <u>Seek to locate network utilities outside of flood hazard areas, and most importantly outside of stopbanks. Where this is not practicable, ensure that they are designed and installed in a manner to withstand a design flood event.</u>	Oppose in part. Concerned about the interaction of activities undertaken by network utility providers with the infrastructure which protects communities from the adverse effects of flooding. Stopbanks are an integral aspect of this risk management to protect the development which has occurred in our communities. A particular issue is with any activity which may compromise the integrity of stopbanks. A common activity is the installation of pipes and other facilities through or on stopbanks which are carried out by various network utility providers. Excavation and backfill in stopbanks, even if completed to a high standard, can increase the chance of stopbanks failing during major floods. Because of the swift rising nature of the rivers and streams in the Wellington region, any excavation in the stopbanks, regardless of reason should only be undertaken exercising due caution.	Reject
FS1.1	Powerco		Accept in part	Powerco accepts the need to protect the integrity of flood protection assets and can support inclusion of the policy proposed by GWRC. The suggested wording is considered appropriate as it focuses on locating network utilities outside of flood hazard areas but recognises that this may not always be practicable in which case network utilities should be designed and installed to be resilient to the effects of flooding.	Reject
S8.4	Forest and Bird	16.4 (all Policies)	Include a policy such as:  <u>To recognise and provide for the effects of</u>	Support in part. Generally support breadth and scope of the policies in terms of environmental protection. However, seek	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS1.8	Powerco		<u>network utilities on ecological corridors and manage these as appropriate and practicable.</u> Accept	Inclusion of a policy that focuses on recognising and providing for the impact(s) of network utilities on ecological corridors. Powerco can accept the proposed policy. It is appropriate to manage the effects of network utilities on ecological corridors.	Reject
FS2.8	Transpower		Reject	Transpower considers that the policy is unnecessary and that issue of managing all adverse environmental effects is already appropriately addressed via proposed Policy 16.4.12.	Accept
FS3.46	WEILL		Reject	Ecological corridors are not defined in the district plan. Ecological impacts of a development (whether on corridors or not) are already required to be addressed as a result of PC38.	Accept
S1.2	GWRC	Policy 16.4.1	Retain the following policy and its explanation: <u>To ensure that the establishment, operation, maintenance and upgrading of essential utilities in the City avoids remedies or mitigates any adverse environmental effects.</u> Reject	Support.	Accept
FS2.9	Transpower		Reject	Transpower considers that the policy is unnecessary and that issues of managing all adverse environmental effects is already appropriately addressed via proposed Policy 16.4.12.	Accept
S2.2	KiwiRail	Policy 16.4.1	Retain as notified.	Support.	Accept
S3.7	Spark	Policy 16.4.1 (Explanation)	Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines and telecommunication networks. Reject	Oppose in part. It is not appropriate to map telecommunications networks, due to the sheer volume of detail that would be required and because with technological advancements over the life of the Plan, constant changes would be required to keep it up to date with little benefit.	Reject
S4.10	Transpower	Policy 16.4.1 Policy 16.4.1 (Explanation)	Retain Policy 16.4.1 as proposed. Amend the explanation to the policy as follows: <u>...In the case of the National Grid, which is not designated, this network will be is specifically recognised and mapped, as required by the National Policy Statement on Electricity Transmission.</u> Accept	Support in part, as the policy provides the policy framework for the inclusion of the National Grid network (or 'transmission line corridor' as per the District Plan) on the District Plan maps in accordance with the NPSET. Support the use of the term 'as practicable' in the policy, as, and in accordance with Transpower's comments on the draft Plan Change, this recognises that it is not practical or feasible to map local gas and electricity distribution networks and Transpower's underground fibre optic cables. Seek a minor wording amendment as proposed below as the transmission line corridor is already shown on the District Plan maps.	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S5.7	Chorus	Policy 16.4.1 (Explanation)	Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines and telecommunication networks.	Oppose in part. It is not appropriate to map telecommunications networks, due to the sheer volume of detail that would be required and because with technological advancements over the life of the Plan, constant changes would be required to keep it up to date with little benefit.	Reject
S7.7	Powerco	Policy 16.4.1	Retain Policy 16.4.1 and the associated explanation without modification.	Support. Accept it would not be practicable to show gas distribution lines on the planning maps. As an alternative, it may be possible to make information about the location of Powerco's gas lines available on the Council's GIS system.	Accept in part
S2.2	KiwiRail	Policy 16.4.2	Retain as notified.	Support.	Accept
S3.8	Spark	Policy 16.4.2 (Explanation)	<u>Regionally significant network utilities provide benefits within the City, regionally and nationally. There are benefits that are to be considered in respect of any matter relating to regionally significant network utilities. Some of the benefits are:</u> <ul style="list-style-type: none"> <li><u>That people and goods can travel to and from and around the City and Region efficiently and safely.</u></li> <li><u>That community well-being and public health and safety is maintained through the provision of essential services including supply of potable water and the collection, transfer and appropriate treatment of sewage and stormwater, and</u></li> <li><u>People have access to electricity, telecommunications, radiocommunications and gas to meet their needs.</u></li> </ul>	Oppose in part. Support the recognition of the importance and role of "regionally significant network utilities" and the benefits they provide. Seek amendments to Policy 16.4.2 (in conjunction with other changes elsewhere) to specifically recognise telecommunications and radiocommunications – both of which are similarly essential services to those listed.	Reject
S4.11	Transpower	Policy 16.4.2 Policy 16.4.2 (Explanation)	Amend Policy 16.4.2 as follows: <u>Recognise the national, regional and local benefits of, and protect regionally significant network utilities.</u>  Amend the explanation of Policy 16.4.2 as follows: <u>Regionally significant network utilities provide benefits within the City, regionally and nationally. There are benefits that are to be considered in respect of any matter relating to regionally significant network utilities. Some of the benefits are:</u> <ul style="list-style-type: none"> <li><u>That people and goods can travel to, and from and around the City and Region efficiently and safely.</u></li> <li><u>That community well-being and public health and safety is maintained through</u></li> </ul>	Support in part, subject to amendments sought in accordance with the amendments also requested for Objective 16.3.1.	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			<p>the provision of essential services including supply of potable water and the collection, transfer and appropriate treatment of sewage and stormwater, and</p> <ul style="list-style-type: none"> <li>People have access to electricity and gas to meet their needs, and the security of supply of these services can be maintained or improved.</li> </ul> <p>And make any other consequential amendments to the Plan Change to ensure that the benefits of regionally significant network utilities are both recognised and protected.</p>		
FS3.15	WELL		<p>Reject in part. Council to make it clear in Policy 16.4.2 (third bullet point) that access to electricity is provided by distribution rather than transmission.</p>	<p>WELL consider it important to distinguish between Transpower's function of the transmission of high voltage electricity, and the distribution of electricity to the majority of end users (or consumers). As indicated in WELL's submission – distribution ensures people's access to electricity. Transpower provides electricity, distribution lines enable access to that electricity.</p>	Reject
S5.8	Chorus	Policy 16.4.2 (Explanation)	<p>Regionally significant network utilities provide benefits within the City, regionally and nationally. There are benefits that are to be considered in respect of any matter relating to regionally significant network utilities. Some of the benefits are:</p> <ul style="list-style-type: none"> <li>People have access to electricity, telecommunications, radiocommunications, and gas to meet their needs.</li> </ul>	<p>Oppose in part. Support the recognition of the importance and role of "regionally significant network utilities" and the benefits that they provide. Seek amendments (in conjunction with other changes elsewhere) to specifically recognise telecommunications and radio communications - both of which are similarly essential services to those listed.</p>	Reject
S6.14	WELL	Policy 16.4.2	<p>Regionally significant network utilities provide benefits within the City, regionally and nationally. These are benefits that are to be considered in respect of any matter relating to regionally significant network utilities. Some of the benefits are:</p> <ul style="list-style-type: none"> <li>People have access to electricity, telecommunications, radiocommunications, and gas to meet their needs.</li> </ul>	<p>Support in part. The third bullet is incorrect as the electricity distribution network provides access to electricity, rather than the defined Regionally Significant Network Utilities. The National Grid transports electricity across the region, and apart from large electricity customers, does not provide 'people' access to this electricity.</p>	Reject
FS2.10	Transpower		Accept	Transpower agrees with this point.	Reject
S7.8	Powerco	Policy 16.4.2	Retain Policy 16.4.2 and the associated explanation without modification.	Support.	Accept in part
S2.3	KiwiRail	Policy 16.4.3	Retain as notified.	Support. Not opposed to development on sites adjoining the rail network, however as trains can often be intermittent and cause effects on amenity, support that these potential effects are mitigated. Where sensitive activities are proposed on land	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.2	WELL		Accept	near the railway corridors, appropriate controls should therefore be imposed to ensure the long term amenity of those occupying those sites. Along with the need for mitigation is the need to manage the risk of objections and complaints leading to restraints on the operation, maintenance and enhancement of the rail corridor.	Accept in part
S4.12	Transpower	Policy 16.4.3	Avoid, or as appropriate, remedy or mitigate, <del>the potential for</del> any adverse effects including reverse sensitivity effects on regionally significant network utilities from <del>acceptable</del> inappropriate subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities	Support in part. Seek a minor amendment to the wording of the policy to ensure consistency with the explanation to the policy, the explanation to Objective 16.2.2 and other provisions of the District Plan and plan change.	Reject
S6.15	WELL	Policy 16.4.3	Include a definition for Critical Electricity Lines (CEL) in PC38; and subsequently include such CEL protection from reverse sensitivity as that provided to Regionally Significant Network Utilities by proposed Policy 16.4.3.	<b>Support in part. CELs are at risk from reverse sensitivity effects and therefore, similar to the defined regionally significant network utilities, should also be afforded the same level of protection.</b>	Reject
S7.9	Powerco	Policy 16.4.3	Retain Policy 16.4.3 and the associated explanation without modification.	Support.	Accept in part
S4.13	Transpower	Policy 16.4.7	<del>To manage subdivision and development within close proximity to existing high voltage (110kV or greater) electricity transmission lines to protect both:</del> (a) <del>The safe, secure and efficient use and development of the electricity transmission network and</del> (b) <del>The safety and amenity values of the community.</del>  <u>To protect the safe, secure and efficient use and development of existing high voltage (100kV or greater) electricity transmission lines and the safety and amenity values of the community by avoiding subdivision and development in the immediate proximity of and adjacent to the lines.</u>	<b>Oppose in part. Seek the replacement of 'to manage' to 'to control' subdivision and development within close proximity to existing high voltage electricity transmission lines.</b>	Reject
FS3.16	WELL	Policy 16.4.7	Accept	<b>WELL support the intent of the sought relief. WELL note that Transpower's divestment of 110kV lines mean that the new owners require the same level of protection, regardless of their inclusion</b>	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S6.16	WELL	Policy 16.4.7	Retain proposed Policy 16.4.7 as it is currently worded.	Support.	Accept
S2.4	KiwiRail	Policy 16.4.8	Retain as notified.	Support. While new rail networks are not common, maintenance and upgrading of existing networks to ensure safety and technology adjustments occur, are pivotal to the continued operation of the network. Support being able to undertake works with little impediment or restriction given the nature of the rail network, the purpose it services for the region, and the consequences of an unmaintained network on public safety being significant.	Accept
FS3.3	WELL	Policy 16.4.8	Council reject the submission in part and do not retain Objective 16.3.4 and Policy 16.4.8 unaltered – rather, the amendments sought by WELL are accepted by Council.	Oppose retention of Objective 16.3.4 as indicated in WELL's submission, there needs to be more explicit acknowledgement that not all adverse environmental effects of network utility development or operation can be avoided remedied or mitigated. WELL's opposition to Policy 16.4.8 being retained is based on the same rationale as the above.	Reject
S3.9	Spark	Policy 16.4.8	Retain Policies 16.4.8, 16.4.9 and 16.4.14.	Support.	Accept
S4.14	Transpower	Policy 16.4.8 Policy 16.4.8 (Explanation)	Retain Policy 16.4.8 as proposed.  Amend explanation of Policy 16.4.8 as follows: <u>In some cases, some level of adverse effects may need to be accepted to recognise the necessity for, and benefits derived from, some network utilities and meet their operational requirements. This policy also recognises the benefits that all network utilities have.</u>	Support in part. Seek a minor amendment to the explanation to ensure consistency with the NPSET.	Accept
FS3.17	WELL		Accept	WELL support the submission point to the extent that it seeks better acknowledgement in the policy explanation that beneficial effects will ensure as a result of network utility development in the district.	Accept
S5.9	Chorus	Policy 16.4.8	Retain policies 16.4.8, 16.4.9 and 16.4.14.	Support.	Accept
S6.17	WELL	Policy 16.4.8	To recognise and provide for the: <ul style="list-style-type: none"> <li>need for new and the maintenance and upgrading of existing network utilities; and</li> <li>technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance;</li> <li>the possibility of residual effects that cannot be fully avoided, remedied or</li> </ul>	Support in part. The explanation explicit enough in recognising that not all environmental effects can be avoided, remedied or mitigated. The policy does not state that some adverse effects may need to be accepted.	Accept Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS2.11	Transpower		<u>mitigated</u> ; and <ul style="list-style-type: none"> <li>benefits that network utilities provide to the economic, social and cultural functioning of the City, Region and Nation.</li> </ul>	Transpower considers that this clause is appropriate and is consistent with the explanation to the policy.	Reject
S7.10	Powerco	Policy 16.4.8	Accept	Support.	Accept
S2.4	KiwiRail	Policy 16.4.9	Retain Policy 16.4.8 and the associated explanation without modification. Retain as notified.	Support. While new rail networks are not common, maintenance and upgrading of existing networks to ensure safety and technology adjustments occur, are pivotal to the continued operation of the network. Support being able to undertake works with little impediment or restriction given the nature of the rail network, the purpose it services for the region, and the consequences of an unmaintained network on public safety being significant.	Accept
S3.9	Spark	Policy 16.4.9	Retain Policies 16.4.8, 16.4.9 and 16.4.14.	Support.	Accept
S4.15	Transpower	Policy 16.4.9	Retain Policy 16.4.9 and Policy 16.4.10 as proposed without amendment.	Support.	Accept
S5.9	Chorus	Policy 16.4.9	Retain policies 16.4.8, 16.4.9 and 16.4.14.	Support.	Accept
S7.11	Powerco	Policy 16.4.9	Retain Policy 16.4.9 and the associated explanation without modification.	Support.	Accept
S4.15	Transpower	Policy 16.4.10	Retain Policy 16.4.9 and Policy 16.4.10 as proposed without amendment.	Support.	Accept
S7.12	Powerco	Policy 16.4.10	Retain Policy 16.4.10 and the associated explanation without modification.	Support.	Accept
S4.16	Transpower	Policy 16.4.11 (Explanation)	<u>Network utility operators, particularly those who operate regionally significant network utilities, should use the notice of requirement for designation process where appropriate when they seek to develop new or extend existing network utilities.</u>	Support in part. Seek minor amendments to the explanation of the policy to recognise that in all instances it may not be possible to utilise a notice of requirement process.	Accept
S7.13	Powerco	Policy 16.4.11	Retain Policy 16.4.11 and the associated explanation without modification.	Support.	Accept in part
S2.4	KiwiRail	Policy 16.4.12	Retain as notified.	Support. While new rail networks are not common, maintenance and upgrading of existing networks to ensure safety and technology adjustments occur, are pivotal to the continued operation of the network. Support being able to undertake works with little impediment or restriction given the nature of the rail network, the purpose it services for the region, and the consequences of an unmaintained network on public safety being significant.	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS1.5	Powerco		Accept	Powerco supports the requested amendments, which recognise that it will not always be possible to avoid, remedy or mitigate all adverse effects due to the technical and operational constraints associated with network utilities.	Accept
FS3.9	WELL		Accept	Support for the submission points have been given because they reflect similar outcomes being sought by WELL in their submission. WELL consider that the new network utility chapter should provide more explicit acknowledgement to the fact that not all adverse environmental effects can be avoided remedied or mitigated. WELL consider that the use of the words "to the extent practicable" suitably acknowledges that there may be residual effects of network utility developments.	Accept
S4.17	Transpower	Policy 16.4.12	<u>Ensure that network utilities are designed, developed, constructed, located, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment to the extent practicable.</u>	Oppose, for the reasons outlined for Objective 16.3.2 and to ensure consistency with the NPSET.	Accept in part
FS3.18	WELL		Accept	WELL support this submission point as it reflects WELL's opinion the new network utility chapter needs greater emphasis that in some instances not all adverse environmental effects can be avoided remedied or mitigated.	Accept in part
S5.6	Chorus	Policy 16.4.12	Policy 16.4.12: <u>Ensure that network utilities are designed, developed, constructed, located, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment to the extent practicable.</u>	Oppose in part. Seek amendments to consistently recognise that adverse effects will be managed as far as practicable, and that not all adverse effects may be able to be avoided, remedied or mitigated. Seek an amendment to 16.6 'Anticipated environmental results' to reflect that all adverse effects may not be able to be avoided, remedied or mitigated.	Accept in part
FS3.30	WELL		Accept	Supported for the reasons stated in the submission. WELL also submitted that Objective 16.3.4 needed to better acknowledge that some residual environmental effects of network utility development and/or operation would not be able to be avoided remedied or mitigated. The recommended amendment to the Objective's explanation is supported as it mirrors WELL's submission on the same matter. WELL support the use of the words "...to the extent practicable" as requested by the submitter in Proposed Policy 16.4.12 and the corresponding 16.6 Anticipated environmental result	Accept in part
S6.18	WELL	Policy 16.4.12	<u>Ensure that network utilities are designed,</u>	Support in part. Seek minor amendments	Accept in part



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S7.14	Powerco	Policy 16.4.12	developed, constructed, located, upgraded, operated and maintained to the extent possible to avoid, remedy or mitigate any actual or potential adverse effects on the environment.	to acknowledge that not all effects derived from the development and operation of network utilities can be avoided, remedied or mitigated as acknowledged in the preceding Policy 16.4.8.	Accept
S4.18	Transpower	Policy 16.4.13 (Explanation)	Retain Policy 16.4.12 and the associated explanation without modification. Some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. Electricity transmission/distribution can generate electromagnetic fields (EMF) which may be a risk to health and also generate the risk of electrocution. The National Policy Statement on Electricity Transmission, and the National Environmental Standard for Electricity Transmission require that the exposures be limited to the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) to prevent the potential for health effects.	Oppose. Seek the deletion of reference to the generation of electrocution by electricity transmission / distribution. As currently worded the explanation regarding EMF is vague which is unnecessary given the clear direction provided by the NPSET and the NESETA. The amended wording requested is more consistent with the intention of the policy, which is that network utilities comply with relevant standards.	Accept in part
FS3.19	WELL	Accept	Accept	For the reasons stated in the submission point, WELL consider that reference /statements to adverse health and safety effects are inappropriate and should be tempered as requested by the submitter. Reference to the International Commission on Non-Ionising Radiation Protection (ICNIRP) is appropriate in relation to health effects compliance.	Accept in part
S6.19	WELL	Policy 16.4.13	Ensure network utilities, in particular those emitting electric and magnetic fields, are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally and internationally recognised standards.	Support in part. The policy refers twice to national standards - assume this is a drafting error. Seek amendments to recognise the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time-varying electric, magnetic, and electromagnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494 –522) (ICNIRP Guidelines).	Reject
FS2.12	Transpower	Accept	Accept	Transpower agrees that the reference to internationally is appropriate.	Reject
S7.15	Powerco	Policy 16.4.13	Policy: Manage effects on health and safety by ensuring <del>network utilities in particular</del>	Support in part. While the explanation identifies that the focus is on health and safety matters, this is not reflected in the	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			<p><del>these emitting electric and magnetic fields</del> are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.</p> <p>Explanation: Some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. Electricity transmission/distribution activities can generate <del>electric and magnetic fields (EMF) which may be</del> present a risk to public health and safety, primarily through, <del>and also generates</del> the risk of electrocution from direct contact with conductors or as a result of a flashover.</p> <p>Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines, accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used in conjunction with some network utilities, such as water treatment plants for example, also pose a risk if an accidental spill occurs.</p> <p>There are a number of relevant national and international standards and guidelines addressing health and safety matters that are external to the District Plan. Some of these <del>but that</del> must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, while others provide best practice guidance including the New Zealand Electrical Code of Practice and the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines.</p>	<p>wording of the policy itself. Seek amendment of the policy to provide a clearer focus.</p> <p>Concern that the wording of the explanation relating electromagnetic fields (EMF) generated by electricity transmission / distribution activities may cause unnecessary concern about potential health effects of EMF. Despite numerous international studies, there is still no persuasive evidence that EMF poses any health risks. Because of this, it is not appropriate to suggest that EMF from electricity transmission/distribution may be a risk to health or for the policy to focus on utilities emitting electric and magnetic fields.</p>	
FS2.13	Transpower		Accept	Transpower considers that this change is appropriate, and is consistent with the explanation.	Accept in part
FS3.40	WELL		Accept	For the reasons stated. WELL consider that reference /statements to adverse	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S3.9	Spark	Policy 16.4.14	Retain Policies 16.4.8, 16.4.9 and 16.4.14.	health and safety effects are inappropriate and should be tempered as requested by the submitter. Reference to the International Commission on Non-ionising Radiation Protection (ICNIRP) is appropriate in relation to health effects compliance.	Support.
S3.6	Spark	Policy 16.4.14	Policy 16.4.4 Enable the co-location or multiple use of network utilities where this is efficient and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment to the extent practicable.	Oppose in part. Seek amendments to both Objective 16.3.4 and its associated Policy 16.4.12 to consistently recognise that adverse effects will be managed as far as practicable, and that not all adverse effects may be able to be avoided, remedied or mitigated. Seek an amendment to 16.6 'Anticipated environmental results' to reflect that all adverse effects may not be able to be avoided, remedied or mitigated.	Accept Reject
S4.19	Transpower	Policy 16.4.14	Enable the co-location or multiple use of network utilities where this is efficient and practicable technically feasible and assists with avoiding, remedying or mitigating adverse effects on the environment.	Support in part, subject to a wording change to the policy that, like the explanation recognises that there are a number of technical constraints to the colocation of or multiple use of network utilities.	Accept in part
FS3.20	WELL		Accept	WELL support the submission to amend proposed Policy 16.4.14 as it will provide certainty in instances where co-location is not pursued by the network utility operator	Accept in part
S5.9	Chorus	Policy 16.4.14	Retain policies 16.4.8, 16.4.9 and 16.4.14.	Support.	Accept
S7.16	Powerco	Policy 16.4.14	Retain Policy 16.4.14 and the associated explanation without modification.	Support.	Accept
S1.3	GWRC	Policy 16.4.14 (Explanation)	Amend the explanation of Policy 16.4.14 as follows: ...It is also recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference, lease arrangement, safety and structural capacity and effects on flood flow capacity and stopbank integrity.	Support in part. Support the encouragement of co-location services, but seek recognition within the proposed policy or its explanation that co-location is not always appropriate, namely where its effects may be to constrict flood flows.	Reject
FS3.1	WELL		Reject Council rejects the submission points in their entirety. Council to retain undergrounding utilities as a permitted activity in all areas regardless of flood mitigation assets.	WELL oppose both submission points. All undergrounding of lines (including removal, maintenance, operation and upgrading) should remain permitted activities as indicated in Table 30.1 regardless of flood protection devices. Restricted discretionary consent for underground line works within flood protection assets as sought by the submitter would be onerous and unnecessary as WELL construction standards specify correct backfill compaction requirements (as would most utility operators) and hence will avoid undermining integrity of the flood control	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S1.4	GWRC	Policy 16.4.15	<p>Require the underground placement of new network utilities unless:</p> <ul style="list-style-type: none"> <li>there are natural or physical features of structures or technological and operational constraints that makes underground placement impractical or unreasonable;</li> <li>they are of a temporary nature and required for emergency purposes or critical events; <del>and</del></li> <li>they are of a nature that they can only operate aboveground; and</li> <li>the placement is through a flood protection stop-bank.</li> </ul>	<p>asset.</p> <p>A permitted activity standard relating to effects on flood control structures would be more appropriate.</p> <p>Support in part. Support the encouragement of co-location services, but seek recognition within the proposed policy or its explanation that co-location is not always appropriate, namely where its effects may be to constrict flood flows.</p>	Reject
FS2.2	Powerco		Accept	<p>Powerco accepts there is a need to protect the integrity of flood protection assets and can support the proposed amendment to Policy 16.4.15 to remove the policy requirement for the placement of new network utilities underground when they are through a flood protection stop-bank.</p>	Reject
S4.20	Transpower	Policy 16.4.15	<p><u>Except for transmission lines*, require the underground placement of new network utilities...</u></p> <p>* 'transmission lines' are already defined in the District Plan however as an alternative and consequential amendment Transpower requests rewording the corridor definition to 'National Grid Corridor', 'National Grid Yard' and including a definition of 'National Grid.'</p>	<p>Oppose. While it is accepted that the transmission and distribution of electricity can occur underground, the undergrounding of new high voltage transmission lines for the National Grid can be up to 10 – 20 times more expensive than above ground lines. This key constraint should be recognised in the policy or the National Grid should be specifically exempt from this policy.</p>	Reject
FS3.21	WELL		<p>Reject. Council does not specifically exclude transmission lines from the undergrounding policy as sought by the submitter.</p>	<p>The submission point requests an exemption to the policy based on non-RMA grounds (i.e., financial cost) and cannot be considered.</p> <p>Excessive undergrounding costs are not limited only to Transpower</p>	Accept in part
S5.10	Chorus	Policy 16.4.15 (Explanation)	<p>The adverse visual effects of certain network utilities can often be managed by putting the services underground. With some exceptions <del>this is the required</del> generally the required approach for those network utilities, such as those with cables that can be located underground. For those network utility structures that need to be located aboveground, particular attention should be given to their design, location and minimising of any adverse visual effects as outlined in Policy 16.4.12. This can be achieved in a number of ways including, where practical, through screening, careful placement, size and</p>	<p>Support in part. Seek amendment to signal that the addition of overhead fibre optic lines to existing support structures are provided for as a permitted activity in limited circumstances. The use of existing support structures to add additional overhead lines in the manner proposed is an efficient use of existing infrastructure with minimal adverse environmental effects.</p> <p>Seek further changes to remove inconsistencies in the current wording.</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			appearance and applying different activity status. With the exception of Protected Ridgelines and the Southern Hills, new overhead lines (where there is no existing overhead network) are provided as a permitted activity in the Rural and Open Space Zones provide for overhead lines, recognising the more visual absorptive capacity of those locations, and the practicality of needing to provide for a cost effective means of enabling service development and maintenance in remote less densely populated areas. <del>New above-ground lines and their associated supporting structures in areas that do not have existing above-ground lines are generally considered to be unacceptable within the City.</del> In terms of existing overhead lines, permitted provision is made for new customer connections, and where provided for as minor upgrading, in recognition that this is an efficient use of an existing resource. <del>However it is recognised that particular consideration needs to be given to the efficient use of resources and</del> The policy also recognises that there are other situations where placing lines underground is, or may be, impracticable or unreasonable.		
S7.17	Powerco	Policy 16.4.15	Retain Policy 16.4.15 and the associated explanation without modification.	Support.	Accept
S7.18	Powerco	Policy 16.4.16	Retain Policy 16.4.16 and the associated explanation without modification.	Support.	Accept
S7.19	Powerco	Policy 16.4.17	Retain Policy 16.4.17 and the associated explanation without modification.	Support.	Accept
S8.5	Forest and Bird	Policy 16.4.17	While requiring consultation in all cases would be unreasonable, we suggest that the policy be reworded to (a) strengthen the word 'encourage' as a general terms, and (b) identify those situations where consultation is required.	Oppose in part. Consider that 'encouraging' network utility providers to consult with local communities does not seem strong enough and that there will be occasions where such community consultation, especially with interest groups such as F&B, would be desirable, if not essential.	Reject
FS2.14	Transpower		Reject	Transpower opposes these requests as it considers that any requirement to consult would be inappropriate and unduly restrictive. Transpower considers that the policy and method, as proposed, are appropriate and should be retained without amendment.	Accept
FS3.47	WELL		Reject	Consultation should be at the discretion of the network utility owner. Such consultation will occur on the basis of effects and will form part of the network utility operators mitigation o environmental	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.21	Transpower	Method 16.5.1(5)	5. <del>The consideration of viable alternatives for new designations. Plan changes to introduce new provisions to manage reverse sensitivity effects....</del>	effects. Support in part, subject to minor wording changes requested below. Plan provisions for managing reverse sensitivity effects on regionally significant network utilities are already contained within the Operative District Plan.	Reject
FS3.22	WELL		Reject	WELL consider that the retention of the Plan Change method is suitable to deal with future instances of reverse sensitivity on infrastructure. Such plan changes could involve critical electrical lines being captured under any amended definition of regionally significant infrastructure.	Accept
S4.22	Transpower	Method 16.5.2 Method 16.5.6 Method 16.5.7 Method 16.5.9 Method 16.5.10	Retain methods 16.5.2, 16.5.6, 16.5.7, 16.5.9 and 16.5.10 as proposed.	Support. The methods as proposed are appropriate implementation mechanisms to address the resource management issues, objectives and policies outlined in amended Chapter 30.	Accept
S4.23	Transpower	Method 16.5.8	<del>Education of and building relationships with network utility providers.</del>	Oppose. While the concept of 'building relationships with network utility providers' is supported, it is unclear as to what is intended by the 'education of' network utility providers.	Accept in part
FS3.23	WELL	Accept	Accept	For the reasons stated.	Accept in part
S8.6	Forest and Bird	Method 16.5.9	The decision sought related to 16.4.17 (see S8.8) should be reflected in the methods.	See S8.8	Reject
FS2.14	Transpower		Reject	Transpower opposes these requests as it considers that any requirement to consult would be inappropriate and unduly restrictive. Transpower considers that the policy and method, as proposed, are appropriate and should be retained without amendment.	Accept
S3.6	Spark	16.6 Anticipated environmental results and monitoring	16.6 Anticipated environmental result: <del>The avoidance, remedying, or mitigation of the adverse effects of developing and maintaining the City's network utilities to the extent practicable.</del>	Oppose in part. Seek an amendment to 16.6 'Anticipated environmental results' to reflect that all adverse effects may not be able to be avoided, remedied or mitigated.	Reject
FS1.5	Powerco		Accept	Powerco supports the requested amendments, which recognise that it will not always be possible to avoid, remedy or mitigate all adverse effects due to the technical and operational constraints associated with network utilities.	Accept
FS3.9	WELL		Accept	Support for the submission points have been given because they reflect similar outcomes being sought by WELL in their submission. WELL consider that the new network utility chapter should provide more explicit acknowledgement to the fact that not all adverse environmental effects can be	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S5.6	Chorus	16.6 Anticipated environmental results and monitoring	16.6 Anticipated environmental result: The avoidance, remedying, or mitigation of the adverse effects of developing and maintaining the City's network utilities <u>to the extent practicable</u> .	avoided remedied or mitigated. WELL consider that the use of the words "to the extent practicable" suitably acknowledges that there may be residual effects of network utility developments. Oppose in part. Seek amendments to consistently recognise that adverse effects will be managed as far as practicable, and that not all adverse effects may be able to be avoided, remedied or mitigated. Seek an amendment to 16.6 'Anticipated environmental results' to reflect that all adverse effects may not be able to be avoided, remedied or mitigated.	Reject
FS3.30	WELL		Accept	Supported for the reasons stated in the submission. WELL also submitted that Objective 16.3.4 needed to better acknowledge that some residual environmental effects of network utility development and/or operation would not be able to be avoided remedied or mitigated. The recommended amendment to the Objective's explanation is supported as it mirrors WELL's submission on the same matter. WELL support the use of the words "...to the extent practicable" as requested by the submitter in Proposed Policy 16.4.12 and the corresponding 16.6 Anticipated environmental result	Reject
<b>AMENDMENT 2: Amendments to Chapter 16A – Renewable Energy (Issues, Objectives and Policies)</b>					
S8.7	Forest and Bird	16A.3 (all Objectives)	We would like to see the inclusion of Objectives addressing the following: <ul style="list-style-type: none"> <li>Education and information about renewable energy generation and energy conservation;</li> <li>Subsidising renewable energy generation initiatives; and</li> <li>Identification of cost-effective renewable energy options that have reduced environmental impacts.</li> </ul>	Oppose in part. Consider that the Objectives in Chapter 16A are too limiting in terms of the potential scope that UHCC could lead in what it could do to advance renewable energy generation in Upper Hutt.	Accept in part
<b>AMENDMENT 3: Amendments to Chapter 18 – Residential Zone (Rules)</b>					
S2.5	KiwiRail	Rule 18.6	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
S4.24	Transpower	Rule 18.6	Amend Rule 18.6 and 18.28A as follows:	Oppose. In particular, oppose the exclusion of the National Grid from the new matters	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S6.20	WELL	Rule 18.6	<p>Council may impose conditions over the following matters:</p> <p>...</p> <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> </ul> <p>Note: <del>Rule 18.29 covers subdivision within the Electricity Transmission Corridor. Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under Rule 18.29.</del></p>	<p>of consideration bullet points in sections 18.6, 18.28A and 18.37. It is understood that the National Grid has been specifically excluded as specific matters of consideration are included in the District Plan for subdivision requiring consent under Rule 18.29 where the subdivision creates building platforms with 20m of electricity transmission lines.</p> <p>As currently drafted, there is no obligation for applicants to consult with Transpower if a subdivision were to take place on land where National Grid assets, or access to National Grid assets are located where the proposed building platforms were proposed more than 20m from the transmission line. While the building platforms may be proposed at an appropriate distance any subdivision of land containing National Grid assets or access to National Grid assets has the potential to constrain Transpower's ability to access, inspect, maintain, or upgrade these assets through alterations to lot boundaries and access arrangements.</p>	Reject
S2.5	KiwiRail	Rule 18.28A	Retain as notified.	<p>Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night.</p> <p>Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.</p>	Accept
S4.24	Transpower	Rule 18.28A	<p>Amend Rule 18.6 and 18.28A as follows:</p> <p>Council may impose conditions over the following matters:</p> <p>...</p> <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> </ul> <p>Note: <del>Rule 18.29 covers subdivision within the Electricity Transmission Corridor. Subdivision</del></p>	<p>Oppose. In particular, oppose the exclusion of the National Grid from the new matters of consideration bullet points in sections 18.6, 18.28A and 18.37. It is understood that the National Grid has been specifically excluded as specific matters of consideration are included in the District Plan for subdivision requiring consent under Rule 18.29 where the subdivision creates building platforms with 20m of electricity transmission lines.</p> <p>As currently drafted, there is no obligation for applicants to consult with Transpower if</p>	Reject



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S2.5	Kiwirail	Rule 18.37	<p><u>which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under Rule 18.29.</u></p> <p>Retain as notified.</p>	<p>a subdivision were to take place on land where National Grid assets, or access to National Grid assets are located where the proposed building platforms were proposed more than 20m from the transmission line. While the building platforms may be proposed at an appropriate distance any subdivision of land containing National Grid assets or access to National Grid assets has the potential to constrain Transpower's ability to access, inspect, maintain, or upgrade these assets through alterations to lot boundaries and access arrangements.</p> <p>Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night.</p> <p>Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.</p>	Accept
S2.6	Kiwirail	Rule 18.37	<p>Insert the following provision as a matter for consideration:</p> <p><u>Account must be taken of the future development potential of adjoining or adjacent land and any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).</u></p>	<p>Support in part. Support that potential reverse sensitivity effects on regionally significant network utilities are considered through the subdivision process. Consideration of elements such as setbacks, design standards and mitigation requirements for development on a site at the time of subdivision, will ensure that future occupants are fully aware of the potential effects from residing adjoining a railway, and that these effects are mitigated so that the railway is not subject to reverse sensitivity effects.</p> <p>Seek to insert a similar provision to ensure that reserve sensitivity effects are also considered in relation to regionally significant infrastructure when subdivision applications are being processed.</p>	Accept in part
S4.24	Transpower	Rule 18.37	<p>Amend Rule 18.37 as follows:</p> <ul style="list-style-type: none"> <li><u>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.</u></li> <li><u>The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity</u></li> </ul>	<p>Oppose. In particular, oppose the exclusion of the National Grid from the new matters of consideration bullet points in sections 18.6, 18.28A and 18.37. It is understood that the National Grid has been specifically excluded as specific matters of consideration are included in the District Plan for subdivision requiring consent under Rule 18.29 where the subdivision creates building platforms with 20m of electricity transmission lines.</p> <p>As currently drafted, there is no obligation</p>	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			<p>to the site.</p> <p><del>Note: Rule 19.20 covers subdivision within the Electricity Transmission Corridor. Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under Rule 19.29.</del></p>	<p>for applicants to consult with Transpower if a subdivision were to take place on land where National Grid assets, or access to National Grid assets are located where the proposed building platforms were proposed more than 20m from the transmission line. While the building platforms may be proposed at an appropriate distance any subdivision of land containing National Grid assets or access to National Grid assets has the potential to constrain Transpower's ability to access, inspect, maintain, or upgrade these assets through alterations to lot boundaries and access arrangements.</p>	
<b>AMENDMENT 4: Amendments to Chapter 19 – Rural Zone (Rules)</b>	Transpower	Rule 19.6 Rule 19.28 Rural Zone Rules	<p>Amend Rule 19.6 as follows: Council may impose conditions over the following matters: ...</p> <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> </ul> <p><del>Note: Rule 19.24 covers subdivision within the Electricity Transmission Corridor. Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under Rule 19.21.</del></p>	<p>Oppose. See S4.24</p>	Reject
			<p>Amend Rule 19.28 as follows:</p> <ul style="list-style-type: none"> <li>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to, regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> </ul> <p>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in close proximity to the site.</p> <p><del>Note: Rule 19.24 covers subdivision within the Electricity Transmission Corridor. Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under Rule 19.21.</del></p>		

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S6.20	WELL	Rule 19.6	Amend the permitted and controlled activity standards to include the outcome of consultation of the CEL's owner and that consequential amendments are made throughout the Residential Zone Rules.	Support in part. Consider that it is important that, as owner and operators of CELs, consultation is undertaken with them in relation to subdivision and other land use developments in close proximity to the sub-transmission network.	Reject
S2.5	KiwiRail	Rule 19.6	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
S4.25	Transpower	Rule 19.28	Amend Rule 19.28 as follows: <ul style="list-style-type: none"> <li>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to, regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in close proximity to the site.</li> </ul> <p>Note: <del>Rule 19.24 covers within the Electricity Transmission Corridor</del> Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps also requires resource consent under <del>Rule 19.21.</del></p>	Oppose. See S4.24	Reject
S2.5	KiwiRail	Rule 19.28	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
<b>AMENDMENT 5: Amendments to Chapter 20 – Business Zone (Rules)</b>					
S2.5	KiwiRail	Rule 20.6	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S6.20	WELL	Rule 20.6	Amend the permitted and controlled activity standards to include the outcome of consultation of the CEL's owner and that consequential amendments are made throughout the Residential Zone Rules.	operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Reject
S2.5	KiwiRail	Rule 20.32	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
<b>AMENDMENT 6: Amendments to Chapter 21 – Open Space Zone Rules</b>					
S4.27	Transpower	Rule 21.5A	Amend Rule 21.5A and Rule 21.28 as follows: Council may impose conditions over the following matters: ... <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in close proximity to the site.</li> </ul> <u>Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.</u>	Oppose. In particular, oppose the exclusion of the National Grid from the new matters of consideration bullet points in sections 21.5A, 21.28 and 21.41. It is understood that the National Grid has been excluded, as per the other zone chapters, as there are specific rules relating to subdivision that creates building platforms within the Electricity Transmission Corridor. However, no such subdivision rule is provided in the open space zone chapter, and as such the cross reference to Rule 21.16 (which covers buildings and structures within the Electricity Transmission Corridor) is incorrect and should be deleted.	Reject
S2.5	KiwiRail	Rule 21.5A	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
S6.20	WELL	Rule 21.5A	Amend the permitted and controlled activity	Support in part. Consider that it is	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S2.5	KiwiRail	Rule 21.28	standards to include the outcome of consultation of the CEL's owner and that consequential amendments are made throughout the Residential Zone Rules.  Retain as notified.	important that, as owner and operators of CELs, consultation is undertaken with them in relation to subdivision and other land use developments in close proximity to the sub-transmission network.  Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night.  Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
S4.27	Transpower	Rule 21.28	Amend Rule 21.5A and Rule 21.28 as follows: Council may impose conditions over the following matters: ... <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>located on the National Grid</del> located on or in close proximity to the site.</li> </ul> <del>Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.</del>	Oppose. In particular, oppose the exclusion of the National Grid from the new matters of consideration bullet points in sections 21.5A, 21.28 and 21.41. It is understood that the National Grid has been excluded, as per the other zone chapters, as there are specific rules relating to subdivision that creates building platforms within the Electricity Transmission Corridor. However, no such subdivision rule is provided in the open space zone chapter, and as such the cross reference to Rule 21.16 (which covers buildings and structures within the Electricity Transmission Corridor) is incorrect and should be deleted.	Reject
S2.5	KiwiRail	Rule 21.41	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night.  Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept
<b>AMENDMENT 7: Amendments to Chapter 22 – Special Activity Zone Rules</b>					
S2.5	KiwiRail	Rule 22.7	Retain as notified.	Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night.  Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.28	Transpower	Rule 22.7	<p>Amend Rules 22.30 and 22.7 as follows: Council may impose conditions over the following matters:</p> <p>...</p> <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in close proximity to the site.</li> </ul> <p>Note: Rule 22.18 covers subdivision within the <del>Electricity Transmission Corridor</del> which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the <del>planning maps</del>.</p>	<p>Council seek to control. Oppose. See 4.24</p>	Reject
S2.5	KiwiRail	Rule 22.30	Retain as notified.	<p>Support. KiwiRail encourage land use near the railway corridor that does not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.</p>	Accept
S4.28	Transpower	Rule 22.30	<p>Amend Rules 22.30 and 22.7 as follows: Council may impose conditions over the following matters:</p> <p>...</p> <ul style="list-style-type: none"> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in close proximity to the site.</li> </ul> <p>Note: Rule 22.18 covers subdivision within the <del>Electricity Transmission Corridor</del> which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the <del>planning maps</del>.</p>	<p>Oppose. See 4.24</p>	Reject
S6.20	WEILL	Rule 22.30	Amend the permitted and controlled activity standards to include the outcome of consultation of the CEL's owner and that consequential amendments are made throughout the Residential Zone Rules.	<p>Support in part. Consider that it is important that, as owner and operators of CELs, consultation is undertaken with them in relation to subdivision and other land use developments in close proximity to the sub-transmission network.</p>	Reject
S2.5	KiwiRail	Rule 22.31	Retain as notified.	<p>Support. KiwiRail encourage land use near the railway corridor that does not</p>	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.28	Transpower	Rule 22.31	<p>Amend Rule 22.31 as follows:</p> <p>Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:</p> <p>...</p> <ul style="list-style-type: none"> <li>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> <li>The outcome of consultation with the owner or operator of regionally significant network utilities <del>excluding the National Grid</del> located on or in proximity to the site.</li> </ul> <p>Note: Rule 22.18 covers subdivision <del>within the Electricity Transmission Corridor</del> which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the planning maps.</p>	<p>compromise the short or long term ability to operate a safe and efficient rail network, both day and night.</p> <p>Support the consideration of the impact of the design and layout of the subdivision on the rail network as a regionally significant network utility, and the outcome of consultation with KiwiRail, as matters Council seek to control.</p> <p>Oppose. See 4.24</p>	Reject
<b>AMENDMENT 8: Amendments to Chapter 28 – Southern Hills Overlay Area and Protected Ridgelines Rules</b>					
S4.29	Transpower	Chapter 28 Southern Hills Overlay Area and Protected Ridgeline Rules	Delete all proposed amendments to Chapter 28.	<p>Oppose. Support the activity status of network utilities as restricted discretionary activities under Rule 28.5, however Transpower's earlier comments on the draft Plan Change sought the exclusion of a requirement for network utilities to comply with the rules and standards in the zone chapters of the District Plan. This is requested to extend to overlay areas also.</p> <p>The inclusion of network utilities in this chapter does not make sense as the rule framework relies on a base rule in an underlying zone but network utilities are not covered by zone rules.</p> <p>The rules, standards and matters of consideration contained in the new utilities Chapter 30 (subject to the amendments to this Chapter requested by Transpower) provide sufficient scope for the potential</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.24	WELL		Reject	adverse effects (namely landscape and visual effects) of network utilities within the Southern Hills Overlay Area and on protected ridgelines to be adequately assessed.  WELL support this submission point for the reasons stated. WELL supported PC38 in general based on the Network Utility Chapter representing a complete code. The submission point by Transpower appropriately raises the matter of the complete code approach being diluted via the use of policy overlays, as well as the confusing matter of how zone rules apply to the concept of a complete code.	Accept in part
S5.21	Chorus	Rule 28.1 Rule 28.2	Amend Rules 28.1 and 28.2 to provide as a permitted activity in the Protected Ridgelines and Southern Hills Overlay for lines permitted under the minor above ground lines and minor upgrading provisions, with no applicable performance standards.	Support in part. It is unclear whether minor above ground lines and additional fibre optic lines to existing overhead network utility structure (as requested in the relief sought in S5.18) are caught by Rules 28.1 and 28.2. Seek to make these activities permitted with no applicable standards as they have less than minor adverse effects, particularly in the context of the existing structures.	Accept in part
FS3.39	WELL		Accept	WELL support the submission points as they will provide certainty to permitted activities within the Protected Ridgelines and Southern Hills Overlay areas.	Accept
<b>AMENDMENT 9: Amendments to Chapter 30 – Rules for Network Utilities</b>					
S3.10	Spark	Ch30 – Application of City-wide rules	Insert a statement in Chapter 30 Rules for Utilities prior to the "Activities Table" that spells out that other than the rules in Chapter 30, the only other rules potentially relevant to network utilities are those relating to notable trees, historic heritage, the Southern Hills Overlay and Protected Ridgelines, and include a specific reference to the relevant rules in those chapters. Alternatively, include the relevant rules into Chapter 30.  A consequential amendment is required to 16.1 (tenth paragraph) to remove the reference to "earthworks" and to signal that there are relevant rules in the Protected Ridgelines and Southern Hills Overlay.	Oppose in part. It is unclear and uncertain as to which area wide rules apply to network utilities. 16.1 (tenth paragraph) states that <u>The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to earthworks, notable trees, historic heritage and hazardous substances will still apply.</u> In relation to the City wide rules, there are no applicable earthworks rules, and accordingly the reference to this should be deleted. Provisions have also been included for "New above ground network utilities" in the protected Ridgelines and Southern Hills Overlay area (through Amendment 8 of the Plan Change), but it is not specifically stated in the Utilities chapter that these provisions apply. Request a specific statement be included under Chapter 30 (prior to the "Activities	Accept in part



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS1.6			Accept in part	<p>Table") that clearly sets out which area wide rules apply to avoid any uncertainty.</p> <p>S3.10 raises similar concerns to those raised by Powerco in its submission S7.20, which the Council has identified as potentially out of scope. Specifically, both submissions identify that further clarification is required around the relationship between the utilities rules in Chapter 30 and the City wide rules and which of those City wide rules will be applied to network utilities.</p> <p>In Powerco's opinion, there is currently significant uncertainty around the approach to earthworks and vegetation clearance associated with the installation, maintenance and upgrade of network utilities. This is because the introduction to the chapter indicates that the City wide rules for earthworks will apply. However, the assessment criteria for controlled and restricted discretionary activities set out in Chapter 30 indicate the council may impose conditions on earthworks and vegetation clearance, suggesting that these matters will be considered in the context of Chapter 30 network utilities.</p> <p>Powerco supports S3.10 to the extent that it seeks to clarify that only the City-wide rules for notable trees, historic heritage, the Southern Hills Overlay and Protected Ridgelines (not earthworks or vegetation clearance) will apply to network utilities.</p> <p>Powerco would also support the inclusion of all rules relevant to network utilities within Chapter 30 in order to provide a consolidated approach to the management of network utilities.</p>	Accept in part
FS3.10	WELL		Accept	WELL support the concept of the Network Utility Chapter being a complete code.	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S5.11	Chorus	Ch30: Application of city-wide rules	Insert a statement in Chapter 30 Rules for Utilities prior to the "Activities Table" that spells out that other than the rules in Chapter 30, the only other rules potentially relevant to network utilities are those relating to notable trees, historic heritage, hazardous substances, the Southern Hills Overlay, and Protected Ridgelines, and include a specific cross reference to the relevant rules in those chapters. Alternatively, include the relevant rules into Chapter 30. A consequential amendment is required to 16.1 (tenth paragraph) to remove the reference to "earthworks" and to signal that there are relevant rules in the Protected Ridgelines and Southern Hills Overlay.	Therefore, when other chapters of the plan require consideration, from a permitted activity perspective, the relevant plan sections should be made as clear as possible.  Oppose in part. It is unclear and uncertain as to which area wide rules apply to network utilities. It is stated in 16.1 (tenth paragraph) that: <u>The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to earthworks, notable trees, historic heritage and hazardous substances will still apply.</u>  In relation to the City wide rules, there are no applicable earthworks rules, and accordingly the reference to this should be deleted. Provisions have also been included for "New above ground network utilities" in the Protected Ridgelines and Southern Hills Overlay area (through Amendment 8 of the Plan Change), but it is not specifically stated in the Utilities chapter that these provisions apply. Request a specific statement be included under Chapter 30 (prior to the "Activities Table") that clearly sets out which area wide rules apply to avoid any uncertainty.	Accept in part
FS3.31	WELL		Accept	WELL consider that it is important for the Network Utility Chapter to operate as much as possible as a complete code. Any provisions within the City Wide Rules must be clearly identified in Chapter 30 of the Plan Change.	Accept in part
FS2.15	Transpower		Reject	Transpower generally supports this request as it would help provide clarity for District Plan users. However, Transpower would not support inclusion of reference to the Protected Ridgeline and Southern Hills Overlay, as it does not consider that these provisions should apply to network utilities.	Accept in part
S7.20	Powerco	Application of city-wide provisions	Amend Chapter 30 – Rules for Utilities to include all standards relevant to the operation, maintenance, upgrade and development of network utilities to provide a comprehensive suite of district wide provisions specific to network utilities. In addition to the existing provisions in Chapter 30, these should provide for the following as a permitted activity in all zones and overlays: <ul style="list-style-type: none"> <li>Earthworks and vegetation trimming and clearance required to maintain the safe and efficient operation of network</li> </ul>	<b>Oppose. Consider all standards relevant to the operation, maintenance, upgrade and development of network utilities should be provided for within Chapter 30 Rules for Utilities. Earthworks and vegetation clearance are typical maintenance activities required to ensure the continued efficient operation of existing network utilities and it is therefore appropriate to provide a set of standards that appropriately recognises the unique nature of these activities in relation to network utilities, and</b>	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.30	Transpower	Rule 30.1 Activity table	<p>utilities;</p> <ul style="list-style-type: none"> <li>Earthworks and trenching undertaken by a network utility operator in the road reserve;</li> <li>Underground gas distribution and transmission pipelines and ancillary above ground equipment not affected by inundation within the 1% (1 in 100 year) flood extent of the Hutt River, as shown on the Planning Maps, provided such works are not located on or within 5m of the Council's flood control structures.</li> </ul> <p>Make any consequential amendments necessary to Chapter 30 to correctly explain the relationship between the provisions in Chapter 30 and the city wide rules.</p>	<p>particularly in relation to lineal network utilities that traverse property and zone boundaries and which are typically located within the road reserve. Seek that earthworks and vegetation clearance standards relevant to network utilities be included in Chapter 30. Oppose the requirement for all network utilities to comply with the rules in Chapter 33 Flooding and Fault Band Hazards. Activity table 33.1 requires discretionary activity consent for buildings and structures to be erected within the 1% (1 in 100 year) flood extent of the Hutt River, as shown on the planning maps, which is considered to include network utilities. It will not always be practicable to completely avoid locating it within the 1% flood extent of the Hutt River, and that gas pipework can be appropriately located in areas subject to inundation. Accept that it will be appropriate to locate more vulnerable parts of the network (e.g. district regulator stations) outside the areas at risk from flooding, and that it is appropriate to make some provision for underground network utilities within the 1% flood extent of the Hutt River as a permitted activity, provided they do not affect flood protection structures.</p>	Reject
			<p>Amend the proposed activity status tables to achieve the following activity statuses:</p> <ul style="list-style-type: none"> <li>Permitted: The operation, maintenance, minor upgrading of transmission lines, transmission line support structures and substations.</li> <li>Restricted discretionary: The upgrading of transmission lines, transmission line support structures and substations.</li> <li>Discretionary: New transmission lines, transmission line support structures and substations.</li> <li>Non-complying: All network utilities which do not comply with the permitted activity standards for radiofrequency.</li> </ul> <p>And make any other consequential amendments to the proposed matters of discretion for restricted discretionary activities and the inclusion of consultation with network utility operators as matters of discretion for the</p>	<p>Oppose. While accept the likely activity status of the rules expected to apply to National Grid assets (i.e. not non-complying as initially proposed in the draft Plan Change), the rules are unclear. As a result determining which rule applies to which activity is not easy. In addition, and in light of the new definition of 'line', it is unclear which rules specifically apply to transmission line support structures. Notwithstanding opposition, specifically support the noncomplying activity status for network utilities that do not comply with the permitted activity standards for radiofrequency and electro-magnetic fields in standard 30.3. Transpower designs and operates its infrastructure to comply with these standards.</p>	

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S7.21	Powerco	Rule 30.1	<p>upgrading on transmission lines and transmission line support structures.</p> <p>And, to avoid the potential for confusion and dispute, include a clear statement to the effect that the provisions of other chapters do not apply to network utilities (as stated in the last paragraph of Section 16.1).</p> <p>Number the activities listed in 30.1 Activities Table for ease of reference.</p>	Support. Seek to number the various rules included in the table for ease of reference.	Reject
FS3.41	WELL		Accept	Numbering the various rules will facilitate District Plan usability	Reject
S7.22	Powerco	Rule 30.1	<p>Retain the following rules in 30.1 Activities Table without modification:</p> <p>30.1 Activities</p> <ul style="list-style-type: none"> <li>Removal, maintenance, operation, and repair of existing network utilities, including any existing structures</li> <li>The operation and maintenance of existing network utilities</li> <li>The upgrading of all other network utilities, excluding: <ul style="list-style-type: none"> <li>• electricity and telecommunication lines, and</li> <li>• gas distribution and transmission pipeline pressure exceeding 2000 kilopascals</li> </ul> </li> </ul> <p>The removal, operation and maintenance of network utilities and the minor upgrading of electric telecommunication lines that does not exceed permitted activity standards.</p> <p>The upgrading of network utilities that do not exceed the permitted activity standards, excluding: <ul style="list-style-type: none"> <li>• electricity transmission lines above 110kV</li> <li>• gas distribution and transmission pipeline pressure exceeding 2000 kilopascals</li> </ul> </p> <p>Subdivision</p> <p>Subdivision for the purpose of accommodating network utility</p> <p>Gas distribution and transmission</p> <p>Underground gas distribution and transmission pipelines at a pressure not exceeding 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment including regulator stations but not compressor stations.</p>	Support.	Accept
S7.23	Powerco	Rule 30.1 (Advice Notes)	<p>Retain the advice notes to the Rules in Activity Table 30.1, which recognise regulations of relevance to undertaking works in close proximity to gas pipelines, as follows:</p>	Support.	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S4.31	Transpower	Rule 30.1 – activity table notes	<p><u>Other Relevant Regulations</u></p> <p>The following two standards are relevant for work in proximity to gas pipelines:</p> <ul style="list-style-type: none"> <li>NZS/AS_2885_Pipelines – Gas and Liquid petroleum</li> <li>NZS_5258:2993_Gas_Distribution_Network.</li> </ul> <p>Upper Hutt City Council is not responsible for enforcing these regulations or standards.</p> <p>Retain the notes section of Chapter 30 as proposed.</p>	Support. Correctly references all relevant standards that control electricity transmission activities. Support the inclusion in the notes section of words clarifying how the NES applies to network utilities.	Accept
S1.5	GWRC	Chapter 30 (Rules for Network Utilities)	<p>Make any removal, maintenance or upgrading associated with underground services (excluding those associated with works on existing transmission lines) where they are located in or on a stopbank a restricted discretionary activity. Council's discretion should be restricted to the effects of the works on the integrity of the stop-bank.</p> <p>To accord with the NESETA, such works on existing electricity transmission lines in stopbanks should be a controlled activity. Council's control should be restricted to the effects of the works on the integrity of the stop-bank.</p>	<p>Oppose. Concerned about the implications of permitted activity status for utilities operations where there is potential for adverse effects on flood protection assets. With regard to the National Environmental Standard on Electricity Transmission Activities (NESETA), permitted activity clause 33(5) requires that earthworks related to an existing transmission line must not contribute to slope instability, drainage problems, or flooding of overland flow paths, otherwise earthworks are to be considered a controlled activity.</p> <p>Earthworks in stopbanks can contribute to all of these effects e.g. slope instability; therefore it is appropriate that where existing electricity transmission lines are concerned, the activity status should be controlled. However, for all other network utilities including new utilities, the activity status should be a restricted discretionary activity, so that GWRC retains the ability to seek that an application be refused if the flood hazard risks/effects are inappropriate.</p> <p>Powerco accepts there is a need to protect the integrity of flood protection assets and can support a rule requiring restricted discretionary consent for removal, maintenance or upgrades associated with underground services where they are located in or on a stop-bank.</p> <p>WELL oppose both submission points. All undergrounding of lines (including removal, maintenance, operation and upgrading) should remain permitted activities as indicated in Table 30.1 regardless of flood protection devices. Restricted discretionary consent for</p>	Accept in part
FS1.3	Powerco		Accept		Accept in part
FS3.1	WELL		Reject Council rejects the submission points in their entirety. Council to retain undergrounding utilities as a permitted activity in all areas regardless of flood mitigation assets.		Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
				underground line works within flood protection assets as sought by the submitter would be onerous and unnecessary as WELL construction standards specify correct backfill compaction requirements (as would most utility operators) and hence will avoid undermining integrity of the flood control asset. A permitted activity standard relating to effects on flood control structures would be more appropriate.	
S1.6	GWRC	Chapter 30 (Rules for Network Utilities)	Make new underground utilities where they are located in or on a stopbank a restricted discretionary activity, not a permitted activity as currently proposed. Council's discretion should be restricted to the effects of the works on the integrity of the stop-bank.	Oppose. Concerned about the implications of permitted activity status for utilities operations where there is potential for adverse effects on flood protection assets.	Reject
FS1.4	Powerco		Accept	Powerco accepts there is a need to protect the integrity of flood protection assets and can support a rule requiring restricted discretionary consent for new underground utilities where they are located in or on a stop-bank.	Reject
S5.12	Chorus	Rule 30.1 (Minor above ground lines)	Retain the permitted provision for "Minor Above Ground Lines".	Support.	Accept
FS3.32	WELL		Accept	The submission point compliments the WELL submission point.	Accept
S2.7	KiwiRail	Rule 30.1 (Removal, maintenance, operation and upgrading)	Retain as notified.	Support.	Accept
S2.8	KiwiRail	Rule 30.1 (Removal, maintenance, operation and upgrading)	The operation and maintenance of <u>existing</u> network utilities.	Support. Question the reference to 'existing' – new network utilities should also be able to be operated and maintained, with any consent or adverse effects being managed through the consent process to construct the network utility. At the time that consent is sought for construction, the operation and maintenance would not be a permitted activity as the network utility would not be existing. Certainty over whether that would also therefore require consent, or could at a future stage rely on a permitted activity rule would be removed with the removal of the word 'existing'.	Accept
FS2.16	Transpower		Accept	Transpower agrees that the term is unnecessary and may create confusion about when a network utility needed to exist to come within the scope of these rules. Transpower considers that once a network utility exists it should be subject to the permitted activity rules, regardless of	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S2.9	KiwiRail	Rule 30.1 (Removal, maintenance, operation and upgrading)	Retain as notified.	when it was constructed. Support.	Accept in part
S2.10	KiwiRail	Rule 30.1 (Removal, maintenance, operation and upgrading)	Retain as notified.	Support.	Accept in part
S2.11	KiwiRail	Rule 30.1 (Removal, maintenance, operation and upgrading)	Retain as notified.	Support but conditional on amendments to the definitions of 'upgrading' and 'maintenance' being clarified so that repair and replacement are clearly not upgrading. Without clarification, there is the potential that activities that would be permitted or controlled in the event the permitted standards are not complied with, become restricted discretionary.	Accept in part
S6.21	WELL	Rule 30.1 (Removal, maintenance, operation and upgrading)	Retain the Rules pertaining to Removal, maintenance, operation and upgrading in PC38.	Support, contingent upon the amendment sought to include additional circuits and conductors being included in the definition for Minor Upgrading.	Accept in part
S2.12	KiwiRail	Rule 30.1 (General)	<u>Aerial crossings necessary for network utilities, located on or within existing bridges and structures or across watercourses, streams, and including regulator stations but not compressor stations.</u>	Support in part. The current wording of the rule could be clarified for certainty and consistency with the RMA.	Accept
FS2.17	Transpower		Accept	Transpower supports this change as avoids potential for confusion that the rule only applies to smaller watercourses.	Accept
FS3.4	WELL		Accept	For the reason given by the submitter.	Accept
S2.13	KiwiRail	Rule 30.1 (Underground utilities)	Retain as notified.	Support.	Accept
S6.22	WELL	Rule 30.1 (Radio communication, telecommunication and electricity distribution and transmission)	<u>New and upgraded transformers, substations and switching stations (other than those sited within a cabinet and or those that are pole mounted and located within the Rural Zone or Open Space Zone), distributing electricity and ancillary buildings.</u>	Oppose. Oppose the part of Rule 30.1 that identifies all new and upgraded transformers as a discretionary activity in all zones. Transformers vary in size according to voltage. The smaller transformers will be able to meet the permitted activity standards for all zones as specified in 30.4 and 30.5 (note: subject to road reserve area standards being increased to 5m <sup>2</sup> as sought below). The definition for Cabinet includes transformers and switchgear, consequently the permitted activity rule for cabinets should also apply to transformers and	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S2.14	Kiwirail	Rule 30.1 (Roading, and traffic and transport structures)	Retain as notified.	<p>switch gear that can be located within the cabinet. As currently worded resource consent (discretionary activity) would be required for overhead transformers in all zones.</p> <p>Consider that the definition of "line" in Section 2 of the Electricity Act 1992, which is inherited as the definition of "line" in this plan change, includes overhead transformers, and therefore placement of an overhead transformer (pole mounted) on an overhead line, within the Rural or Open Space Zone, should be a permitted activity to reflect that overhead lines in these zones are also permitted activities.</p> <p>Support.</p>	Accept
S3.11	Spark	Rule 30.1 (Masts, with or without antennas in the Residential and Open Space zones)	<p>Provide as a permitted activity for masts, with or without associated antennas in the Residential and Open Space zones under Rule 30.1.</p> <p>Amend Rule 30.4 to provide for a maximum height of 12m for "Masts, antennas, lines and single pole support structures" (whether one or more providers) in the Residential and Open Space Zones.</p> <p>Amend Rule 30.5 to provide for a mast diameter of less than 600mm from 6m in height (whether one or two providers); and antennas attached to masts to be within a horizontal diameter circle of 750mm around the mast.</p> <p>Provide a default status of discretionary activity.</p>	<p>Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan.</p>	Reject
S5.13	Chorus	Rule 30.1 (Masts, with or without antennas in the Residential and Open Space zones) Rule 30.4 Rule 30.5	<p>Provide as a permitted activity for masts, with or without associated antennas in the Residential and Open Space zones under Rule 30.1.</p> <p>Amend Rule 30.4 to provide for a maximum height of 12m for "Masts, antennas, lines and single pole support structures" (whether one or more providers) in the Residential and Open Space zones.</p> <p>Amend Rule 30.5 to provide for a mast diameter of less than 600mm from 6m in height (whether one or two providers); and antennas attached to masts to be within a horizontal diameter circle of 750mm around the mast.</p>	<p>Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan.</p>	Reject



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S3.12	Spark	Rule 30.1 (Masts, with or without antennas in the Rural, Business and Special Activity zones) Rule 30.4 Rule 30.5	Provide a default status of discretionary activity. Amend 30.4 Maximum Height of Network Utilities to provide for a maximum height of 20m for one provider and 25m for two providers for masts in the Rural zone. Amend 30.4 Maximum Height of Network Utilities to provide a maximum height of 25m for masts with two or more providers in the Special Activity zone (other than the St Patricks Estate). Amend 30.5 Maximum Size and Diameter of Network Utilities to provide for a mast diameter of 1.5m in the Rural zone (whether one, two or more providers); and provide for a 1.5m mast diameter in the Business and Special Activity zones (except St Patricks Estate) for two or more providers. Amend 30.5 Maximum Size and Diameter of Network Utilities to provide for a horizontal diameter circle of 5m for antennas in the Rural zone.	Oppose. The existing height and size provisions are too restrictive in terms of the level of potential adverse effects, and the necessity of telecommunications facilities. Further, while the policy framework purports to encourage co-location, restrictions whereby a mast with one provider is permitted up to 20m in the Special Activity zone, but the restriction on two or more providers is 12m will not achieve this.	Accept in part
FS3.11	WELL		Accept	WELL support the submissions on Rules 30.1 and 30.2 as they provide greater flexibility for support structure height in the rural zone, as well better enablement of colocalizing services on the one structure. Both amendments would facilitate WELL's operations in the district.	Accept in part
S5.14	Chorus	Rule 30.1 (Masts, with or without antennas in the Rural, Business and Special Activity Zones) Rule 30.4 Rule 30.5	Amend 30.4 Maximum Height of Network Utilities to provide for a maximum height of 20m for one provider and 25m for two providers for masts in the Rural zone. Amend 30.4 Maximum Height of Network Utilities to provide a maximum height of 25m for masts with two or more providers in the Special Activity zone (other than the St Patricks Estate). Amend 30.5 Maximum Size and Diameter of Network utilities to provide for a mast diameter of 1.5m in the Rural zone (whether one, or two or more providers); and provide for a 1.5m mast diameter in the Business and Special Activity zones (except St Patricks Estate) for two or more providers.	Oppose. The existing height and size provisions are considered to be too restrictive in terms of the level of potential adverse effects, and the necessity of telecommunication facilities. Further, while the policy framework purports to encourage co-location restrictions whereby a mast with one provider is permitted up to 20m in the Special Activity zone, but the restriction on two or more providers is 12m will not achieve this.	Accept in part
			Amend 30.5 Maximum Size and Diameter of Network Utilities to provide for a horizontal diameter circle of 5m for antennas in the Rural zone.		

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.34	WELL	Rule 30.4	diameter circle of 5m for antennas in the Rural zone. Accept	WELL support the submission point requesting greater height standards in the rural zone for support structures. WELL consider such increases will better enable network efficiency by allowing longer spans, as well as providing greater flexibility to co-locate services on single support structures (i.e., enable separation distances between services).	
S3.11	Spark	Rule 30.4	Amend Rule 30.4 to provide for a maximum height of 12m for "Masts, antennas, lines and single pole support structures" (whether one or more providers) in the Residential and Open Space Zones.	Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan.	Reject
S4.32	Transpower	Rule 30.4 (Maximum height of network utilities)	Amend the maximum height standards to specify a specific and appropriate height standard which 'provides for' transmission line support structures.	Oppose. Given the proposed definitions of 'line' and of 'network utility structure' it is unclear what standard would apply to transmission line support structures. The first height standard in the proposed table specifically refers to 'single pole support structures' and accordingly it could be perceived that any other support structure, that is not attached to a building, would fall under the following standards: <ul style="list-style-type: none"> <li>• Cabinets, and network utility structures located within road reserve, that are not otherwise provided for.</li> <li>• Cabinets, and network utility structures, that are not otherwise provided for.</li> </ul> The height limits in the standard above are inappropriate for transmission line support structures.	Reject
S5.13	Chorus	Rule 30.4	Amend Rule 30.4 to provide for a maximum height of 12m for "Masts, antennas, lines and single pole support structures" (whether one or more providers) in the Residential and Open Space zones.	Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.33	WELL	Rule 30.4	Accept	telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan. WELL support line height standards in the residential and open space zone, especially in regard to minor overhead lines.	Reject
S6.23	WELL	Rule 30.4 (Maximum height of network utilities)	Retain the standards contained in 30.4.	Support.	Accept
S7.24	Powerco	Rule 30.4 (Maximum height of network utilities)	Retain standard 30.4 as they apply to cabinets and other network utility structures (not otherwise provided for).	Support.	Accept
S3.11	Spark	Rule 30.5	Amend Rule 30.5 to provide for a mast diameter of less than 600mm from 6m in height (whether one or two providers); and antennas attached to masts to be within a horizontal diameter circle of 750mm around the mast. Provide a default status of discretionary activity. Residential and Open Space zones.	Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan.	Reject
S5.13	Chorus	Rule 30.1 Rule 30.4 Rule 30.5 (Masts, with or without antennas in the Residential and Open Space zones)	Provide as a permitted activity for masts, with or without associated antennas in the Residential and Open Space zones under Rule 30.1. Amend Rule 30.4 to provide for a maximum height of 12m for "Masts, antennas, lines and single pole support structures" (whether one or more providers) in the Residential and Open Space zones. Amend Rule 30.5 to provide for a mast diameter of less than 600mm from 6m in height (whether one or two providers); and antennas attached to masts to be within a horizontal diameter circle of 750mm around the mast. Provide a default status of discretionary activity.	Oppose. There is no permitted provision for masts and associated antennas in the Residential and Open Space zones. Masts in these areas up to 12m high and complying with the criteria in Rule 30.14 are a restricted discretionary activity. This is considered unreasonable, particularly given the essential nature of telecommunications, the increasing technical requirement to locate telecommunication masts close to the areas that they serve, and the level of effects. The provisions are significantly more stringent than in the operative plan.	Reject
FS3.33	WELL	Rule 30.4	Accept	WELL support line height standards in the residential and open space zone, especially in regard to minor overhead lines.	Reject
S6.24	WELL	Rule 30.5	Amend Standard 30.5 to enable road reserve	Support in part. The size and diameter	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
		(Maximum size and diameter of network utilities)	Cabinets associated with electrical distribution networks to have an engineering envelope up to 5m2 as permitted activities adjacent to all land use zones	standards for Cabinets located within the road reserve are too restrictive. As shown in Attachment C to WELL's submission, electricity distribution cabinets are common elements within the City's road reserves and present the only above ground structures associates with otherwise permitted underground networks. The design and location of the distribution cabinets are thoroughly considered prior to their positioning, thereby ensuring that pedestrian access and safety will not be compromised by the cabinet. In order to be able to support the operation and function of underground distribution lines (permitted activities) a cabinet (containing a transformer and switch gear) requires an area footprint of no less than 5m <sup>2</sup> from a technical basis. Support Standard 30.5 <i>in that</i> a 15m <sup>2</sup> area for cabinets not located within the road reserve is appropriate.	
S7.25	Powerco	Rule 30.5 (Maximum size and diameter of network utilities)	Retain standard 30.5 as they apply to cabinets and other network utility structures (not otherwise provided for).	Support.	Accept
FS3.42	WELL		Council reject in part the submission point to the extent it seeks retention of the current cabinet area within road reserves. A 5m2 area is being sought by WELL.	WELL seek that a 5m2 permitted activity standard for cabinets within the road reserve is provided due to technical requirements and limitations.	Reject
S2.15	KiwiRail	Rule 30.6 (Separation distance and setback from boundaries)	<u>The following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is defined as a building that are not located in the road reserve or rail corridor.</u>	Support in part. The standards as worded require that infrastructure in the rail corridor meet the setbacks. Seek that the rule be amended to exclude infrastructure in the rail corridor.	Accept
FS3.5	WELL		Accept the submission. Reference to infrastructure within the rail corridor to be applicable to Rule 30.6 as sought by the submitter.	WELL consider it appropriate for network utility structures not located within the rail corridor to have different setback requirements to structures located within the rail corridor.	Accept
S6.25	WELL	Rule 30.6 (Separation distance and setback from boundaries)	Retain the separation and setback exemptions for cabinets and other network utility structures.	Support, in so far that Lines (not being defined as a building) are excluded from the setback provisions.	Accept
S7.26	Powerco	Rule 30.6 (Separation distance and setbacks from boundaries)	Retain Standard 30.6 but amend the introduction to address the anomaly created by the reference to the definition of 'building', which then explicitly excludes network utilities. This could be achieved by amendments along the following lines: <u>30.5. Separation distance and setbacks from</u>	Support in part. Use of the term 'building' in the introduction to Standard 30.6 creates an anomaly as the definition of 'building' explicitly excludes network utilities. Seek to amend the introduction to delete the cross-reference to the definition of 'building' and instead refer to the key parameters of that definition that should be	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.43	WELL		<u>boundaries</u> No network utilities shall be located within an easelane or strip. The following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is over 5m2 in area with a height of more than 1.2m <del>defined as a building</del> that are not located in the road reserve	used to trigger a need for compliance with the standard. For example, the definition of building applies to any structure over 5m2 in area with a height of more than 1.2m.	
S4.33	Transpower	Rule 30.6 (Separation distances and setbacks from boundaries) Rule 30.7 (Specific standards for temporary above ground lines)	Exclude transmission lines and their associated support structure from the separation distance and setback standard. Delete section 30.7.	The recommended amendment to Rule 30.6 will assist in making the district plan clearer and will avoid interpretation over what structures the rule applies to. Oppose. The standards are entirely inappropriate to apply to transmission lines. Transmission lines, whether temporary or permanent, commonly cross rivers and therefore will encroach within the riparian setback, without adverse effect. It is unclear what effect applying this setback standard to lines is intended to manage.	Accept  Accept in part
S6.26	WELL	Rule 30.7 (Specific standards for temporary above ground lines)	Retain Standard 30.7 as currently worded.	Support.	Accept
S4.34	Transpower	Rule 30.12	Council will restrict its discretion to, and may impose conditions on: ... <ul style="list-style-type: none"> <li>Local, national and/or regional benefits derived from the activity</li> <li>Any constraints arising from technical and operational requirements of the network which may limit measures to avoid, remedy or mitigate environmental effects.</li> </ul>	Oppose. As proposed, the matters of discretion fail to allow recognition of the benefits of regionally significant network utilities. Provision for the recognition of benefits is established through the inclusion of Objective 16.3.1 and Policy 16.4.8 and this should be reflected as a matter of discretion when considering resource consent applications for upgrading. In addition, the matters of discretion must include recognition of the technical and operational effects of the network utility and how this may limit measures to avoid, remedy or mitigate environmental effects.	Accept
<b>AMENDMENT 10: New Chapter 30A – Rules for Renewable Energy Generation</b>					
S9.9	Roz Brown	Rule 30A.10	Are we protected enough if the Network Utilities enter into the Biomass energy production?	Request clarification.	Reject
S9.10	Roz Brown	Rule 30A.10	Strengthen wording on ecological inputs.	None given.	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Antenna)</b>					
S3.13	Spark	Ch35: Antenna	Retain the exemption of "(c) any other device not otherwise defined above that is less than 1.5m2 in area" and the other two notes to the definition that make it clear how the area and diameter measurements are to be undertaken.	Support in part. The definition adequately provides for antennas associated with telecommunications and radiocommunications, as well as providing certainty as to how the provisions will be applied.	Accept
S5.15	Chorus	Ch35: Antenna	Retain the exemption of "(c) any other device not otherwise defined above that is less than 1.5m2 in area"; and the two "Notes" to the definition that make it clear how the area and diameter measurements are to be undertaken.	Support in part. The definition adequately provides for antennas associated with telecommunications and radio communications, as well as providing certainty as to how the provisions for antenna are to be applied.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Building)</b>					
S6.1	WELL	Ch35: Building	Retain the current definition for 'Building' in PC38.	Support.	Accept
FS2.18	Transpower		Accept	Transpower agrees that the definition is appropriate and supports the submission.	Accept
S7.27	Powerco	Ch35: Building	Retain the definition of building to the extent that it excludes all structures of less than 1.2m in height, as follows:  Any structure whether temporary or permanent, movable or immovable, which in addition to its ordinary and usual meaning, includes the following: <ul style="list-style-type: none"> <li>Any structure of over 5m<sup>2</sup> in area with a height of more than 1.2m.</li> <li>Any fence or wall with a height of more than 2m.</li> <li>Any retaining wall with a height of more than 1.5m above the finished ground level.</li> </ul> <p>(i) Which has a capacity of not less than 25,000 litres and is supported directly by the ground.</p> <p>(ii) Which has a capacity of 2,000 litres or more and is supported at a height of more than 2.0 metres from the base of its structure.</p> <p>(iii) (Which has a capacity of 500 litres or more and is supported at a height of more than 4.0 metres from the base of its supporting structure.</p> <p><u>This definition does not apply to network utilities as defined in this chapter.</u></p> <p>Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as</p>	Support in part. Support the definition of 'building' to the extent that it excludes all structures of less than 5m <sup>2</sup> in area with a height of less than 1.2m.	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Cabinet)</b>					
S6.2	WELL	Ch35: Cabinet	necessary to give effect to this submission. Means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities, which includes single transformers and associated switching gear, distributing electricity at a voltage up to, and including, 400kV, 110kV.	Support in part. 110kV, not 100kV, is the industry standard.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Critical Electricity Line)</b>					
S6.3	WELL	Ch35: Critical electricity line	Include a definition for Critical Electricity Line as follows: <u>Critical Electricity Lines means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point to point.</u> <u>Typically such electricity conveyance is across cities, districts or regions between Grid Exit Points and Zone Substations. For the avoidance of doubt, Critical Electricity Lines includes assets which were part of the national grid but are no longer owned by Transpower, or existing and new assets which perform the function of transmission or sub-transmission but are not owned by Transpower.</u>	Not stated. Consider PC38 is limited in the recognition of electricity infrastructure that is not a component of the Transpower National Grid, or infrastructure that is used to distribute electricity to customers (homes or businesses). Seek a new section (and definition) to acknowledge Critical Electricity Lines that are associated with the subtransmission network within and across the City.	Reject
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Line)</b>					
S3.14	Spark	Ch35: Line	Retain the definition of "line".	Support.	Accept
S4.35	Transpower	Ch35: Line	Means 'line' as defined in section 5 of the Telecommunications Act 2001 and or in section 2 of the Electricity Act 1992.	Support in part. Seek to clarify that the activity does not need to meet the definition of line under both Acts referenced.	Accept
FS3.25	WELL		Accept	For the reasons stated.	Accept
S5.16	Chorus	Ch35: Line	Retain the definition of "Line".	Support.	Accept
S6.4	WELL	Ch35: Line	Retain definition for Line.	Support.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Maintenance)</b>					
S2.16	KiwiRail	Ch35: Maintenance	Retain definition as notified.	Support.	Accept
FS3.6	WELL		Accept	WELL supports these submission points as they reflect the relief sought by WELL in their retention.	Accept
S4.36	Transpower	Ch35: Maintenance	Replace the definition of maintenance with one that is clear and which provides for standard National Grid maintenance activities; Or alternatively, delete the definition of maintenance.	Oppose. Too restrictive and does not appropriately 'provide for' standard maintenance activities that Transpower regularly undertakes on the National Grid. The definition as drafted provides no greater right than what is provided for	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.26	WELL		Reject	through existing use rights. The definition also lacks certainty and it is unclear which of Transpower's maintenance activities are covered by it. WELL consider that the definition for maintenance is appropriate for defining permitted activities fairly and evenly across all network utility operators. It is unclear from submission S4.36 what specific maintenance activities could be that require an altered definition.	Accept
S6.5	WELL	Ch35: Maintenance	Retain definition for Maintenance.	Support.	Accept
S7.28	Powerco	Ch35: Maintenance	Retain the definition of 'maintenance' without modification.	Support.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Minor above ground line)</b>					
S5.17	Chorus	Ch35: Minor above ground line	Retain the definition of "Minor Above Ground Line".	Support.	Accept
FS3.35	WELL		Accept	Seek retention of the definition.	Accept
S6.6	WELL	Ch35: Minor above ground line	Retain definition for minor above ground line.	Support.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Minor upgrading)</b>					
S4.37	Transpower	Ch35: Minor upgrading	<u>Means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:</u> <u>(7) <del>Lower</del> Support structure replacement in the same location or within the existing alignment of the transmission line corridor, and</u> <u>(iv) the addition of any new circuits, lines or utility structures where this results in an increase in the number of new circuits, lines or utility structures.</u> <u>Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to all the existing National Grid, and <del>applies to all</del> transmission lines that were operational, or able to be operated, on 14 January 2010.</u>	Oppose in part. Sub-section (iv) of the definition requires clarification to ensure that in stating the addition of it means an increase in the number of, rather than the replacement of existing circuits, lines and utility structures, which should be considered a minor upgrade. In addition, note associated with the definition is not clearly worded.	Accept in part
FS3.27	WELL		Accept	As indicated in the corresponding WELL submission point, it is considered that a new collocated circuit that does not constitute a new line or require additional support structures should be considered a	Accept



Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S5.18	Chorus	Ch35: Minor upgrading	<p><u>Means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines which utilise existing or replacement support structures and includes:</u></p> <p>---</p> <p><u>(10) an increase in the height of replacement poles in road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in 13.4.2.1 is not exceeded and/or the replacement of an existing pole in road reserve is within 2m horizontal distance of that existing pole. ...</u></p> <p><u>(12) the addition of a new overhead telecommunication fibre optic line provided that:</u></p> <p><u>(i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;</u></p> <p><u>(ii) the diameter of new fibre optic lines does not exceed 25mm; and</u></p> <p><u>(iii) the location of the new fibre optic line is consistent with the following figure [please refer to Appendix 2 of submission]</u></p> <p><u>Minor upgrading shall not include...</u></p> <p><u>(iv) the addition of any new circuits, lines (with the exception of additional overhead telecommunication lines utilising existing support poles as provided for in item (12) above) or utility structures.</u></p>	<p>minor upgrade based on the minor effects. WELL support submission 4.37 to the extent that only circuits requiring the construction of a new line or support structure are exempt from the minor upgrade definition</p> <p>Oppose in part. Seek amendment to allow for:</p> <p>(a) the provision of up to two fibre optic lines utilising existing or replacement support structures subject to specific controls; and</p> <p>(b) the replacement of an existing support poles in road reserve within 2 metres of the existing pole which it is replacing.</p> <p>These changes are sought to allow for the efficient and effective use of existing infrastructure for activities that have less than minor adverse effects.</p>	Accept in part
FS3.36	WELL		<p>Council rejects in part the submission point to the extent it relates to a 2m relocation area for replacement support structures.</p>	<p>The submission seeks to limit replacement support structures in road reserve to within 2m of the existing pole. The definition already allows for a 5m replacement area which is appropriate. The sought replacement envelope is unnecessary and confusing.</p>	Accept in part
S6.7	WELL	Ch35: Minor upgrading	<p>Amend the definition for Minor Upgrading by including a new provision for the addition of circuits and conductors on existing support structures.</p> <p>Amend the definition for Minor Upgrading to allow replacement support structures to be located within 5 meters of the structure being replaced.</p>	<p>Support in part. Minor activities such as the addition of circuits and conductors should be added to the definition of Minor Upgrading as it will enable WELL to provide for growth and future demand for electricity across the city. This would also improve adherence with proposed Policy 16.4.14 as it would provide for co-location, mitigating visual impacts.</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Network utility)</b>					
S2.17	KiwiRail	Ch35: Network utility	Retain definition as notified.	Support.	Accept
FS3.6	WELL		Accept	WELL supports these submission points as they reflect the relief sought by WELL in their retention.	Accept
S4.38	Transpower	Ch35: Network utility	Means any activity undertaken by a network utility operator as defined in s166 of the RMA, relating to: ... (ii) <del>the provision, operation and maintenance of works for the conveyancing of electricity as defined in section 2 of the Electricity Act 1992</del> 'works' (as defined in section 2 of the Electricity Act 1992) for conveyancing of electricity.	Oppose in part. Seek to clarify the reference to the Electricity Act 1992.	Accept
S6.8	WELL	Ch35: Network utility	Retain Definition for Network Utility.	Support.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Network utility structure)</b>					
S2.18	KiwiRail	Ch35: Network utility structure	Retain definition as notified.	Support.	Accept
FS3.6	WELL		Accept	WELL supports these submission points as they reflect the relief sought by WELL in their retention.	Accept
S4.39	Transpower	Ch35: Network utility structure	Means any structure associated with a network utility and includes, but it not limited to, <u>electricity line support poles and towers, pipes, valves, meters, regulator stations, support poles and towers, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets and similar structures. It does not include lines, antennas and masts.</u>	Oppose. Does not specifically include transmission line poles or towers / support structures. It is appropriate that these structures are explicitly included in the definition.	Accept in part
S6.9	WELL	Ch35: Network utility structure	Retain Definition for Network Utility Structure.	Support.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Noise sensitive activity)</b>					
S2.19	KiwiRail	Ch35: Noise sensitive activity	Noise sensitive activity means any: (a) <del>residential activity;</del> (b) <u>visitor accommodation, boarding house or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time; or</u> (c) <del>childcare facility.</del>	Oppose. There is no definition proposed, or included within the existing District Plan, in relation to "noise sensitive activities". This is important in an assessment of the impacts of development on network utilities, particularly regionally significant network utilities, as provided for through the subdivision provisions, and the definition will assist in identifying where mitigation may or may not be required. Support the inclusion of a definition consistent with that already existing in the Hutt City District Plan.	Reject

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Regionally significant network utilities)</b>					
S2.20	KiwiRail	Ch35: Regionally significant network utilities	Regionally significant network utilities includes: <del>...</del> (f) the Strategic Transport Network, as detailed in <del>Appendix 1 to the Wellington Regional Land Transport Strategy 2014-2049</del>	Support in part. References to the RLTS may not remain relevant when it is updated.	Reject
S3.15	Spark	Ch35: Regionally significant network utilities	Regionally significant network utilities includes: <del>...</del> • <u>Facilities for provision of 'telecommunications' as defined in section 5 of the Telecommunications Act 2001 and facilities for the provision of 'radiocommunications' as defined in section 2(1) of the Radiocommunications Act 1989.</u>	Oppose in part. Seek inclusion of telecommunications in the definition of "regionally significant network utilities" in recognition of the essential nature of these services, including in times of emergency and natural disaster.	Reject
S4.40	Transpower	Ch35: Regionally significant network utilities	Retain the definition of Regionally Significant Network utilities without amendment.	Support, in particular bullet point two which refers to the National Grid, as defined by the NPSET. It is important that reference to the NPSET remains as the National Grid has not been or is not proposed to be defined separately in the District Plan.	Accept
S5.19	Chorus	Ch35: Regionally significant network utilities	Regionally significant network utilities includes: <del>...</del> • <u>Facilities for provision of 'telecommunications' as defined in section 5 of the Telecommunications Act 2001 and facilities for the provision of 'radiocommunications' as defined in section 2(1) of the Radiocommunications Act 1989.</u>	Oppose in part. Seek amendment to include telecommunications and radiocommunications in the definition in recognition of the essential nature of these services, including in times of emergency and natural disaster.	Reject
S7.29	Powerco	Ch35: Regionally significant network utilities	Retain the definition of regionally significant network utilities to the extent that it includes pipelines for the distribution of natural or manufactured gas, as follows: Regionally significant network utilities includes: • <u>pipelines for the distribution or transmission of natural or manufactured gas or petroleum ...</u>  Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.	Support in part. Support the proposed definition of 'regionally significant network utilities' to the extent that it applies to its gas distribution network.	Accept
<b>AMENDMENT 11: Amendments to Chapter 35 – Definitions (Upgrading)</b>					
S2.21	KiwiRail	Ch35: Upgrading	Upgrading means the <del>replacement</del> <u>repair, renewal or improvement of physical works that result in an increase in carrying capacity, operational efficiency, security or safety of</u>	Support in part. The definition of 'upgrading' as proposed includes 'replacement, repair, renewal.' It is unclear whether replacement, repair or renewal activities would be maintenance of upgrading as both definitions cover the	Accept

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
FS3.7	WELL		<p>existing network utilities but excludes:</p> <ul style="list-style-type: none"> <li>• 'maintenance' (as it relates to network utilities);</li> <li>• 'minor upgrading'; and</li> <li>• Any activity specifically otherwise provided for under Rule 30.1, and</li> <li>• Any increase in height or size or change in location, unless such an increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in Rules 30.4, 30.5 and 30.6.</li> </ul>	<p>same activity. Clarity is required.</p> <p>The improvement in carrying capacity and operational efficiency is not something that necessarily results in physical changes, or one that would necessarily be an upgrade. For example, changing engine type or putting an extra carriage on a train are improvements in operational efficiency and carrying capacity respectively. In some instances, some activities will be technically an 'upgrade' where they are in effect operational activities. Needing to get Outline Plan or resource consent approval each time seems outside the intention of the provision or the RMA in relation to designations.</p> <p>Would support wording that restricted upgrading to physical works on the network utility itself, rather than the operation of the utility.</p>	Accept in part
S3.16	Spark	Ch35: Upgrading	<p>Reject</p> <p>Amend the wording of the definition of "upgrading" to make it clear that it applies to all telecommunications and radiocommunications, other than lines which are provided for separately.</p>	<p>WELL consider that 'upgrading' can involve renewal of plant and equipment that is above and beyond maintenance (i.e., is not like for like works). Consequently, WELL consider that the proposed definition for upgrading is retained.</p> <p>Oppose in part. The currently drafted definition is unclear in application. Bullet point three excludes all activities under Rule 30.1, while bullet point four allows for upgrading of activities listed under that rule that can comply with standards 30.4, 30.5 and 30.6.</p> <p>It is understood that the intention was to provide for upgrading of network utilities under the "Upgrading" provisions, other than telecommunication and electricity lines that are provided for under the "Minor Upgrading" provisions. As currently drafted the rule does not reflect this approach.</p>	Accept in part
FS1.7	Powerco		Accept in part	<p>Powerco agrees there would be benefit in amending the definition of 'upgrading' to clarify the distinction between network utilities covered by the definition of 'minor upgrading' and those covered by the definition of 'upgrading'. It should be clear from any such amendment that the definition of 'upgrading' will apply to Powerco's gas distribution network.</p>	Accept in part
S4.41	Transpower	Ch35: Upgrading	Amend the definition of upgrading so that it is clear that all activities which are not operation, maintenance or minor upgrades of transmission lines and substations, or the establishment of new transmission lines or	<p>Oppose. Unclear what the difference is between minor upgrading, upgrading and 'new' facilities and unable to determine which activities would fall under the 'upgrade' category of activities.</p>	Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
			substations, are defined as 'upgrading'.	'Replacement', 'repair', 'renewal' or an improvement in the operating efficiency of the National Grid are not considered to be upgrades. In relation to transmission lines, including their support structures, the definition should provide for all upgrading that is not 'minor upgrading' and which is not the establishment of new transmission lines. The definition also needs to allow for upgrades to substations. Concerned with clause (c) which references permitted activity standards. Standards relevant to 'upgrading' activities rules should be listed in the rule itself, and not in both the definition and in the rule. Including standards in multiple locations simply adds to the complexity of the plan change.	
FS3.28	WELL		Accept	WELL support the submission point to the extent that clarification is required that the definition covers substations as well as lines.	Accept in part
S5.20	Chorus	Ch35: Upgrading	Amend the wording of the definition of "Upgrading" to make it clear that it applies to all telecommunications and radiocommunications, other than lines which are provided for separately.	Oppose in part. The definition as currently drafted is unclear and does not reflect the intended approach of providing for all network utilities under the 'Upgrading' provisions rather than telecommunication and electricity lines which are provided for in the 'Minor Upgrading' provisions.	Accept in part
S6.10	WELL	Ch35: Upgrading	Retain Definition for Upgrading.	Support.	Accept in part
<b>Section 32 Evaluation Report</b>					
S9.1	Roz Brown	Section 32 – 4.2.5	I feel it would be helpful for the councillors and officers who did not attend the open forum to become aware that the 'community' included interested persons from Upper Hutt Forest and Bird, Upper Hutt Town and Country, Upper Hutt Rural Women, Friends of the Hutt River.	The in-house (library, economic development) knowledge of this PPC 38 does not appear to be a happening thing, what are the communication channels and opportunities in-house?	Accept in part
S9.2	Roz Brown	Section 32 – 6.4	The opportunity for biomass energy generation should include the forestry sector. This comment relates to other sections of the Plan as well. Wondering where DHB and Regional Health input is reflected.		Accept in part
S9.4	Roz Brown	Section 32 – 7.1	Light pollution.		Accept in part
S9.5	Roz Brown	Section 32 – 9.3	Agree with option three [outlined in section 9.3]. With alterations to include light pollution, micro hydro, biomass (forestry), economic advantages.		Accept in part
S9.5	Roz Brown	Section 32 – 11.0	Vast economic and employment effects as we acknowledge that the economy is a wholly owned subsidiary of the environment. Biomass and micro hydro could greatly turn Upper Hutt		Accept in part

Submission No.	Submitter	Provision	Decision Sought	Reasons	Commissioners' Recommendation on submission point
S9.6	Roz Brown	Section 32 – Appendix 4 – Objective 9	into an energy secure city. Any influence over RPS to include bird corridors would be appreciated by karearea et al.		Accept in part
S9.7	Roz Brown	Section 32 – Appendix 4 – Relevant Definitions	A bit light on significant infrastructure – railway, SH2.		Accept in part

SUBMISSIONS RECEIVED THAT ARE NOT ON PLAN CHANGE 38, BY PROVISION

Upper Hutt City Council considers that the decisions sought in the following submission points are not on or within the scope of what is proposed through Plan Change 38.

Submission No.	Submitter	Provision	Decision Sought	Reasons
S6.13	WELL	Objective 16.3.2	Clarify the application of Objective 16.2.3 by removing the reference to the 'national grid' in the explanation.	Oppose in part. Consider that the explanation to Objective 16.3.2 is confusing in that it refers to both high voltage electricity transmission lines, as well as the transmission of electricity on the National Grid. WELL own high voltage transmission assets that were previously owned by Transpower. However, as ownership of the asset has changed, acknowledgement in PC38 of high voltage transmission lines is applied interchangeably between High voltage (110kV or greater) transmission lines (which would include WELL assets), and the National Grid (Transpower Assets). Seek amendments to clarify this.





**APPENDIX TWO – AMENDED TEXT OF PROPOSED PLAN CHANGE 34**

# Proposed District Plan Change 34

NETWORK UTILITIES AND  
RENEWABLE ENERGY GENERATION

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## Amendments to Chapter 3 - Definitions

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### AMENDMENT 1 [Chapter 3 Definitions]

*Amend definition of Antenna:*

**Antenna:** ~~any broadcasting and/or telecommunication or radiocommunication apparatus for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.~~

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

- (a) devices used in amateur radio configurations;
- (b) devices used only for television reception; and
- (c) any other device not otherwise defined above that is less than 1.5m<sup>2</sup> in area.

Notes:

- The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area of diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself.
- Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measurement is of each individual antenna and is not a cumulative measurement.

### AMENDMENT 2 [Chapter 3 Definitions]

*Add new definition for Anemometer*

**Anemometer:** means a mast and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including:

- (a) anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear;
- (b) wind vanes to measure wind direction; and
- (c) other meteorological instruments to measure temperature, air pressure, humidity and rainfall.

### AMENDMENT 3 [Chapter 3 Definitions]

*Amend definition for Building to reflect proposed network utility amendments*

**Building:** means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m; ~~and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 – Utilities.~~
- (d) decks less than 500mm in height;
- (e) all structures less than 1.2 metres in height;
- (f) all signs, as defined in this Plan.

**AMENDMENT 4** [Chapter 3 Definitions]

*Add new definition for Cabinet*

**Cabinet:**

means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities, which includes single transformers and associated switching gear distributing electricity at a voltage up to, and including, 1010KV.

It also has the same meaning as in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 and means a casing around equipment that is necessary to operate a telecommunication network.

Comment [GS1]: S9.3 WELL

**AMENDMENT 5** [Chapter 3 Definitions]

*Add new definition for Commercial Scale Renewable Energy Generation Activities:*

**Commercial Scale Renewable Energy Generation Activities:**

means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity from a renewable energy source and the operation of the renewable energy generation activity. It does not include:

- (a) small scale wind turbines of less than 5kW
- (b) community scale renewable energy generation activities
- (c) any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

**AMENDMENT 6** [Chapter 3 Definitions]

*Add new definition for Community Scale Renewable Energy Generation*

**Community Scale Renewable Energy Generation:**

means renewable energy generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network ('off grid'); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network.

## **AMENDMENT 7** [Chapter 3 Definitions]

*Add new definition for Construction and Commissioning Activities*

### **Construction and Commissioning Activities:**

in respect of renewable electricity generation activities includes those activities directly involved with the building and operation of a new renewable electricity generation activity. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.

Activities associated with “construction and commissioning” includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity conveyance transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of ‘renewable electricity generation activity.

## **AMENDMENT 8** [Chapter 3 Definitions]

*Add new definition for Distribution Network:*

**Distribution Network:** for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a distributor’s lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

## **AMENDMENT 9** [Chapter 3 Definitions]

*Add new definition for Distributor*

**Distributor:** for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a business engaged in distribution of electricity.

## **AMENDMENT 10** [Chapter 3 Definitions]

*Amend the definition of Height to reflect proposed network utility amendments*

**Height:** **Maximum Height** shall be the perpendicular distance between the lowest ground level at any point and the highest part of the building immediately above that point.

(a) For the purposes of calculating maximum height, ground level shall be deemed to be:

(i) the natural level of the ground or the finished level of the ground as a result of an approved subdivision, and shall not include earthworks which have resulted or will result from work undertaken as part of the construction of any building or development of the site.

- (ii) where the natural ground level has fluctuated over time, as a direct result of nature, the natural ground level will be the level that exists at the time the level has to be ascertained.
- (b) When calculating maximum height the following shall be excluded:
  - (i) ~~antennas~~, satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area ~~and this shall also apply to utilities listed in Chapter 13 – Utilities.~~
  - (ii) chimneys, flues and ventilation shafts.
  - (iii) ~~conductors relating~~ lightning rods attached to network utilities.

**Maximum Overall Height** shall be the vertical distance between the lowest ground level and the highest part of the building immediately above that point.

- (a) For the purposes of calculating maximum overall height, ground level shall be deemed to be the lowest of the following levels:
  - (i) the finished level of the ground as a result of an excavation for building construction works.
  - (ii) the finished level of the ground as a result of any other works.
- (b) When calculating maximum overall height the following shall be excluded:
  - (i) ~~antennas~~, satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area ~~and this shall also apply to utilities listed in Chapter 13 – Utilities.~~
  - (ii) chimneys, flues and ventilation shafts.
  - (iii) conductors relating lightning rods attached to network utilities.

*“Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, 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.”*

Comment [GS2]: S6.3 Transpower

**AMENDMENT 11** [Chapter 3 Definitions]

Add new definition for Line

**Line:** means ‘line’ as defined in section 5 of the Telecommunications Act 2001 and includes the definition of ‘line’ or in section 2 of the Electricity Act 1992

Comment [GS3]: S6.4 Transpower

**AMENDMENT 12** [Chapter 3 Definitions]

New definition of Maintenance

**Maintenance:** as it applies to network utilities, means the replacement, repair or renewal of existing network utilities and where the effects of that utility remain the

same or similar in character, intensity and scale, and excludes 'minor upgrading' and 'upgrading'.

### **AMENDMENT 13** [Chapter 3 Definitions]

*Amend definition of Mast*

**Mast:** any ~~mast~~, pole, tower or similar structure which is fixed to the ground and specifically designed to carry an antenna to facilitate broadcasting, telecommunications and radiocommunications the transmission of telecommunication and radiocommunication signals. This definition excludes any arm supports.

### **AMENDMENT 14** [Chapter 3 Definitions]

*Add new definition for Minor Above Ground Line*

#### **Minor Above Ground Line:**

means a line that provides an above ground connection to a site, including any connection to a building within that site, from an existing or permitted new above ground line provided that no more than one new support structure is required for that connection.

### **AMENDMENT 15** [Chapter 3 Definitions]

*Add new definition for Minor Upgrading*

**Minor Upgrading:** means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

- (a) the reconductoring of the line with higher capacity conductors; and
- (b) the resagging of conductors; and
- (c) the addition of longer and more efficient insulators; and
- (d) a support structure replacement within 5m of the support structure that is to be replaced; and
- (e) the addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and
- (f) the addition of electrical or telecommunication fittings, excluding antenna; and
- (g) support structure replacement in the same location or within the existing alignment of the transmission line corridor; and
- (h) the replacement of existing cross arms, including with cross arms of an alternative design; and
- (i) an increase in support structure height to achieve compliance with the clearance distances specified in NZECP34:2001;
- (j) an increase in the height of replacement poles in the road reserve by a maximum of 1m, for the purpose of achieving road controlling

authority clearance requirements, provided the permitted height in Rule 13.4.2.1 is not exceeded; and

(k) an increase in voltage of electricity lines from 11kV to no more than 33Kv; and

(l) the addition of a new overhead telecommunication fibre optic line provided that:

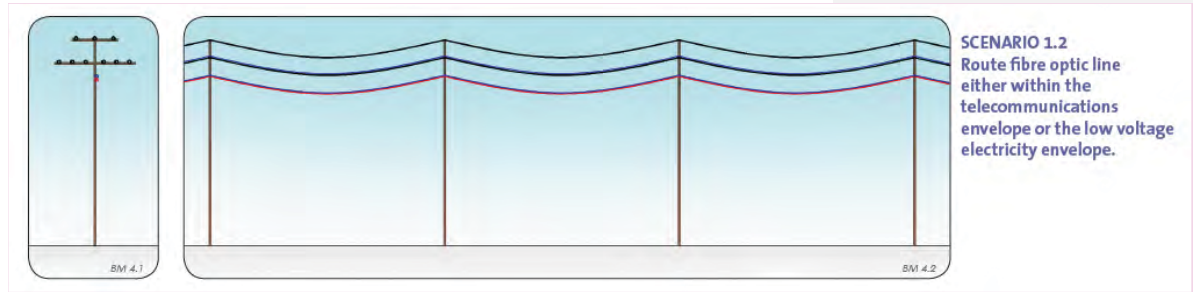
(i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;

(ii) the diameter of new fibre optic lines does not exceed 25mm; and

(iii) the location of the new fibre optic line is consistent with the following figure.

Comment [GS4]: S8.6 Chorus

Figure X: Location of new fibre optic line



Comment [GS5]: S8.6 Chorus

**Except where provided for above, minor upgrading shall not include:**

(a) any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage; or

(b) any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35mm; or

(c) the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 43mm in diameter; or

(d) the addition of any new circuits, lines or utility structures, where this results in an increase in the number of new circuits, lines or utility structures except as provided for in (l) above.

Comment [GS6]: S6.6 Transpower

Comment [GS7]: S8.6 Chorus

**Note:** The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to all the existing ~~a~~National ~~g~~Grid, and ~~applies to all~~ Transmission Lines that were operational, or able to be operated, on 14 January 2010.

Comment [GS8]: S6.6 Transpower



**AMENDMENT 16** [Chapter 3 Definitions]

Add new definition for National Grid

**National Grid:** means 'National Grid' as defined in the National Policy Statement on Electricity Transmission.

Comment [GS9]: S6.7 Transpower

**AMENDMENT 17** [Chapter 3 Definitions]

Add new definition for National Grid Corridor

**National Grid Corridor:**

means the area located within:

- (a) 32m of a 110kV National Grid transmission line;
- (b) 37m of a 220kV National Grid transmission line;
- (c) 39m of a 350kV National Grid transmission line

measured either side of the centreline of the transmission line, as depicted in Diagram 1 ~~below~~ of the definition of National Grid Yard. The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid 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.

Comment [GS10]: S6.8 Transpower

Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

**AMENDMENT 18** [Chapter 3 Definitions]

Add new definition for National Grid Yard

**National Grid Yard:** means

- (a) the area located 12 metres either side of the centreline of ~~an above ground~~ a National Grid transmission line which is 110kV or greater;
- (b) the area located 12 metres in any direction from the edge of a National Grid support structure which supports a National Grid transmission line which is 110kV or greater

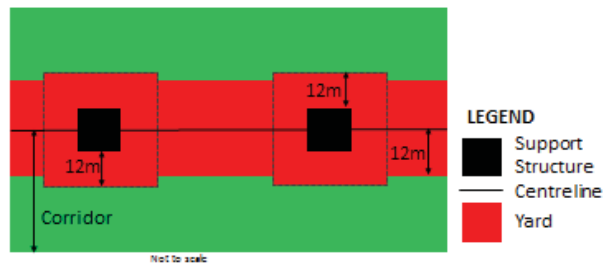
Comment [GS11]: S6.9 Transpower

as depicted in Diagram 1 below.

The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid 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.

Note: The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

**Diagram 1: National Grid Yard and National Grid Corridor**



**AMENDMENT 19** [Chapter 3 Definitions]

Add new definition for Network Utility

**Network Utility:** means any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

- (a) distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy; or
- (b) telecommunication as defined in section 5 of the Telecommunications Act 2001; or radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989; or
- (c) the provision, operation and maintenance of works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity, as defined in section 2 of the Electricity Act 1992; or
- (d) the distribution of water for supply including irrigation; or
- (e) sewerage or drainage reticulation; or
- (f) construction, and operation of roads and railway lines; or
- (g) the operation of an airport as defined by the Airport Authorities Act 1966; or
- (h) the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991

Comment [GS12]: S6.10 Transpwer

**and includes:**

- (a) lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices;
- (b) meteorological services;
- (c) all associated structures; and
- (d) regionally significant network utilities.

**AMENDMENT 20** [Chapter 3 Definitions]

Add new definition for Network Utility Structure

**Network Utility Structure:**

means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, support poles and towers, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets and similar built structures. It does not include lines, antennas and masts.

**AMENDMENT 21** [Chapter 3 Definitions]

*Amend definition of Recession Plane*

**Recession Plane:** a control relating to the receipt of natural light by adjoining sites; this control does not apply to chimneys, antennas, satellite dishes with a diameter not exceeding 0.6m; ~~and flagpoles, and any part of a mast that above a height of 2.5m from ground level has a diameter not exceeding 0.6m.~~

**AMENDMENT 22** [Chapter 3 Definitions]

*Add definition for Regionally Significant Network Utilities*

**Regionally Significant Network Utilities:**

means:

- (a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- (b) the National Grid
- (c) facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Industry Act 2010;
- (d) the local authority water supply network and water treatment plants;
- (e) the local authority wastewater and stormwater network, systems and wastewater treatment plants; and
- (f) the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040

**AMENDMENT 23** [Chapter 3 Definitions]

*Add definition for Renewable Electricity Generation*

**Renewable Electricity Generation:**

means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.

**AMENDMENT 24** [Chapter 3 Definitions]

*Add definition for Renewable Electricity Generation Activities*

**Renewable Electricity Generation Activities:**

has the same meaning as under the National Policy Statement for Renewable Electricity Generation and means the construction, operation

and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

**AMENDMENT 25** [Chapter 3 Definitions]

*Add definition for Renewable Energy*

**Renewable Energy:**

as defined in section 2 of the Resource Management Act 1991

**AMENDMENT 26** [Chapter 3 Definitions]

*Add definition for Sensitive Activity*

**Sensitive Activity:** as it applies to the National Grid Yard, means the following activities:

- (a) residential buildings
- (b) the accommodation or care of people, including hospitals
- (c) childcare facilities, kohanga reo, primary, intermediate and secondary schools.

Comment [GS13]: S3.5 KiwiRail

Comment [GS14]: S6.13 Transpower

**AMENDMENT 27** [Chapter 3 Definitions]

*Add definition for Small Scale Renewable Energy Generation*

**Small Scale Renewable Energy Generation:**

means small scale renewable energy generation development for the purpose of using or generating electricity on a particular site (single household or business premise) with or without exporting back into the distribution network.

**AMENDMENT 28** [Chapter 3 Definitions]

*Add definition for Small Scale Wind Turbines*

**Small Scale Wind Turbines:**

means wind turbines that are capable of generating up to 10kW of electricity.

**AMENDMENT 29** [Chapter 3 Definitions]

*Add definition for Solar Panel*

**Solar Panel:**

means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity directly.

**AMENDMENT 30** [Chapter 3 Definitions]

Add definition for Temporary Renewable Energy Assessment and Research Structures:

**Temporary Renewable Energy Assessment and Research Structures:**

means structures for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following activities:

- (a) erecting an anemometer mast;
- (b) digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions;
- (c) installing instruments into drill holes for monitoring groundwater levels and land movement;
- (d) erecting survey monuments and installing instruments to monitor land movement;
- (e) erecting telemetry stations for the transmission of instrument data;
- (f) installing microseismic stations to measure microseismic activity and ground noise; and
- (g) erection of signs or notices giving warning of danger.

**AMENDMENT 31** [Chapter 3 Definitions]

Add definition for Transmission Line

**Transmission Line:** means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and

- (a) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but
- (b) does not include an electricity substation.

Comment [GS15]: S6.14 Transpower

**AMENDMENT 32** [Chapter 3 Definitions]

Add definition for Upgrading

**Upgrading:** As it applies to network utilities, upgrading means the ~~replacement, repair, renewal or~~ improvement or physical works that result in an increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:

- (a) 'maintenance' (as it relates to network utilities);
- (b) 'minor upgrading'; and
- (c) any activity specifically provided for under Rules 13.3.1.9 to 13.3.1.41; ~~and any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standards specified in 13.3.2.2, 13.3.2.3 or 13.3.2.4.~~

Comment [GS16]: S3.6 KiwiRail

Comment [GS17]: S6.14

### **AMENDMENT 33** [Chapter 3 Definitions]

*Delete definition of Utilities*

**Utilities:** ~~comprises the following:~~

- ~~(a) transformation, transmission or distribution of electricity provided by network utility operators or requiring authorities, and private connections to such utilities;~~
- ~~(b) drainage or wastewater reticulation provided by network utility operators or requiring authorities and private connections to such utilities;~~
- ~~(c) the distribution of water for supply, including irrigation;~~
- ~~(d) broadcasting, telecommunication and radio communication facilities including transmitting/receiving devices such as antennas, dishes, wires, insulators, casings, tunnels and associated equipment as well as support structures such as towers, masts and poles and ancillary buildings;~~
- ~~(e) pipes for the distribution or transmission of petroleum or natural or manufactured gas, and necessary incidental equipment provided by network utility operators or requiring authorities, and private connections to such utilities;~~
- ~~(f) pipes for the conveyance of irrigation water, or drainage of water or wastewater, and necessary incidental equipment including pumping stations provided by network utility operators or requiring authorities and private connections to such utilities;~~
- ~~(g) lighthouses, meteorological facilities, navigational aids and beacons including approach control services within the meaning of the Civil Aviation Act 1990;~~
- ~~(h) roads, footways, cycleways and service lanes;~~
- ~~(i) street lighting poles, traffic signals and equipment (including surveillance cameras);~~
- ~~(j) street furniture and traffic signs, parking meters, parking control equipment, including Pay and Display Booths;~~
- ~~(k) culverts;~~
- ~~(l) recycling depots; and~~
- ~~(m) wastewater treatment plants and booster pumping stations.~~

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## Amendments to Chapter 11 - Subdivision

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**AMENDMENT 34** [Chapter 11 Subdivision (11.2.2.2 Matters in which Council Seeks to Control)]

*Add new matters (h) and (i) for controlled subdivisions in relation to network utilities*

### 11.2.2.2 Matters in which Council Seeks to Control

The matters over which control is reserved are:

- (a) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;
- (b) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;
- (c) Management of construction effects, including traffic movements, hours of operation and sediment control;
- (d) Provision of esplanade reserves, esplanade strips and access strips;
- (e) Site contamination remediation measures and works;
- (f) Protection of significant sites, including natural, cultural and archaeological sites;
- (g) Avoidance or mitigation of natural hazards;
- (h) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;
- (i) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site; and
- (h*j*) Those matters described in Section 108 and 220 of the Resource Management Act 1991.

Note: Rule 11.2.3 (b) covers subdivision within the National Grid Corridor.

**AMENDMENT 35** [Chapter 11 Subdivision (11.2.2.3 Assessment Criteria)]

*Amend assessment criteria (a) to include reverse sensitivity consideration effects on regionally significant network utilities*

### 11.2.2.3 Assessment Criteria

The following assessment criteria will be used:

- (a) **Allotment Design:**
  - Allotments to have the appropriate net site area and dimensions to enable activities, buildings or structures to be sited to comply with the specified activity area requirements.

- Subdivisions should be designed so as to give areas a strong and positive identity by taking into account characteristics of the area and ensuring that roading patterns, public open space/reserves and community facilities are well integrated.
- Account must be taken of the future development potential of adjoining or adjacent land and any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).
- The roading pattern must take into account the future development pattern of adjacent land.
- Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated.

**AMENDMENT 36** [Chapter 11 Subdivision (11.2.3 Restricted Discretionary Activities)]

*Add new restricted discretionary activities (b) and (c)*

**11.2.3 Restricted Discretionary Activities**

**(a)** Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.

**(b)** Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.42.

**(i)** Non-notification

In respect of Rule 11.2.3 (b), public notification of applications for resource consent is precluded. Limited notification will be served on the National Grid Operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (b) (i) prevails over Rule 17.2.2.

**(c)** Any subdivision located within close proximity to consented and existing renewable energy generation activities.

**(i)** Non-notification

In respect of Rule 11.2.3 (c), public notification of applications for resource consent is precluded. Limited notification will be served on the renewable energy generation activities' operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (c) (i) prevails over Rule 17.2.2.

Comment [GS18]: S6.16 Transpower

**AMENDMENT 37** [Chapter 11 Subdivision (11.2.3.1 Matters in which Council has restricted its discretion)]

*Renumber and clarify the matters in which Council has restricted its discretion relating to 11.2.3 (a)*

**11.2.3.1 Matters in which Council has restricted its discretion**

**(a)** Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.



- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.
- (ii) Amenity Values:
  - The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.
  - The effects on the amenity values of neighbouring properties including dust and noise.
  - The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.
- (iii) Existing Natural Features and Topography:
  - The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography.
- (iv) Historical or Cultural Significance:
  - The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.
- (v) Natural Hazards:
  - Consideration should be given to those areas prone to erosion, landslip and flooding. Earthworks should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.
- (vi) Construction Effects:
  - The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.
- (vii) Engineering Requirements:
  - The extent of compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development).
  - The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).
- (viii) Erosion and Sediment Management:
  - The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Regional 2003" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council.
- (ix) Contaminated Land:
  - The extent to which works are consistent with the Ministry for the Environment, Contaminated Land Management Guidelines 1 – 5.
- (x) Vegetation protection and presence:
  - The extent to which protection is given and how the safe, continuous presence of vegetation is provided for in the area as shown in Appendix Subdivision 7 by using an appropriate legal mechanism.

- (xi) Visual effects of built development on the wider area (Appendix Subdivision 8):

Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 8 on visual amenity of the wider area (i.e. the valley floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account.

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

**AMENDMENT 38** [Chapter 11 Subdivision (11.2.3.1 Matters in which Council has restricted its discretion)]

*Add new matters in which Council has restricted its discretion for Rule 11.2.3(b)*

**(b) Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.1.**

- (i) the extent to which the design, construction and layout of the subdivision (including landscaping) demonstrates that a suitable building platform(s) for a dwelling can be located outside of the National Grid Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;
- (ii) The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;
- (iii) The risk to the structural integrity of the National Grid;
- (iv) The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;
- (v) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
- (vi) The extent to which landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.

Comment [GS19]: S6.18 Transpower

Comment [GS20]: S6.18 Transpower

**Advice Note:** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, 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.

Vegetation to be planted within proximity to Transmission Lines the National Grid Yard as shown on the planning 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

Comment [GS21]: S6.18 Transpower

electricity Transmission Line especially works within the transmission corridor:  
contact the relevant network utility National Grid operator.

Comment [GS22]: S6.18 Transpower

**AMENDMENT 39** [Chapter 11 Subdivision (new 11.2.3.2 Standards and Terms)]

*Add new standards and terms section 11.2.3.2 which corresponds to new restricted discretionary activity 11.2.3 (b)*

**11.2.3.2 Standards and Terms**

**(a) Any Subdivision located within a National Grid Corridor shall:**

- (i) comply with the Standards and Terms for a Controlled Activity in Rule 11.2.2.1 and
- (ii) demonstrate that each new residential allotment can provide a complying Shape Factor as required under Rule 11.2.2.1(a) or in the case of industrial and commercial activities, a suitable building platform which is fully located outside of the National Grid Yard.

Comment [GS23]: S6.17 Transpower

**AMENDMENT 40** [Chapter 11 Subdivision (11.2.4.1 Assessment Criteria for Discretionary Activities)]

*Clarify 11.2.4.1 Assessment Criteria for Discretionary Activities*

**11.2.4.1 Assessment Criteria for Discretionary Activities**

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) Compliance with the engineering design standards.
- (c) The degree of compliance or non-compliance with any relevant Permitted and Controlled Activity Standards and Terms.
- (d) Those matters listed in the Assessment Criteria for Controlled and Restricted Discretionary Activities.

**AMENDMENT 41** [Chapter 11 Subdivision (new 11.2.5 Non-Complying Activity)]

*Add new 11.2.5 Non-Complying Activity*

**11.2.5 Non-Complying Activities**

- (a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.42.

Comment [GS24]: S6.19 Transpower

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## Amendments to Chapter 13 – Network Utilities, including the National Grid

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### **AMENDMENT 42** [Chapter 13 Utilities]

*Delete current Chapter 13 Utilities in its entirety.*

### **AMENDMENT 43** [new Chapter 13 Network Utilities, including the National Grid (Title and Introduction)]

*Add a new Title and Introduction*

## **13 Network Utilities, including the National Grid**

### **Introduction**

This chapter outlines the provisions of the District Plan that relate to network utilities within Lower Hutt City, including the National Grid. Network utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, and their health and safety. Network utilities which are managed through this Chapter include those defined by way of section 166 of the Resource Management Act 1991.

The City has a range of important network utilities that serve an important function locally, regionally and nationally, some of which are critical and life-supporting. The City is traversed by State Highway 2, linked to Porirua by State Highway 58, contains Transpower's Hayward's Substation which is the northern end of the DC link with the Benmore substation in the South Island, the National Grid, the Regional Wellington – Wairarapa railway line and the Hutt Valley and Melling railway lines.

The Regional Policy Statement for the Wellington Region recognises the importance of regionally significant infrastructure within the Region, as forming part of national or regional networks that enable communities to provide for their social, economic and cultural wellbeing and their health and safety. There are a number of network utilities within Lower Hutt City that are identified as being regionally significant infrastructure in the Regional Policy Statement. The Regional Policy Statement requires that the benefits of such regionally significant infrastructure be recognised and protected in the District Plan.

The Council is required to give effect to any National Policy Statement. The National Policy Statement on Electricity Transmission came into force in 2008 and applies to effects on and effects of the ~~transmission network~~ National Grid. The National Policy Statement on Electricity Transmission's objective is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the National Grid 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.

There are many providers of network utilities within Lower Hutt City including the Council, Crown agencies, the Greater Wellington Regional Council, State Owned Enterprises, trading enterprises and private companies. The Council is in itself a major provider of network utilities and services, supplying water, sewage and stormwater reticulation, waste disposal and roads.

Comment [GS25]: S6.21 Transpower

Other utilities that are managed through this Chapter because of their nature and function are lighthouses, navigation aids, beacons, signal stations and natural hazard emergency warning devices and meteorological services<sup>1</sup>. These other utilities are owned and / or operated by Maritime New Zealand, local authorities, or the Meteorological Service in order to provide for the health, safety and wellbeing of the local community, region and nation.

The successful functioning of the City depends on network utilities. It is therefore very important that construction, maintenance, upgrade and operation of these services be effectively provided for, technical and geographical constraints on the operation of network utilities are acknowledged, and that the benefits that derive from them are adequately recognised. Network utilities can be vulnerable to reverse sensitivity effects when new activities (that are sensitive to the effects of the existing network utility) are established nearby, leading to constraints on the operation of the network utility. However, network utilities can also have adverse effects resulting from their construction, operation or associated maintenance activities.

For example, network utilities may typically include buildings, poles, overhead wires, pylons, pipes or antennas, which may have an adverse visual impact depending on their location and proximity to other land use activities. The installation and upgrading of network utilities will also typically involve earthworks. However, network utilities may also involve few structures and have limited visual impact, such as underground power/electricity and telecommunication lines. Network utilities are also often seen as a necessary and normal part of the environment, such as a road.

Comment [GS26]: S6.21 Transpower

The network utility rules apply where network utility operators do not hold a designation for their activities under the designation procedures of the Act. They may, however, also be used by Council to help assess any notices of new requirement for new designations.

The provisions in this Chapter apply to network utilities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply. Under Rule 14A (a), network utilities that are located in the road reserve are subject to the provisions of the activity area where the road reserve is located. Where the road reserve is between two different activity areas, the centre line of the road reserve will become the boundary between such activity areas.

**AMENDMENT 44** [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]

*Add new Issue, Objective, Policies and Explanation and Reasons relating to “Regionally Significant Network Utilities” as Section 13.1.1*

**13.1 Issues, Objectives and Policies**

**13.1.1 Regionally Significant Network Utilities**

<sup>1</sup> The Meteorological Service is a requiring authority for its network operation of a system comprising telecommunication links to permit telecommunication and radiocommunication. Therefore, these aspects of meteorological service activities and facilities are network utilities.

## **Issue**

**The benefits of regionally significant network utilities to the City, region and nation need to be recognised and protected.**

## **Objective**

To recognise and protect the benefits of regionally significant network utilities.

Comment [GS27]: S6.22Transpower

## **Policies**

- (a) To identify regionally significant network utilities within the City on Council planning maps, as practicable.**
- (b) To recognise the national, regional and local benefits of regionally significant network utilities**

## **Explanation and Reasons**

The importance of and benefits arising from regionally significant network utilities within the City needs to be identified and recognised and the Regional Policy Statement needs to be given effect to. The objective and supporting policies are focused on recognising the benefits that these regionally significant network utilities have locally, regionally and nationally.

Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps, as practicable. The majority of any new and extensions to existing regionally significant network utilities are expected to be identified on Council planning maps by network utility operators through a notice of requirement for designation process. In the case of the National Grid, which is not designated, this network will be specifically recognised and mapped, as required by the National Policy Statement on Electricity Transmission. Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines.

Comment [GS28]: S7.6 Spark, S8.9 Chorus

Policy (b) recognises that regionally significant network utilities provide benefits within the City, as well as regionally and nationally. These benefits need to be protected and considered in respect of any matter relating to regionally significant network utilities. Some of these benefits are:

- (i) That people and goods can travel to, and from and around the City and Region efficiently and safely;**
- (ii) That community well-being and public health and safety is maintained through the provision of essential services including supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;**
- (iii) People have access to electricity and gas to meet their needs.**

**AMENDMENT 45** [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]

Add new Issue, Objective, Policies and Explanation and Reasons relating to “Managing Adverse Effects, including Reverse Sensitivity Effects, on Regionally Significant Network Utilities” as Section 13.1.2

**13.1.2 Managing Adverse Effects, including Reverse Sensitivity Effects, on Regionally Significant Network Utilities**

**Issue**

**Inappropriate subdivision, use and development in the vicinity of regionally significant network utilities may lead to adverse effects including reverse sensitivity effects that have the potential to impact upon the effective and efficient operation, maintenance, upgrading and development of such utilities.**

**Objective**

To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not ~~unreasonably~~ compromised by other activities.

Comment [GS29]: HS6.23  
Transpower

**Policies**

- (a) To avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects, including reverse sensitivity effects on regionally significant network utilities from incompatible new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.**
- (b) To ensure the safe and efficient maintenance, operation, upgrade and development of the National Grid by avoiding the incompatible establishment of or changes to sensitive activities and incompatible buildings and structures within a defined National Grid Yard.**

**Explanation and Reasons**

Inappropriate subdivision, use and development may result in adverse effects on regionally significant network utilities and / or restrict access to such network utilities including the ability to undertake maintenance or upgrade work. Reverse sensitivity can occur when sensitive activities locate near to or intensify by existing regionally significant network utilities and seek to or constrain the operation or expansion of these utilities. This may mean that the local, regional and national benefits of those regionally significant network utilities may be compromised. The City has a lot of well-established regionally significant network utilities located in close proximity to existing land use activities. The Council is concerned with new more intensive land use activities establishing in proximity to existing regionally significant network utilities may lead to adverse effects, including reverse sensitivity effects on those utilities.

Policy (a) requires that any potential adverse effects, including reverse sensitivity effects on regionally significant network utilities are appropriately managed, with priority given to avoiding adverse effects, where practicable, on those utilities. The location of inappropriate new subdivision, use or development in proximity to existing regionally significant network utilities has the potential to compromise the

efficient operation and use of the network utility including by restricting access and result in the benefits of that network utility being reduced. In addition, the safety and amenity values of the community may be adversely affected by locating in too close proximity to regionally significant network utilities. The potential for reverse sensitivity effects may arise when the pattern and density of land use activities changes through the subdivision or rezoning of land. At the time of rezoning, the Council will seek to introduce new provisions to manage those potential reverse sensitivity effects on existing or designated regionally significant network utilities. Any applications for subdivision that involve potential intensification located in proximity to regionally significant network utilities will require assessment in terms of the potential effects on those utilities as well as consultation with the relevant network utility operator.

Policy (b) recognises the importance of the National Grid and seeks to protect the continued operation, maintenance, and upgrade and functioning of that network. The policy provides for the establishment of a National Grid Yard within which sensitive activities and incompatible buildings and structures will be avoided. The management of buildings and structures within a National Grid Yard is aimed at:

1. Maintaining access to the National Grid for its on-going operation, maintenance, upgrading and development;
2. Mitigating safety risks for occupants and users of properties;
3. Protecting the structural integrity of transmission lines; and
4. Maintaining the opportunity to further optimise existing National Grid lines in the future.

ensuring that these do not hinder required access to the network for its on-going operation and maintenance, which is a This is a matter of national significance under the National Policy Statement for on Electricity Transmission. This Chapter contains specific rules that apply to the use and development of land within the National Grid Yard throughout the District Plan. Chapter 11 Subdivision, contains specific rules that apply to subdivision within the National Grid Corridor.

Comment [GS30]: S6.23 Transpower

The on-going operation, upgrade and maintenance of the existing National Grid is provided for by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. These regulations specify that existing electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects. The standards also specify resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

**AMENDMENT 46** [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]

*Add new Issue, Objective, Policies and Explanation and Reasons relating to “Recognising and Providing for Network Utilities” as Section 13.1.3*

### **13.1.3 Recognising and Providing for Network Utilities**

#### **Issue**

**The key role that network utilities play and the benefits they have needs to be recognised and the technical and operational requirements of the network utility concerned should not be unreasonably restricted. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City.**



### **Objective**

To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City

### **Policies**

**(a)** To recognise and provide for the:

- (i) need for new and the maintenance and upgrading of existing network utilities;
- (ii) technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and
- (iii) benefits that network utilities provide to the economic, social and cultural functioning of the City.

**(b)** To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.

**(c)** To ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.

**(d)** To encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.

### **Explanation and Reasons**

It is important that the benefits of all network utilities, including those that are not identified as regionally significant, are recognised and provided for. Network utilities provide essential services to people's homes and businesses, such as water, transport means, electricity, gas, radiocommunications and telecommunications, and are critical for the effective functioning and liveability of the City. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City.

Policy (a) recognises that the provision of new and the upgrading of existing network utilities is necessary to meet the needs of City, both now and into the future. In considering any proposals for new or upgrades to existing network utilities, the technical and operational requirements that may constrain where and how they can locate and be designed need to be recognised. In some cases, some level of adverse effects may need to be accepted to recognise the necessity for some network utilities and meet their operational requirements. This policy also recognises the benefits that all network utilities have.

Policy (b) acknowledges the important role that network utilities have in providing for the wellbeing of the City's community. Network utilities form an essential part of the efficient functioning of the City and their maintenance and development allows their benefits to be realised. There are a range of network utilities that enable communities to undertake everyday activities and functions and provide essential services to people's homes and businesses. It is therefore important that the District Plan provides for network utilities to be constructed, installed, operated, upgraded and maintained.

Policy (c) reflects that by their nature, many network utilities cross jurisdictional boundaries between councils. Cross boundary issues can result for network utility providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for network utilities and manage their effects. It is important that councils work together in an integrated manner both when developing plan provisions and when dealing with proposals for new or upgrades to existing network utilities.

Policy (d) is focussed on encouraging network utility operators, particularly those who operate regionally significant network utilities, to use the notice of requirement for designation process when they seek to develop new or extend existing network utilities. This is particularly encouraged for operators where such new or extended network utilities involve restrictions on the use of privately owned land and may require land acquisition. It is recognised that not all network utility operators use designations, particularly those that do not operate linear infrastructure.

**AMENDMENT 47** [new Chapter 13 Network Utilities, including the National Grid (13.1 Issues, Objectives and Policies)]  
*Add new Issue, Objective, Policies and Explanation and Reasons relating to “Managing Environmental Effects” as Section 13.1.4*

#### **13.1.4 Managing Environmental Effects**

##### **Issue**

**The actual and potential adverse environmental effects arising from network utilities need to be managed.**

##### **Objective**

To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.

##### **Policies**

- (a)** To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.
- (b)** To manage effects on health and safety by ensuring network utilities, in particular those utilities emitting electric and magnetic fields, are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.
- (c)** To enable the co-location or multiple use of network utilities where this is efficient, technically feasible and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.
- (d)** To require the underground placement of new network utilities unless
  - (i)** there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;

Comment [GS31]: S10.9 Powerco

Comment [GS32]: S6.26 Transpower

- (ii) they are of a temporary nature and required for emergency purposes or critical events; and
- (iii) they are of a nature that they can only operate aboveground.
- (e) To encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors.
- (f) To encourage network utility providers to consult with local communities, landowners and the Regional Council (where relevant) on the appropriate placement, location and design of new network utilities.

Comment [GS33]: S2.3 GWRC

### **Explanation and Reasons**

The issue and supporting objective recognise that the construction, operation, upgrading and/or maintenance of network utilities can have adverse effects and adversely affect the amenity of areas of the City, as a result of noise, emissions, and visual dominance, for example. Some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the surrounding environment. Such network utilities may also have actual or perceived adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and/or upgrade works. For new linear network utilities, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility due to their technical and operational constraints, meaning there will may be some level of residual adverse effect on the surrounding environment that requires mitigation. In such circumstances, there is a need to carefully consider both the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.

Comment [GS34]: S6.28 Transpower

Comment [GS35]: S8.12 Chorus

Comment [GS36]: S6.28 Transpower

Policy (a) recognises the importance of managing the design, location, operation, upgrading, construction, ~~operation~~ and maintenance of network utilities and requires that any potential adverse effects arising from network utilities are avoided, remedied or mitigated. It is acknowledged that it is not always possible to do so, and that there may be some level of residual effect, due to the technical and operational requirements of network utilities, as reflected through Policy 13.1.3(a)(ii). This policy is sufficiently broad to recognise that there are a range of different network utilities with different potential adverse effects on the environment. For instance, above ground network utilities can have adverse effects including visual, noise, traffic, odour and amenity, depending on their size, location, frequency and their scale in comparison with the character of a particular environment. For instance, a different activity status and different performance standards apply to some network utilities in the Historic Residential, Landscape Protection Residential, Recreation and Rural Residential Zones and the Coastal Environment identified as Significant Natural Resource 9, to reflect that these zones have special environments that are more vulnerable to adverse effects and associated loss of amenity.

Comment [GS37]: Clause 20 – duplicated word

Comment [GS38]: S7.9, S8.12, S9.14, HFS2.10 Spark, Chorus, WELL, Powerco

Policy (b) recognises that some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects

arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. ~~Electricity transmission/distribution can generate electromagnetic fields (EMF) which may be a risk to health and also generates the risk of electrocution.~~ Electricity transmission/distribution can present a risk to public health and safety, primarily through the risk of electrocution from direct contact with conductors or as a result of a flashover. The National Policy Statement on Electricity Transmission requires that the exposures be limited to the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) to prevent the potential for public health effects. Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines; accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used in conjunction with some network utilities, such as water treatment plants for example, also pose a risk if an accidental spill occurs. There are also a number of national and international standards and guidelines addressing health and safety matters that are external to the District Plan but that must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, and the New Zealand Electrical Code of Practice. ~~and the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines provides best practice guidance.~~

Comment [GS39]: S6.28 Transpower

Comment [GS40]: S10.14 Powerco

Comment [GS41]: S10.14 Powerco

Policy (c) recognises that the co-location and co-siting of network utilities may provide environmental benefits in terms of reduced visual impacts and consolidation of network utilities in existing areas thereby reducing adverse effects on amenity by reducing the need for more network utility structures. While co-location is encouraged it needs to be understood that technical requirements will generally mean that associated structures may need to be taller or bulkier to avoid interference between the two or more providers, such as radio-frequency bands. It is also recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference, lease arrangements and structural capacity.

Policy (d) requires the underground placement of new network utilities unless particular circumstances apply. The adverse visual effects of certain network utilities can often be managed by putting the services underground. With some exceptions, this is the required approach for those network utilities, such as those with cables that can be located underground. For those network utility structures that need to be located aboveground, particular attention should be given to their design, location and minimising of any adverse visual effects as outlined in Policy (a). This can be achieved in a number of ways including, where practical, through screening, careful placement, size and appearance and applying different activity status. In particular, the underground placement of electricity and telecommunications lines is required in most circumstances by only providing for aboveground lines in particular defined situations, such as for customer connections, and through different activity status. New above ground lines and their associated supporting structures in areas that do not have existing above ground lines are generally considered to be unacceptable within the City, except in those areas that can visually absorb new aboveground lines, such as the Rural Zone where they are permitted. However it is recognised that particular consideration needs to be given to the efficient use of resources and that there are situations where placing lines underground is, or may be, impracticable or unreasonable.

Comment [GS42]: S8.12 Chorus

Comment [GS43]: S8.12 Chorus

Policy (e) promotes the use of the road corridor for the location of network utilities, in line with the National Code of Practice for Utility Operators' Access to Transport Corridors. Locating network utilities in the road can assist to minimise the adverse effects of network utilities on amenity and other values as these locations generally have a range of existing network utilities and are less sensitive to new network utilities. However, the effects of these activities require some management to ensure conflicts with the primary function of the road corridor and with each other are avoided.

Policy (f) encourages network utility operators to engage with the local community when they are considering the location, placement and design of new network utilities. In some cases, engaging early with the community about a proposed new network utility may result in an alternative more appropriate location to be identified that both meets the needs of the network utility operator and addresses any concerns that the community may have. In encouraging consultation, the Council recognises that it cannot require network utility operators to consult on permitted activities.

**AMENDMENT 48** [new Chapter 13 Network Utilities, including the National Grid (13.2 How to Use the Network Utilities Rules)]

*Add a new Section 13.2 How to Use the Network Utilities Rules*

## **13.2** **How to Use the Network Utility Rules**

The following is an advice note on how to navigate and use the suite of Rules, Standards and Terms and Conditions for this Chapter in the District Plan. This Chapter applies to all network utilities as defined in Chapter 3 (Definitions) and with the exception of rules in General Chapters 14A – 14L, these rules override all zone rules.

- (1) Before using the Rules, check which Activity Area (zone) the site(s) which is intended to be used for network utility activities is located in. The District Plan Activity Areas are available to view on the Council's website (via the District Plan Chapters and Maps or through the interactive GIS viewer) as well as hard copies at all libraries and the administration building.
- (2) Once the Activity Area has been identified, check the rules in table 13.3.1 to find a description of which activity you want to carry out. Make sure the Activity Area of your site(s) is listed next to the rule otherwise it will not apply.
- (3) Each rule can have associated standards and matters of control or discretion associated with it.
- (4) Section 13.3.2 contains the standards. Where a rule has a standard(s) associated with it, that standard(s) must be complied with for the activity status to apply. If the activity cannot comply with the associated standard(s), it will have a different status and may need a land use consent.
- (5) Sections 13.3.3, 13.3.4 and 13.3.5 contain matters of control and discretion. If the rule has a status of Controlled, Restricted Discretionary or Discretionary (i.e.: a land use consent is required), Matters of Control or Discretion may apply. Where a rule has matters associated with it, the Council will use them to assess the consent application. Chapter 17 of the District Plan outlines what information needs to be submitted with any land use consent application.

(6) Section 13.4 contains provisions for activities within the National Grid and has its own set of rules, standards and terms and conditions. Use this section if your activity is going to be within the National Grid Corridor or Yard (defined in Chapter 3 of the District Plan).

**AMENDMENT 49** [new Chapter 13 Network Utilities, including the National Grid (13.3 Rules – Network Utilities and 13.3.1 Activity Status)]  
 Add new Sections 13.3 Rules – Network Utilities and 13.3.1 Activity Status

**13.3 Rules – Network Utilities**

**13.3.1 Activity Status**

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
<b>Removal, Maintenance and Upgrading</b>					
13.3.1.1	The <u>removal</u> of existing network utilities, including any existing associated structures.	All	Permitted	Earthworks: 13.3.2.5.1 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.2	The <u>operation and maintenance</u> of <del>existing</del> network utilities.	All	Permitted	Earthworks: 13.3.2.5.1 Vegetation: 13.3.2.6 Noise: 13.3.2.7	Comment [GS44]: S3.14 KiwiRail
13.3.1.3	The <u>minor upgrading</u> of <del>existing</del> electricity and telecommunication lines and <u>support structures</u> .	All	Permitted	Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	Comment [GS45]: S1.10 NZTA, FS1.8 Transpower Comment [GS46]: S6.30 Transpower
13.3.1.4	The <u>upgrading</u> of existing network utilities, excluding: <ul style="list-style-type: none"> <li>Electricity and telecommunication lines;</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.</li> </ul>	All	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.5	The <u>removal, operation and maintenance</u> of network utilities and the <u>minor upgrading</u> of electricity and telecommunication lines that <b>does not meet permitted activity standards</b> .	All	Controlled		13.3.3 (e), 13.3.3 (h)

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
13.3.1.6	The <b>upgrading of network utilities, excluding:</b> <ul style="list-style-type: none"> <li>Electricity transmission lines above 110KV, and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals <b>that does not meet permitted activity standards.</b></li> </ul>	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (r), 13.3.4 (s), <u>13.3.4(u)</u> , <u>13.3.4(v)</u> Comment [GS47]: S6.44 Transpower
13.3.1.7	The <b>upgrading of:</b> <ul style="list-style-type: none"> <li>Electricity transmission lines <del>above</del> 110 kV and above; and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.</li> </ul>	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (b), 13.3.4 (p), 13.3.4 (r), 13.3.4 (s); <u>13.3.4(u)</u> , <u>13.3.4(v)</u> Comment [GS49]: S6.44 Transpower Comment [GS48]: S6.31 Transpower
<b>Subdivision</b>					
13.3.1.8	<b>Subdivision</b> for the purpose of accommodating any network utility.	All	Controlled		13.3.3 (a), 13.3.3 (b), 13.3.3 (c), 13.3.3 (e), 13.3.3 (f), 13.3.3 (g), 13.3.3 (i)
<b>General</b>					
13.3.1.9	<b>Cabinets and other network utility structures</b> not otherwise listed in this table.	All, excluding Historic Residential and Landscape Protection Residential	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.4, 13.3.2.2.5 Size and Diameter: 13.3.2.3.6, 13.3.2.3.7 Separation/Setback: 13.3.2.4.1, 13.3.2.4.3 Earthworks: 13.3.2.5	



<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
13.3.1.10	<b>Cabinets and other network utility structures</b> not otherwise listed in this table.	Historic Residential, Landscape Protection Residential	Restricted Discretionary	Vegetation: 13.3.2.6 Noise: 13.3.2.7  Health and Safety: 13.3.2.1 Height: 13.3.2.2.4, 13.3.2.2.5 Size and Diameter: 13.3.2.3.6, 13.3.2.3.7 Separation/Setback: 13.3.2.4.1, 13.3.2.4.3 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	13.3.4 (a), 13.3.4 (b) 13.3.4 (e), 13.3.4 (f) 13.3.4 (g), 13.3.4 (h) 13.3.4 (i), 13.3.4 (k) 13.3.4 (l), 13.3.4 (m) 13.3.4 (r); <u>13.3.4(u)</u> , <u>13.3.4(v)</u>
13.3.1.11	<b>Cabinets and other network utility structures</b> not otherwise listed in this table that do not meet the permitted activity standards in Rule 13.3.9.	All, excluding Historic Residential and Landscape Protection Residential	Restricted Discretionary	Health and Safety: 13.3.2.1 <del>Height: 13.3.2.2.4</del> <del>13.3.2.2.5</del> <del>Size and Diameter: 13.3.2.3.6</del> <del>13.3.2.3.7</del> <del>Separation/Setback: 13.3.2.4.1</del> <del>13.3.2.4.3</del> <del>Earthworks: 13.3.2.5</del> <del>Vegetation: 13.3.2.6</del> <del>Noise: 13.3.2.7</del>	13.3.4 (a), 13.3.4 (b) 13.3.4 (e), 13.3.4 (f) 13.3.4 (g), 13.3.4 (h) 13.3.4 (i), 13.3.4 (k) 13.3.4 (l), 13.3.4 (m) 13.3.4 (r); <u>13.3.4(u)</u> , <u>13.3.4(v)</u>
13.3.1.12	<b>Cabinets and other network utility structures</b> not otherwise listed in this table that do not meet the restricted discretionary activity standards.	Historic Residential and Landscape Protection Residential	Discretionary	Health and Safety: 13.3.2.1	

Comment [GS50]: S6.44 Transpower

Comment [GS52]: S6.44 Transpower

Comment [GS51]: S7.11 Spark and HS8.14 Chorus, FS1.11 Transpower

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
<u>13.3.1.13</u>	<u>Network utilities located within existing buildings.</u>	<u>All</u>	<u>Permitted</u>	<u>Health and Safety: 13.3.2.1</u> <u>Noise: 13.3.2.7</u>	
<u>13.3.1.14</u>	<u>Aerial crossings necessary for network utilities, located on or within existing bridges and structures or across <del>water</del> watercourses, and including regulator stations but not compressor stations.</u>	<u>All</u>	<u>Permitted</u>	<u>Health and Safety: 13.3.2.1</u> <u>Earthworks: 13.3.2.5</u>	
<u>13.3.1.15</u>	<u>All network utilities that are not otherwise listed as a permitted, controlled, restricted discretionary or non-complying activity.</u>	<u>All</u>	<u>Discretionary</u>	<u>Health and Safety: 13.3.2.1</u>	
<u>13.3.1.16</u>	<u>All network utilities which do not comply with the permitted activity standards for radiofrequency and electro-magnetic fields in standard 13.4.1 Health and Safety</u>	<u>All</u>	<u>Non-Complying</u>		
<u>Underground Utilities</u>					
<u>13.3.1.17</u>	<u>The construction, installation and development of new underground network utilities, except for:</u> <ul style="list-style-type: none"> <li>• <u>Electricity transmission lines above 110kV; and</u></li> <li>• <u>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals.</u></li> </ul>	<u>All</u>	<u>Permitted</u>	<u>Health and Safety: 13.3.2.1</u> <u>Earthworks: 13.3.2.5</u> <u>Vegetation: 13.3.2.6</u>	
<u>Radiocommunication, Telecommunications and Electricity Distribution and Transmission</u>					
<u>13.3.1.18</u>	<u>Masts with or without associated antennas.</u>	<u>Commercial</u>	<u>Permitted</u>	<u>Health and Safety: 13.3.2.1</u>	

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
		(All), Business (All), General Rural, Community Health, Community Iwi		<u>Height:</u> 13.3.2.2.1, 13.3.2.2.2 <u>Size and Diameter:</u> 13.3.2.3.1, 13.3.2.3.2, 13.3.2.3.3, 13.3.2.3.4 <u>Separation/Setback:</u> 13.3.2.4.1, 13.3.2.4.2 <u>Earthworks:</u> 13.3.2.5	
13.3.1.19	<b>Masts with or without associated antennas.</b>	Residential (excluding Historic and Landscape Protection Residential), Recreation, Rural Residential	Restricted Discretionary	<u>Health and Safety:</u> 13.3.2.1 <u>Height:</u> 13.3.2.2.1, 13.3.2.2.2 <u>Size and Diameter:</u> 13.3.2.3.1, 13.3.2.3.2, 13.3.2.3.3, 13.3.2.3.4 <u>Separation/Setback:</u> 13.3.2.4.1, 13.3.2.4.2 <u>Earthworks:</u> 13.3.2.5	13.3.4 (b), 13.3.4 (e) 13.3.4 (f), 13.3.4 (g) 13.3.4 (h), 13.3.4 (i) 13.3.4 (j), 13.3.4 (l) 13.3.4 (m), 13.3.4 (n) 13.3.4 (o), 13.3.4 (r); 13.3.4(u), 13.3.4(v)
13.3.1.20	<b>Masts with or without associated antennas.</b>	The Coastal Environment identified as SNR 9, shown in Map Appendices 2A, 2B and 2C, Historic Residential, Landscape	Discretionary	<u>Health and Safety:</u> 13.3.2.1	

Comment [GS53] : S6.44 Transpower

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
		<u>Protection Residential</u>			
<u>13.3.1.21</u>	<u>Antenna and support structure attached to buildings.</u>	<u>All, except for Historic Residential</u>	<u>Permitted</u>	<u>Health and Safety: 13.3.2.1</u> <u>Height: 13.3.2.2.3</u> <u>Size and Diameter: 13.3.2.3.5</u>	
<u>13.3.1.22</u>	<u>Antenna and support structure attached to buildings.</u>	<u>Historic Residential</u>	<u>Restricted Discretionary</u>	<u>Health and Safety: 13.3.2.1</u> <u>Height: 13.3.2.2.3</u> <u>Size and Diameter: 13.3.2.3.5</u>	<u>13.3.4 (d), 13.3.4 (e),</u> <u>13.3.4 (f), 13.3.4 (g)</u>
<u>13.3.1.23</u>	<u>Masts, with or without associated antennas that do not meet permitted activity standards.</u>	<u>Commercial (All), Business (All), General Rural, Community Health, Community lwi</u>	<u>Restricted Discretionary</u>	<u>Health and Safety: 13.3.2.1</u>	<u>13.3.4 (a), 13.3.4 (b),</u> <u>13.3.4 (c), 13.3.4 (d),</u> <u>13.3.4 (f), 13.3.4 (g),</u> <u>13.3.4 (h), 13.3.4 (i),</u> <u>13.3.4 (j), 13.3.4 (k),</u> <u>13.3.4 (l), 13.3.4 (m),</u> <u>13.3.4 (n), 13.3.4 (o),</u> <u>13.3.4 (r), 13.3.4(u),</u> <u>13.3.4(v)</u>
<u>13.3.1.24</u>	<u>Antenna attached to buildings that do not meet permitted activity standards.</u>	<u>All, except for Historic Residential</u>	<u>Restricted Discretionary</u>	<u>Health and Safety: 13.3.2.1</u>	<u>13.3.4 (a), 13.3.4 (b),</u> <u>13.3.4 (d), 13.3.4 (e),</u> <u>13.3.4 (f), 13.3.4 (g),</u> <u>13.3.4 (h), 13.3.4 (i),</u> <u>13.3.4 (j), 13.3.4 (k),</u> <u>13.3.4 (l), 13.3.4 (m),</u> <u>13.3.4 (p), 13.3.4 (r);</u> <u>13.3.4(u), 13.3.4(v)</u>
<u>13.3.1.25</u>	<u>Antenna attached to buildings that do not</u>	<u>Historic</u>	<u>Discretionary</u>	<u>Health and Safety: 13.3.2.1</u>	

Comment [GS54]: S6.44 Transpower

Comment [GS55]: S6.44 Transpower

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>	
	<u>meet restricted discretionary activity standards.</u>	<u>Residential</u>				
<u>13.3.1.26</u>	<u>New and additional above ground lines, including support structures, excluding electricity transmission lines above 110kV</u>	<u>Rural (All)</u>	<u>Permitted</u>	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback: 13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	Comment [GS56]: S6.29 and S6.32 Transpower	
<u>13.3.1.26A</u>	<u>New and additional above ground lines, including support structures, excluding electricity transmission lines above 110kV that do not meet permitted activity standards</u>	<u>Rural (All)</u>	<u>Restricted Discretionary</u>	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (b), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (l), 13.3.4 (m), 13.3.4 (n), 13.3.4 (r), 13.3.4 (s), 13.3.4 (t), 13.3.4(u), 13.3.4(v)	Comment [GS57]: S6.32, S6.37 Transpower
<u>13.3.1.27</u>	<u>New and additional above ground lines, including support structures, not otherwise provided for</u>	<u>All, except Rural</u>	<u>Discretionary</u>	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback: 13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	Comment [GS58]: S6.44 Transpower  Comment [GS59]: S8.18 Chorus	
<u>13.3.1.27A</u>	<u>New and additional above ground electricity transmission lines above 110kV, including support structures</u>	<u>All</u>	<u>Discretionary</u>	Health and Safety: 13.3.2.1	Comment [GS60]: S6.32, S6.38 Transpower Comment [GS61]: S6.29 Transpower	
<u>13.3.1.28</u>	<u>Minor above ground lines</u>	<u>All</u>	<u>Permitted</u>	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1		

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
13.3.1.29	<u>Temporary above ground lines</u>	All	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2.1 Separation/Setback: 13.3.2.4 Earthworks: 13.3.2.5 Temporary above ground lines: 13.3.2.8	
13.3.1.30	<u>New and upgraded transformers, substations and switching stations</u> distributing electricity and ancillary buildings, except for those encased within a cabinet of located on a line that is otherwise a permitted activity.	All	Discretionary	Health and Safety: 13.3.2.1	
<b>Gas Distribution and Transmission</b>					
13.3.1.31	<u>Underground gas distribution and transmission pipelines at a pressure not exceeding 2000 kilopascals</u> , including aerial crossings of bridges, structures or streams, and ancillary equipment, including regulator stations but not compressor stations.	All	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.32	<u>Underground gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals</u> , including aerial crossings of bridges, structures or streams, and ancillary equipment, including compressor	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (b), 13.3.4 (f), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (n), 13.3.4 (s), 13.3.4 (t), <u>13.3.4(u), 13.3.4(v)</u>

Comment [GS62]: S6.31 Transpower

Comment [GS63]: S9.20 WELL

Comment [GS64]: S6.44 Transpower

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
	compounds with compressor houses.				
<b><u>Water, Wastewater and Stormwater</u></b>					
13.3.1.33	<b><u>Water reservoirs.</u></b>	All	Restricted Discretionary		13.3.4 (a), 13.3.4 (b), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k), 13.3.4 (n), 13.3.4 (q), 13.3.4 (r), 13.3.4 (s), 13.3.4 (t), 13.3.4(u), 13.3.4(v)
13.3.1.34	<b><u>Water and wastewater treatment plants.</u></b>	All	Discretionary		
<b><u>Meteorological Activities</u></b>					
13.3.1.35	<b><u>Meteorological enclosures and buildings: automatic weather stations and anemometer masts, voluntary observer sites and associated microwave links.</u></b>	All	Permitted	Health and Safety: 13.3.2.1 Height: 13.3.2.2, 13.3.2.2.6 Size & Diameter: 13.3.2.3.8 Separation/Setback:13.3.2.4 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	
13.3.1.36	<b><u>Meteorological enclosures and buildings: automatic weather stations and anemometer masts, voluntary observer sites and associated microwave links that are not permitted activities.</u></b>	All	Restricted Discretionary	Health and Safety: 13.3.2.1	13.3.4 (a), 13.3.4 (b), 13.3.4 (c), 13.3.4 (e), 13.3.4 (f), 13.3.4 (g), 13.3.4 (h), 13.3.4 (i), 13.3.4 (j), 13.3.4 (k),

Comment [GS65]: S6.44 Transpower

<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
					13.3.4 (l), 13.3.4 (r); <u>13.3.4(u), 13.3.4(v)</u>
<b><u>Roading and Traffic and Transport Structures</u></b>					
13.3.1.37	<u>Traffic control signals and devices</u> , light and decorative <u>poles</u> and associated structures and fittings, <u>post boxes</u> , landscaped <u>gardens</u> , <u>artworks</u> and <u>sculptures</u> , <u>bus stops</u> and shelters, phone <u>boxes</u> , public <u>toilets</u> and road furniture located within the road reserve and <u>the rail corridor</u> .	All	<u>Permitted</u>	<u>Earthworks</u> : 13.3.2.5	
13.3.1.38	The construction, alteration or diversions of <u>roads</u> , excluding any such construction works which is part of a subdivision.	All	<u>Discretionary</u>		
13.3.1.39	<u>Any</u> : <ul style="list-style-type: none"> <li>grade separated facility where a structure is used to separate roadways, railways, footways, cycleways or bodies of water</li> <li>viaduct or tunnel</li> <li>bridges for roads, tramways, railways and underpasses</li> </ul>	All, except for the Coastal Environment identified as SNR 9, shown in Map Appendices 2A, 2B and 2C	<u>Controlled</u>		13.3.3 (c), 13.3.3 (d), 13.3.3(g), 13.3.3 (i); <u>13.3.4(u), 13.3.4(v)</u>
13.3.1.40	<u>Any</u> : <ul style="list-style-type: none"> <li>grade separated facility where a structure is used to separate roadways, railways, footways, cycleways or bodies of water</li> <li>viaduct or tunnel</li> </ul>	The Coastal Environment identified as SNR 9, shown in Map	<u>Non-complying</u>		

Comment [GS66] : S6.44 Transpower

Comment [GS67] : S3.20 KiwiRail

Comment [GS68] : S6.44 Transpower



<u>Rule Number</u>	<u>Rule</u>	<u>Activity Area</u>	<u>Status</u>	<u>Standards</u>	<u>Matters of Control or Discretion</u>
	<ul style="list-style-type: none"> <li>bridges for roads, tramways, railways and underpasses</li> </ul>	Appendices 2A, 2B and 2C			
<b><u>Extreme Adverse Weather and Tsunami Warning Devices</u></b>					
13.3.1.41	Extreme adverse weather and tsunami <b>warning devices.</b>	All	Permitted	Height: 13.3.2.2.7 Size and Diameter: 13.3.2.3.9 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6	

**Notes:**

**Resource Management Regulations – National Environmental Standards**

The operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 is largely controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, separate to this District Plan.

The installation and operation of telecommunications facilities (antennas attached to existing structures and cabinets in the road reserve) is largely controlled by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan. It also controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.

Hutt City Council is responsible for enforcing these standards. For clarification, where there is conflict or perceived conflict between the provisions of this Plan and the requirements of the NES's identified above, the provisions of the NES shall apply.

The National Environmental Standards are available for viewing at [www.mfe.govt.nz](http://www.mfe.govt.nz) and at Hutt City Council offices.

**Other Relevant Regulations**

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electricity lines.

Compliance with the Electricity (Hazards from Trees) Regulations 2003 is mandatory for tree trimming and planting in proximity to electricity transmission and distribution lines.

To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.

Hutt City Council is not responsible for enforcing these standards.

**AMENDMENT 50** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]

*Add a new Title 13.3.2 Standards and Terms and Section 13.3.2.1 Health and Safety*

**13.3.2**

**Health and Safety**

Where specified as relevant, network utilities shall comply with the following standards:

- (a) The maximum exposure levels shall not exceed the levels specified in NZS 2772:1999 'Radiofrequency Fields– Maximum exposure levels – 3kHz to 300 GHz'.
- (b) Network utilities that emit electric and magnetic fields shall comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz – 100 Hz), Health Physics 99(6):818-836; 2010, and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, 2007).

Note: The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.

**AMENDMENT 51** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]  
 Add a new Section 13.3.2.2 Height

**13.3.2.2 Height**

The maximum height of any utility structure listed in the table below shall include any antenna and support structures and exclude any lightning rod.

Standard	Utility	Commercial		Business		Community	Residential		Rural		Recreation
		Petone Central	Suburban and Special	General Special Extraction	Avalon		Health, Iwi	General Special Hill	Historic, Landscape Protection	General	
13.3.2.2.1	Masts, antennas, lines and single-pole support structures.	20m	15m	25m	Area 1 = 20m Area 2 = 15m	20m	12m	10m	15m	12m	12m
13.3.2.2.2	Masts and antennas (involving two or more providers).	25m	18m	30m	Area 1 = 20m Area 2 = 15m	20m	12m	10m	20m	12m	12m
13.3.2.2.3	Maximum height of an antenna and support structure, measured from the highest point of the building to which it is attached.	5m					3.5m	2m	3.5m		
13.3.2.2.4	Cabinets and other network utility structures within the road reserve (not otherwise provided for)	2.0m					1.8m		2.0m		

<u>Standard</u>	<u>Utility</u>	<u>Commercial</u>	<u>Business</u>	<u>Community</u>	<u>Residential</u>	<u>Rural</u>	<u>Recreation</u>
13.3.2.2.5	Cabinets and network utility structures that are not otherwise provided for and that are not located within the road reserve.	Central, Suburban and Special	General, Special, Extraction, Avalon	Health, Iwi	General, Special, Hill, Historic, Landscape Protection	General, Residential	
				3.5m			
13.3.2.2.6	Anemometer masts.	15m	30m	15m	12m	15m	12m
13.3.2.2.7	Maximum height of an extreme adverse weather and tsunami warning device, measured from the point of attachment.			4m			

**AMENDMENT 52** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]  
 Add a new Section 13.3.2.3 Size and Diameter

**13.3.2.3** Size and Diameter

Standard	Utility	Residential				Commercial			Business			Recreation				Rural		Community		
		General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General
13.3.2.3.1	Masts	Diameter of mast <600mm from 6m in height				Diameter of mast <600mm from 6m in height			Diameter of mast 1.5m			Diameter of mast <600mm from 6m in height				Diameter of mast <600mm from 6m in height		Diameter of mast <600mm from 6m in height		
13.3.2.3.2	Masts (involving two or more providers)	Diameter of mast <600mm from 6m in height				Diameter of mast <600mm from 6m in height			Diameter of mast 1.5m			Diameter of mast <600mm from 6m in height				Diameter of mast <600mm from 6m in height		Diameter of mast <600mm from 6m in height		
13.3.2.3.3	Antenna attached to masts	Antenna located within a horizontal circle of 750mm				Antenna located within a horizontal circle of 750mm			Antenna located with a horizontal circle of 5m			Antenna located within a horizontal circle of 750mm				Antenna located within a horizontal circle of 750mm		Antenna located within a horizontal circle of 750mm		

Comment [GS69] : HS7.17 Spark; HS8.22 Chorus

Comment [GS70] : S7.19 Spark; S8.24 Chorus

<u>Standard</u>	<u>Utility</u>	<u>Residential</u>				<u>Commercial</u>				<u>Business</u>			<u>Recreation</u>			<u>Rural</u>		<u>Community</u>				
		<u>General</u>	<u>Special</u>	<u>Historic</u>	<u>Hill</u>	<u>Landsc. Prot.</u>	<u>Central</u>	<u>Petone</u>	<u>Suburban</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>Avalon</u>	<u>Extraction</u>	<u>General</u>	<u>Special</u>	<u>River</u>	<u>Passive</u>	<u>Residential</u>	<u>General</u>	<u>Health</u>	<u>Iwi</u>
13.3.2.3.4	Antenna attached to masts (involving two or more providers)	Antenna located within a horizontal circle of 750mm				Antenna located within a horizontal circle of 750mm				Antenna with a horizontal circle of 5m			Antenna located within a horizontal circle of 750mm			Antenna located within a horizontal circle of 1.2m			Antenna located within a horizontal circle of 750mm		Antenna located within a horizontal circle of 2m or area of 1.8m <sup>2</sup>	
13.3.2.3.5	Antenna attached to other buildings	Antenna diameter of 1m or area of 0.8m <sup>2</sup>				Antenna diameter of 2m or area of 1.8m <sup>2</sup>				Antenna diameter of 2m or area of 1.8m <sup>2</sup>			Antenna diameter of 1.3m or area of 1.2m <sup>2</sup>			Antenna diameter of 1.3m or area of 1.2m <sup>2</sup>			Antenna diameter of 2m or area of 1.8m <sup>2</sup>		Antenna diameter of 2m or area of 1.8m <sup>2</sup>	

Comment [GS71]: S7.19 Spark; S8.24 Chorus

Comment [GS72]: S7.20 Spark and S8.25 Chorus

<u>Standard</u>	<u>Utility</u>	<u>Residential</u>	<u>Commercial</u>	<u>Business</u>	<u>Recreation</u>	<u>Rural</u>	<u>Community</u>
13.3.2.3.6	Cabinets and other network utility structures located within the road reserve (not otherwise provided for)	General Special Historic Hill Landsc. Prot.	Central Petone Suburban Special	General Special Avalon Extraction	General Special River Passive	Residential General	Health Lwi
		1.4m <sup>2</sup>		2m <sup>2</sup>			
13.3.2.3.7	Cabinets and other network utility structures not otherwise provided for that are not located within the road reserve			15m <sup>2</sup>			
13.3.2.3.X	Cabinets located within the road reserve containing an electricity distribution			5m <sup>2</sup>			

Comment [GS73] : S9.23

<u>Standard</u>	<u>Utility</u>	<u>Residential</u>	<u>Commercial</u>	<u>Business</u>	<u>Recreation</u>	<u>Rural</u>	<u>Community</u>
		<u>General</u> <u>Special</u> <u>Historic</u> <u>Hill</u> <u>Landsc. Prot.</u>	<u>Central</u> <u>Petone</u> <u>Suburban</u> <u>Special</u>	<u>General</u> <u>Special</u> <u>Avalon</u> <u>Extraction</u>	<u>General</u> <u>Special</u> <u>River</u> <u>Passive</u>	<u>Residential</u> <u>General</u>	<u>Health</u> <u>Iwi</u>
	<u>substation</u>						
<u>13.3.2.3.8</u>	<u>Meteorologic al enclosures and buildings</u>			<u>30m<sup>2</sup></u>			
<u>13.3.2.3.9</u>	<u>Extreme adverse weather and tsunami warning devices</u>						<u>No greater in dimension than 2.5m x 1.5m</u>



**AMENDMENT 53** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]  
 Add a new Section 13.3.2.4 Separation Distance and Setbacks

**13.3.2.4 Separation Distance and Setbacks**

With the exception of standard ~~43.4.4.1~~13.3.2.4.1, which applies to all network utility structures, including lines, the following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is ~~defined as a building~~ that is over 5m<sup>2</sup> in area with a height of more than 1.2 metres and are not located in the road reserve or rail corridor.

Comment [GS74] : S9.25 WELL

Comment [GS75] : S9.2 WELL

Comment [GS76] : S3.21 KiwiRail

Standard	Residential				Commercial				Business				Recreation			Rural		Community			
	General	Special	Historic	Hill	Landsc. Prot.	Central	Petone	Suburban	Special	General	Special	Avalon	Extraction	General	Special	River	Passive	Residential	General	Health	W
13.3.2.4.1 Riparian setback	A minimum 20m riparian setback shall be maintained																				
13.3.2.4.2 Separation distance or setback for masts and antenna attached to masts	No less than 10m from a boundary in the Residential and Rural Activity Areas.				No less than 10m from a boundary in the Residential Activity Areas.				No less than 10m from any boundary in the Residential or Rural Activity Areas.				No less than 10m from any boundary in the Residential or Rural Activity Areas.			No less than 10m from any property boundary. Under 15m in height - no less than 20m from the closest wall of a dwelling (excluding balconies and decks). Over 15m in height – no less		No less than 10m from a boundary in the Residential Activity Areas.			

<u>Standard</u>	<u>Residential</u>				<u>Commercial</u>				<u>Business</u>				<u>Recreation</u>				<u>Rural</u>		<u>Community</u>		
	<u>General</u>	<u>Special</u>	<u>Historic</u>	<u>Hill</u>	<u>Landsc. Prot.</u>	<u>Central</u>	<u>Petone</u>	<u>Suburban</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>Avalon</u>	<u>Extraction</u>	<u>General</u>	<u>Special</u>	<u>River</u>	<u>Passive</u>	<u>Residential</u>	<u>General</u>	<u>Health</u>	<u>Low</u>
13.3.2.4.3 <u>Separation distance or setback for cabinets and other network utility structures</u>	No less than 2 metres to all boundaries.	No less than 2 metres to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to all boundaries.	No less than 2 metres to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.	No less than 2 metres to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.	No less than 2 metres to any boundary in a Rural, Residential and Recreation Activity Area and to a road or service lane boundary.

**AMENDMENT 54** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]

Add a new Section 13.3.2.5 Earthworks

**13.3.2.5 Earthworks**

**13.3.2.5.1 Sediment and Erosion Control**

Erosion and sediment control measures shall be installed and maintained for all network utility activities, in accordance with the “Erosion and Sediment Control Guidelines for the Wellington Region – September 2002” – reprinted 2006.

**13.3.2.5.2 Slope, Height, Depth and Area of Earthworks**

The following shall apply to all network utility activities, except to earthworks within 2.0 metres of the exterior walls of any network utility building or structure or the outer edge of a network utility structure without walls that is defined as a building measured in plain view, trenching in the road reserve or rail corridor, and to piling undertaken for associated with the installation of a network utility mast, where that piling is contained within 2.0 metres of the edge of the mast.

- (i) Slope – No earthworks shall be carried out on a slope greater than 45 degrees.
- (ii) Height, Depth – Earthworks shall not exceed 1.5 metres in height or depth.
- (iii) Recession Plane – Any earthworks that involve the raising of the height of land above existing ground level shall not exceed a height recession plane measured at an angle of 45 degrees from any neighbouring boundary.
- (iv) Area:
  - Riparian Areas – 25m<sup>2</sup>
  - All Recreation and Residential Activity Areas – 100m<sup>2</sup>
  - All Rural Activity Areas – 1000m<sup>2</sup>
  - All Other Activity Areas – 500m<sup>2</sup>
  - Rail corridor and state highway – 1,000m<sup>2</sup>

Comment [GS77]: HS10.18, HS10.20 Powerco, HS7.21 and HS8.26 Spark and Chorus, HS9.27 WELL, HS 6.42 Transpower

Comment [GS78]: S1.11 NZTA, S3.22 KiwiRail

**AMENDMENT 55** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]

Add a new Section 13.3.2.6 Native Vegetation Clearance – Rural Residential and General Rural Activity Areas

**13.3.2.6 Native Vegetation Clearance – Rural Residential and General Rural Activity Areas**

Within the Rural Residential and General Rural Activity Areas there shall be no destruction of any native vegetation where:

- (a) the area of native vegetation in one site exceeds 1 hectare with an average height of 3 metres or more, or
- (b) the area of native vegetation is part of an area in one or more sites, which exceeds 1 hectare with an average height of 3 metres or more.

The word “area” in (a) and (b) above refers to the existing area covered by native vegetation, (i.e. it is the sum of the area of native vegetation which is proposed to be disturbed or removed, plus the balance area of native vegetation).

Tree removal and trimming undertaken solely for maintenance activities under the Electricity (Hazard and Trees) Regulations 2003 are exempt from this standard.

Comment [GS79]: S6.43  
Transpower; S9.28 WELL

**AMENDMENT 56** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]

*Add a new Section 13.3.2.7 Noise*

**13.3.2.7**      **Noise**

Noise associated with the activity shall not exceed the permitted activity noise standard(s) within the zone in which the activity is located.

**AMENDMENT 57** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.2 Standards and Terms)]

*Add a new Section 13.3.2.8 Temporary Above Ground Lines*

**13.3.2.8**      **Temporary Above Ground Lines**

The line(s) shall be in place for no longer than six calendar months from the date of erection until its removal.

**AMENDMENT 58** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.3 Matters in which Council Seeks to Control)]

*Add a new Section 13.3.3 Matters in which Council Seeks to Control*

**13.3.3**      **Matters in which Council Seeks to Control**

Matters over which control is reserved are:

- (a) Site design, frontage and area.
- (b) Legal and physical access to the lots.
- (c) Risks to public health and safety.
- (d) Design and external appearance.
- (e) Earthworks and sediment and erosion control.
- (f) Landscaping and screening.
- (g) Traffic and parking management.
- (h) Noise.
- (i) The route of the road.
- (j) The imposition of financial contributions in accordance with Chapter 12 of this Plan.
- (k) The design and construction of the road, including safety, traffic engineering, landscaping and noise mitigation measures.

**AMENDMENT 59** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.4 Matters in which Council has Restricted its Discretion)]

*Add a new Section 13.3.4 Matters in which Council has Restricted its Discretion*

#### **13.3.4**

#### **Matters in which Council has Restricted its Discretion**

Matters that the Council has restricted the exercise of discretion over are as follows:

- (a) The degree, extent and effects of the non-compliance with the Permitted Activity Conditions.
- (b) Risks to public health and safety.
- (c) The maximum height of the mast and area or diameter of any antenna.
- (d) The maximum height, area or diameter of any antenna.
- (e) Design and external appearance.
- (f) Any effect on heritage and cultural values.
- (g) Visual effects including impacts on:
  - (i) The residential and recreational use of land in the vicinity of the proposed utility;
  - (ii) The existing character, landscape, streetscape and amenity values of the locality;
  - (iii) Key public places, public viewing points, the coast, and significant recreational areas.
- (h) Amenity effects, including noise, vibration, odour, dust, earthworks and lighting.
- (i) Cumulative effects.
- (j) Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity.
- (k) Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures.
- (l) Whether the size and scale of the proposal is generally compatible with other development in the area.
- (m) Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage.
- (n) The extent to which alternative locations, routes or other options have been appropriately considered.
- (o) The extent to which it is technically, economically and practically reasonable for the masts or antennas can be co-sited with similar structures or other buildings.
- (p) Where antennas are proposed to be sited on the top of a building, the extent to which they can be designed or screened so that they form an integral part of the total building design.
- (q) Rehabilitation of the site following any construction or future maintenance period.
- (r) The extent to which the affected persons / community has been consulted with.
- (s) Earthworks and erosion and sediment control.

(t) Any adverse effects on an area of native vegetation.

(u) Any positive effects to be derived from the activity.

(v) Any constraints arising from technical and operational requirements of the network which may limit measures to avoid, remedy or mitigate environmental effects.

Comment [GS80]: S6.44  
Transpower; S69.14, S7.9, S8.12, FS2.10,  
FS1.4 WELL, Spark, Chorus, Transpower,  
Powerco

**AMENDMENT 60** [new Chapter 13 Network Utilities, including the National Grid (new 13.3.5 Assessment Criteria for Discretionary Activities)]

*Add a new Section 13.3.5 Assessment Criteria for Discretionary Activities*

### **13.3.5** **Assessment Criteria for Discretionary Activities**

In considering an application for a discretionary activity, the Council's discretion is unrestricted. The Council shall consider any relevant matter with particular regard to the objectives and policies of the Plan. In addition, the Council shall have particular regard to the relevant matters outlined in 13.3.4 – Matters of Discretion for Restricted Discretionary Activities.

**AMENDMENT 61** [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]

*Add a new Section 13.4.1 Permitted Activities*

### **13.4** **Rules – National Grid**

#### **13.4.1** **Permitted Activities**

In all activity areas, buildings and structures less than 2.5m in height and less than 10m<sup>2</sup> in area located within the National Grid Yard, that meet all the permitted activity conditions of that activity area, provided that they are not being used for a Sensitive Activity.

Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, 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.

~~**AMENDMENT 62** [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]~~

~~*Add a new Section 13.4.2 Restricted Discretionary Activities*~~

#### ~~**13.4.2** **Restricted Discretionary Activities**~~

~~(a) In all activity areas, new buildings and structures and additions and alterations to existing buildings and structures that are over 2.5m in height and / or more than 10m<sup>2</sup> in area located within the National Grid Yard.~~

~~(i) Non-notification~~

~~In respect of Rule 13.4.2 (a), public notification of applications for resource consent is precluded. Limited notification will be served on the National Grid Operator as the only affected party under section 95B of the Act.~~

~~Note: Rule 13.4.2 (a) (i) prevails over Rule 17.2.2.~~

Comment [GS81]: S6.45

**AMENDMENT 63** [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]

~~Add a new Section 13.4.2.1 Matters in which Council has restricted its discretion~~

~~**13.4.2.1 Matters in which Council has restricted its discretion**~~

- ~~(a) Any risk to the structural integrity of the transmission line;~~
- ~~(b) Any effects on the ability of the transmission line owner to operate, maintain and/or upgrade the National Grid;~~
- ~~(c) The proximity of buildings and structures to electrical hazards;~~
- ~~(d) Operational risks relating to health or public safety, and the risk of property damage;~~
- ~~(e) Amenity effects; and~~
- ~~(f) Any actual or potential reverse sensitivity effects.~~

~~**Advice Note:** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, 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.~~

~~Vegetation to be planted within the National Grid Yard as shown on the planning 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 transmission corridor, contact the relevant network utility operator.~~

Comment [GS82]: S6.45

**AMENDMENT 64** [new Chapter 13 Network Utilities, including the National Grid (new 13.4 Rules – National Grid)]

~~Add a new Section 13.4.3 Non-Complying Activities~~

~~**13.4.3 Non-Complying Activities**~~

- ~~a) The establishment of sensitive land use activity, including the change of the use of an existing building or structure.~~
- ~~b) The construction of a new, or addition to an existing, building or structure that does not meet permitted activity rule 13.4.1.~~

~~In all activity areas, the construction and use, establishment, or change of use, of any building and structure located within the National Grid Yard for a Sensitive Activity.~~

Comment [GS83]: S6.45

**AMENDMENT 65** [new Chapter 13 Network Utilities, including the National Grid (new 13.5 Anticipated Environmental Results)]

*Add a new Section 13.5 Anticipated Environmental Results*

### **13.5** **Anticipated Environmental Results**

The following environmental outcomes are anticipated in respect of network utilities:

- (a) Network utilities are able to operate, upgrade and expand as required to provide safe, effective and efficient services to the City.
- (b) The Lower Hutt City community is able to provide for its social, economic, cultural and environmental wellbeing and for its health and safety.
- (c) Potential conflicts between regionally significant network utilities and incompatible development, use and subdivision are avoided.
- (d) Adverse effects from network utilities on amenity and the environment are appropriately avoided, remedied or mitigated.



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## Amendment to Chapter 14C - Noise

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### **AMENDMENT 66** [Chapter 14C Noise (14C 2.1 Permitted Activity Conditions)]

*Delete Permitted Activity Condition 14C 2.1 (h)*

#### **14C 2.1 Permitted Activity - Conditions**

In all Activity Areas

~~(h) Noise from electricity distribution transformers not exceeding 1.5 MVA capacity, which are designed, constructed, installed and maintained to good New Zealand industry practice, providing the maximum noise level, measured at a distance of two metres in front of any window of any living area or bedroom of any residential building, shall be less than 50dBA.~~

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## Amendments to Chapter 14I - Earthworks

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### **AMENDMENT 67** [Chapter 14I Earthworks (14I 1.3 Essential Works)]

*Amend the Issue, Policies and Explanation and Reasons for 14I 1.3 Essential Works*

#### **14I 1.3 Essential Works**

##### **Issue**

Some earthworks are necessary for the provision of services essential to the health and safety of the community; in particular, ~~These may include earthworks necessary for the establishment and maintenance of utilities, or those associated with~~ the management of a river or stream to avoid, remedy or mitigate a flood event. It is necessary to ensure that opportunity for such works is provided for in the Plan.

##### **Objective**

To ensure that provision is made for earthworks to be carried out for services which are essential to the health and safety of the community.

##### **Policies**

- ~~(a)~~ To provide for essential earthworks to be carried out which are necessary for the management of any stream or river.
- ~~(b)~~ To provide for earthworks associated with the establishment and maintenance of a utility in accordance with the Plan.

##### **Explanation and Reasons**

Some earthworks are essential to ensure property and lives are not at risk, or to mitigate adverse effects of a naturally occurring event such as a flood. Opportunity is made in the Plan for earthworks associated with flooding events to be carried out without restriction. This is to recognise their importance to the community.

~~Earthworks are often necessary in the establishment and maintenance of network utilities services which are essential to the well being of the community.~~

~~Opportunity is made in the Plan for such earthworks to be carried out without restriction. This is to recognise their importance to the community.~~

### **AMENDMENT 68** [Chapter 14I Earthworks (14I 2 Rules)]

*Amend Rule 14I 2(i) to reflect proposed new Chapter 13 Network Utilities*

#### **14I 2 Rules**

These provisions shall not apply to the following:

- (i) Earthworks associated with the establishment of network utilities in accordance with Chapter 13 – Network Utilities, including the National Grid.
- (ii) Earthworks carried out as part of a subdivision consent under Chapter 11.

- (iii) Earthworks in the River Recreation Activity Area for the purposes of the management of any river or stream in accordance with Chapter 7C - River Recreation Activity Area
- (iv) Earthworks associated with extraction activities in Chapter 6D - Extraction Activity Area.

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## New Chapter 14L - Renewable Energy Generation

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### **AMENDMENT 69** [New Chapter 14L Renewable Energy Generation (Introduction)]

*Add a new Introduction to Chapter 14L Renewable Energy Generation*

## **14L** **Renewable Energy Generation**

### **Introduction**

Energy is vital to the efficient functioning of our country. As both a natural and physical resource, the generation and use of energy is a relevant resource management matter. In particular, section 7(j) of the Resource Management Act requires decision-makers to give particular regard to the benefits derived from the use and development of renewable energy.

This chapter is focused on renewable energy generation; and in particular, the conversion of natural resources into electricity. Energy generation from non-renewable sources, energy efficiency and energy conservation are addressed in other Plan Chapters.

The National Policy Statement for Renewable Electricity Generation came into force in May 2011 and forms part of central government's strategic target to achieve 90% of electricity generated is from renewable energy sources by 2025. The Council is required to give effect to any national policy statement. The objective of the National Policy Statement is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation. Policy D of the National Policy Statement requires that decision makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

The Regional Policy Statement for the Wellington Region recognises the importance of energy within the Region, and in particular that the benefits from renewable energy, from small to large scale generation, be recognised. Hutt City Council is required to give effect to the Regional Policy Statement and include policies and/or methods to ensure these benefits are recognised. These benefits include security of supply and diversification of energy sources, reducing dependency on imported energy sources and reducing greenhouse gas emissions.

Although energy is essential to our communities, its generation has the potential to have both adverse and positive environmental effects. The positive effects of renewable energy generation are often felt nationally (and/or globally) as well as locally, however adverse effects are generally more localised. Given the nature of renewable energy generation activities, many developments are unlikely to be able to internalise all potential adverse effects that they may generate within the site, and may include effects on amenity, landscape, ecology, cultural and heritage values. The benefits of any development therefore need to be weighed up against potential adverse effects.

The application of renewable energy can be in a number of different forms. At the domestic or small scale, there are various passive approaches including orientating buildings to assist passive heating and cooling, and natural lighting and more active approaches such as solar water heating and panels, and wind turbines. The passive approaches are addressed through other chapters in the District Plan. This chapter addresses the active approaches to renewable energy generation, primarily in the form of electricity generation. At present, renewable energy generation facilities in Lower Hutt City are limited to small scale wind turbines and solar panels. There are no existing larger scale renewable energy generation activities within the City.

A study of the Wellington Region's renewable energy sources undertaken by the Energy Efficiency and Conservation Authority in August 2006 identifies wind and solar as the primary renewable energy sources within Lower Hutt City that fall within the functions of the Hutt City Council. Other options such as large scale solar generation or biomass energy may become more viable in the future, and this chapter should be amended to address the various resource management issues that may arise as more information about these options becomes available. This chapter therefore focusses on wind and small-scale solar resources.

The provisions in this Chapter apply to renewable energy generation activities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to renewable energy generation activities unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply.

**AMENDMENT 70** [New Chapter 14L Renewable Energy Generation (14L 1 Issues Objectives and Policies)]

*Add new Issues, Objectives and Policies relating to Balancing the Effects of Renewable Energy Generation as Section 14L 1.1*

**14L 1** **Issue, Objectives and Policies**

**14L 1.1** **Balancing the Effects of Renewable Energy Generation**

**Issue**

**Balancing conflicts created by the effects of renewable energy generation with its local, regional and national benefits.**

**Explanation:**

Lower Hutt City contains some renewable energy resources, the use of which would provide benefits locally, regionally and nationally. However, the use of such resources can also have adverse environmental effects, which are generally felt at a local level. These effects can create conflicts between renewable energy generation and a wide range of biophysical and community held values, and raise issues of scale and location.

**Objectives**

- (a)** Provide for the development of renewable energy generation that is designed, located, constructed, operated, maintained and upgraded so as to:
- (i)** Avoid, remedy or mitigate adverse effects on the environment; and

- (ii) Promote the local, regional, and national benefits of the use and development of renewable energy resources.
- (b) Enable small-scale renewable energy generation and the identification and assessment of potential renewable energy sources and sites in appropriate locations within the City.

### **Policies**

- (a) Recognise the local, regional and national benefits of renewable energy generation, including:
  - (i) Maintaining and increasing security of electricity supply;
  - (ii) Using renewable rather than finite energy sources;
  - (iii) Reducing dependency on imported energy sources;
  - (iv) Reducing greenhouse gas emissions; and
  - (v) The reversibility of the adverse effects of some renewable energy generation technologies.
- (b) Enable small-scale renewable energy generation to be developed and operated in a manner that avoids, remedies or mitigates adverse environmental effects.
- (c) Enable the identification and assessment of potential renewable energy sources and sites in a manner that avoids, remedies or mitigates adverse environmental effects.
- (d) Provide for the operation, maintenance and development of community scale and commercial scale renewable energy generation activities.
- (e) Manage the adverse environmental effects of community scale and commercial scale renewable energy generation activities by recognising that these activities have the potential to cause significant adverse effects on the environment. In particular, activities that use wind as a source of energy have the potential for significant adverse effects on landscape, ecology and amenity values, and noise (including low frequency noise) and may be inappropriate in some locations.
- (f) Recognise the technical and operational constraints of renewable energy generation, including the location of the resource, development and maintenance of facilities and the location of the electricity distribution network.
- (g) Encourage community and commercial scale renewable energy generation providers to consult early with the local community, including Māori, on the appropriate placement, location and design of renewable energy generation activities.
- (h) Protect consented and existing renewable energy generation activities from incompatible subdivision, land use and development.
- (i) Ensure that the provision and operation of renewable energy generation activities that cross jurisdictional boundaries is managed in an integrated manner.

### **Explanation and Reasons**

There are significant benefits available at the local, regional and national level from renewable energy generation activities. The benefits from any renewable energy generation proposal can range from large significant contributions, to small incremental gains, but they are all cumulative. New renewable generation capacity can contribute to the New Zealand Energy Strategy target, and to increasing the diversity of supply. The City offers opportunities in particular for wind and solar generation.

Some parts of the City, particularly those that are elevated, are potentially suited to the development of renewable energy sources, particularly commercial scale renewable energy generation activities where wind is the energy source. There are other parts of the City where smaller community scale renewable energy generation activities may be viable to serve the electricity needs of local areas. There is little potential in the City for the community or commercial scale use of solar energy for electricity generation.

However, small-scale renewable energy generation particularly from wind and the sun provides an opportunity for Lower Hutt City to become partially self-reliant for energy supply. Technologies that currently exist and enable individuals to harness energy sources are likely to improve and become more cost-effective into the future. As demand for energy increases, self-reliance will have economic benefits for both individuals and the City.

The nature and scale of effects from renewable energy generation will vary depending on the scale and location of the activity and the characteristics of the surrounding area. Potential effects include adverse visual impacts, impacts on indigenous flora and fauna, culturally and historically significant areas and noise effects. While the Plan permits some renewable energy generation activities, those that are of a significant scale or do not meet the standards to be a permitted activity, will require a full assessment of their environmental effects through the resource consent process. This will allow the Council to weigh the benefits of any new generation activity with its environmental effects. A non-complying activity status applies to activities on sites containing an item listed in the Appendix Heritage 1 and 2 and where turbines do not comply with NZS6808:2010, as these are likely to have significant adverse effects on the environment.

The locational, functional and technical constraints on the siting of renewable energy generation facilities also need to be considered when development proposals are assessed and conditions of consent are imposed. This recognition includes the need for renewable energy generation facilities to be located where such resources are available and the location of existing structures and infrastructure.

The Plan also recognises that new subdivision, land use and development activities can result in reverse sensitivity effects on existing and consented renewable energy generation facilities and may result in the benefits of facilities being reduced. In addition, community amenity values may be adversely affected by locating in too close proximity to renewable energy generation facilities. At present, the City only contains small scale renewable energy generation facilities with no established community scale or commercial facilities. It is likely any such larger scale facilities would be established in the rural areas and that any reverse sensitivity effects would arise from subsequent new subdivision, land use and development which would provide an opportunity for assessment of any such potential effects.

Some renewable energy generation activities and the effects arising from them may cross jurisdictional boundaries between councils. Cross boundary issues can result for renewable energy generation providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for renewable energy generation activities and manage their effects. It is important that councils work together in an integrated manner both when developing plan provisions and when dealing with proposals for new or upgrades to existing renewable energy generation activities.



**AMENDMENT 71** [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]  
 Add new Section 14L 2.1 Activity Status and Standards

**14L 2 Rules**

**14L 2.1 Activity Status and Standards**

<u>Rule number</u>	<u>Activity</u>	<u>Activity Area</u>	<u>Activity Status</u>	<u>Standards</u>	<u>Matters of discretion</u>
<u>14L 2.1.1</u>	<u>The operation and maintenance of existing renewable energy generation facilities.</u>	<u>All</u>	<u>Permitted</u>	<u>Must comply with the permitted activity standards for the Activity Area.</u>	
<u>14L 2.1.2</u>	<u>Any solar panel mounted to any building, including buildings listed in Appendix Heritage 1 and 2</u>	<u>All</u>	<u>Permitted</u>	<u>(a) May exceed the permitted height for the Activity Area by no more than 1m.</u> <u>(b) May exceed the recession plane standard for the Activity Area by no more than 1 m (measured vertically).</u> <u>(c) Where located on a heritage building listed in Appendix Heritage 1 and 2, any solar panel shall:</u> <u>(i) be located on a roof plane which is not visible from any adjacent public areas;</u> <u>(ii) be aligned with the plane of the roof.</u>	
<u>14L 2.1.3</u>	<u>Roof-mounted small scale wind turbines</u>	<u>All</u>	<u>Permitted</u>	<u>(a) Shall comply with recession plane, yard and noise standards for the Activity Area in which the site is located.</u> <u>(b) May exceed the permitted height for the Activity Area by no more than 2m.</u> <u>(c) May not exceed more than one turbine per site.</u>	

<u>Rule number</u>	<u>Activity</u>	<u>Activity Area</u>	<u>Activity Status</u>	<u>Standards</u>	<u>Matters of discretion</u>
<u>14L 2.1.4</u>	<u>Freestanding small scale wind turbines</u>	<u>All</u>	<u>Permitted</u>	<p>(a) <u>Must comply with recession plane, yard and noise standards for the Activity Area that the site is located in.</u></p> <p>(b) <u>May exceed the permitted height for the zone by up to, but no more than, 2m.</u></p> <p>(c) <u>May not exceed more than one turbine per site.</u></p>	
<u>14L 2.1.5</u>	<u>Temporary renewable energy assessment and research structures</u>	<u>Rural (All) Recreation (All) Business(All)</u>	<u>Permitted</u>	<p>(a) <u>Shall comply with the New Zealand Standards in relation to noise, radio frequency emissions and any other emissions.</u></p> <p>(b) <u>Must comply with the noise standards for the Activity Area that the site is located in.</u></p> <p>(c) <u>Any anemometer must not exceed 80 metres in height.</u></p> <p>(d) <u>All structures shall comply with the height in relation to boundary and yard requirements for the Activity Area in which they are located.</u></p> <p>(e) <u>Any public road damaged in such investigation or assessment activity shall be reinstated to a condition of a similar or improved standard to that which existed prior to commencement of the work.</u></p> <p>(f) <u>No such investigation or assessment period shall exceed five years.</u></p> <p>(g) <u>All equipment and structures shall be removed at the end of the investigation and the site shall be restored and rehabilitated to a condition no less than that which existed prior to the works commencing.</u></p>	

<u>Rule number</u>	<u>Activity</u>	<u>Activity Area</u>	<u>Activity Status</u>	<u>Standards</u>	<u>Matters of discretion</u>
<u>14L 2.1.6</u>	<u>Solar panels that do not comply with one or more of the permitted activity standards</u>	<u>All</u>	<u>Restricted Discretionary</u>		<u>14L 2.2 (a), (b), (c), (e), (h), (i), (m)</u>
<u>14L 2.1.7</u>	<u>Small scale roof-mounted and freestanding wind turbines that do not comply with one or more of the permitted activity standards</u>	<u>All</u>	<u>Restricted Discretionary</u>		<u>14L 2.2 (a), (b), (c), (d), (e), (g), (i), (j), (k), (m)</u>
<u>14L 2.1.8</u>	<u>Temporary renewable energy assessment and research structures that do not comply with one or more of the permitted activity standards and are not located on a site</u>	<u>All</u>	<u>Restricted Discretionary</u>		<u>14L 2.2 (a) to (m) inclusive</u>
<u>14L 2.1.9</u>	<u>Land based structures that support in-stream hydro or marine energy generation</u>	<u>Rural (All) Recreation (All) Business (All)</u>	<u>Restricted Discretionary</u>	(a) <u>Shall not be located:</u> (i) <u>within an esplanade reserve or strip;</u> (ii) <u>within any riparian setback;</u> (iii) <u>on any legal road (formed or unformed).</u>	<u>14L 2.2 (a) to (m) inclusive</u>
<u>14L 2.1.10</u>	<u>Community scale renewable energy generation activities, including associated construction and commissioning activities</u>	<u>Rural (All)</u>	<u>Restricted Discretionary</u>	(b) <u>Shall not be located:</u> (i) <u>within an esplanade reserve or strip;</u> (ii) <u>within any riparian setback</u> (iii) <u>on any legal road (formed or unformed).</u> (c) <u>Any structures shall be set back at distance of not less than three times the height of</u>	<u>14L 2.2 (a) to (m) inclusive</u>

<u>Rule number</u>	<u>Activity</u>	<u>Activity Area</u>	<u>Activity Status</u>	<u>Standards</u>	<u>Matters of discretion</u>
				generating device or support structure from any site boundary.	
<u>14L.2.1.11</u>	The installation or upgrading of any commercial scale renewable energy generation activities, including associated construction and commissioning activities	Rural (All)	Discretionary	(a) NZS6808:2010 Acoustics - Wind Farm Noise	
<u>14L.2.1.12</u>	Any renewable energy generation activity that is not otherwise provided for as a permitted, restricted discretionary or non-complying activity.	All	Discretionary		
<u>14L.2.1.13</u>	Except where otherwise specifically provided for, any renewable energy generation activity located on a site containing an item listed in the Appendix Heritage 1 and 2	All	Non-complying		
<u>14L.2.1.14</u>	The installation of or upgrading of any community or commercial scale renewable energy	All	Non-complying		

<u>Rule number</u>	<u>Activity</u>	<u>Activity Area</u>	<u>Activity Status</u>	<u>Standards</u>	<u>Matters of discretion</u>
	<p><u>generation activities, including associated construction and commissioning activities that does not comply with NZS6808:2010, where wind is the energy source for the activity.</u></p>				

**AMENDMENT 72** [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]

*Add new Section 14L 2.2 Matters of Discretion for Restricted Discretionary Activities*

**14L 2.2**      **Matters of Discretion for Restricted Discretionary Activities**

- (a) Any positive effects to be derived from the activity.
- (b) The contribution to achieving national, regional and local energy policy objectives and renewable energy targets.
- (c) Health and safety.
- (d) Suitability of the site for the proposed activity, including consideration of geotechnical and natural hazard constraints.
- (e) Layout, design and location of proposed structure.
- (f) Traffic effects.
- (g) Extent of any earthworks.
- (h) Effects on historic heritage.
- (i) Visual, character and amenity effects.
- (j) Noise and lighting effects.
- (k) Effects on public access.
- (l) Effects on natural character.
- (m) Adequacy of the methods of mitigation/remediation or ongoing management.

**AMENDMENT 73** [New Chapter 14L Renewable Energy Generation (new Section 14L 2 Rules)]

*Add new Section 14L 2.3 Assessment Criteria for Discretionary Activities*

**14L 2.3**      **Assessment Criteria for Discretionary Activities**

The following assessment criteria shall guide the assessment of discretionary activity applications and shall be read in conjunction with the District Plan's objectives and policies.

- (a) Any positive effects to be derived from the activity.
- (b) The contribution to achieving national, regional and local energy policy objectives and renewable energy targets.
- (c) Health and safety.
- (d) Noise effects, including compliance with NZS 6808:2010 (Acoustics – wind farm noise).
- (e) The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services.
- (f) The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features.
- (g) The impact on landscape values and natural features.
- (h) The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards.

- (i) Any geotechnical constraints of the affected area.
- (j) Impacts of earthworks and the modification of natural landforms, including proposed remedial and mitigation measures.
- (k) Impacts on the amenity values of the surrounding environment, including a consideration of electromagnetic interference, vibration, aviation navigation lighting and turbine blade shadow or glare flicker.
- (l) Ecological impacts, particularly impacts on the coastal environment, water bodies, impacts associated with native vegetation removal and impacts on indigenous avifauna, indigenous fauna and their habitats.
- (m) Impacts on archaeological and historic features and items, and sites of significance to tangata whenua.
- (n) Traffic impacts (including construction and post-construction traffic) and impacts on the roading network, including the nature and extent of vehicle movements, access, management and mitigation measures; road safety and levels of service; and impacts associated with traffic distraction.
- (o) Impacts on aviation and navigation.
- (p) Construction effects, including construction noise (and the ability to meet NZS 6803:1999 Acoustics – Construction Noise).
- (q) Any cumulative effects.

**AMENDMENT 74** [New Chapter 14L Renewable Energy Generation (new Section 14L 3 Anticipated Environmental Results)]  
*Add new Section 14L 3 Anticipated Environmental Results*

**14L 3**      **Anticipated Environmental Results**

The following environmental outcomes are anticipated in respect of renewable energy generation:

- (a) The benefits to be derived to Lower Hutt City from renewable energy generation activities are realised.
- (b) The Lower Hutt City community is able to provide for its social, economic, cultural and environmental wellbeing.
- (c) The health and safety of Lower Hutt City's community is not adversely affected by the construction, operation, upgrading and maintenance of renewable energy generation activities.
- (d) Adverse effects from renewable energy generation activities on amenity and the environment are appropriately avoided, remedied or mitigated.

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## Amendments to “Other Provisions” in all Activity Areas

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**AMENDMENT 75** [All Activity Areas (Chapters 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C, 5D, 6A, 6B, 6C, 7A, 7B, 7C, 7D, 8A, 8B, 9A, 10A)]

*Amend wording of “Other Provisions” as follows:*

**4A 2.6 Other Provisions**

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**4B 2.5 Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**4C 2.5 Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**4D 2.5 Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**4E 2.5 Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**5A 2.4 Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**5B 2.1.5 Other Provisions**

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.



- 5B 2.2.5 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 5C 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 5D(i) 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 5D(ii) 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 6A 2.6 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 6B 2.5 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 6C 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 6D 2.4 Other Provisions**
- (a) Subdivision - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.

- 7A 2.4 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 7B(i) 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11
  - (b) Financial Contributions See Chapter 12
  - (c) Network Utilities, including the National Grid - See Chapter 13
  - (d) General Rules - See Chapter 14.
- 7B(ii) 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11
  - (b) Financial Contributions See Chapter 12
  - (c) Network Utilities, including the National Grid - See Chapter 13
  - (d) General Rules - See Chapter 14.
- 7B(iii) 2.5 Other Provisions**
- (a) Subdivision - See Chapter 11
  - (b) Financial Contributions See Chapter 12
  - (c) Network Utilities, including the National Grid - See Chapter 13
  - (d) General Rules - See Chapter 14.
- 7C 2.4 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14
- 7D 2.4 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 8A 2.5 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.
- 8B 2.5 Other Provisions**
- (a) Subdivisions - See Chapter 11.
  - (b) Financial Contributions - See Chapter 12.
  - (c) Network Utilities, including the National Grid - See Chapter 13.
  - (d) General Rules - See Chapter 14.

**9A 2.4**

**Other Provisions**

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

**10A 2.4**

**Other Provisions**

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

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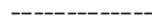
## Amendments to Planning Maps

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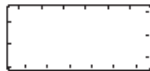
**AMENDMENT 76** [Planning Maps A3, C3, D2, D3, D5, D6, E1, E2, E5, F1, F4, F5, G1, H1, H2, H3, R1, R2, R3, R4]

*Amend the above planning maps to display the location of the National Grid and the maximum extent of the National Grid Corridor (39m from centre line):*

**KEY**



National Grid Centre Line



National Grid Corridor maximum extent (39m from centre line)

**APPENDIX THREE – AMENDED TEXT OF PROPOSED PLAN CHANGE 38**

## APPENDIX 2

### Proposed changes to District Plan text for Proposed District Plan Change 38: Network Utilities and Renewable Energy Generation

#### Table of Amendments:

Amendment	Title	Page reference
1	Amendments to Chapter 16; Utilities (Issues Objectives and Policies)	2 - 17
2	Insert new Chapter 16A: Renewable Energy Issues Objectives and Policies	18 - 23
3	Amendments to Chapter 18: Residential Zone Rules	24 - 26
4	Amendments to Chapter 19: Rural Zone Rules	27 - 28
5	Amendments to Chapter 20: Business Zone Rules	29 - 30
6	Amendments to Chapter 21: Open Space Zone Rules	31 - 32
7	Amendments to Chapter 22: Special Activity Zone Rules	33 - 34
8	Amendments to Chapter 28: Southern Hills Overlay Area and Protected Ridgeline Rules	35 - 39
9	Amendments to Chapter 30: Rules for Utilities	40 - 58
10	New Chapter 30A: Rules for Renewable Energy Generation	59 - 64
11	Amendments to Chapter 35: Definitions	65 - 72

#### Guide to amendments:

Proposed new text is underlined. Text proposed to be deleted is ~~struckthrough~~. For the sake of brevity, only proposed amendments to the content of relevant chapters, parts and sections are shown, rather than replicating the entire chapter, part or section.

# Amendment 1: Amendments to Chapter 16: Utilities Issues Objectives and Policies

16

## **NETWORK UTILITIES**

16.1

### **Background**

~~The term 'network utilities' refers to the facilities and services that are necessary for the functioning of the City, and includes:~~

- ~~• Transportation, such as roading, rail and pedestrian transport.~~
- ~~• Telecommunications.~~
- ~~• Utilities, such as energy supply, electricity transmission, sewerage, waste disposal and water supply systems.~~

This chapter outlines the provisions of the District Plan that relate to network utilities within Upper Hutt City. Network utilities provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, and their health and safety. Network utilities which are managed through this Chapter include those defined through reference in section 166 of the Resource Management Act 1991. A definition of network utilities is included in Chapter 35, Definitions.

The City has a range of network utilities that serve an important function locally, regionally and nationally, some of which are critical and life-supporting. In particular, State Highway 2 and the Wairarapa Railway Line provide the link from Wellington and Hutt City to Upper Hutt and the Wairarapa. There are also a number of transmission assets associated with the National Grid located within the City.

The Regional Policy Statement for the Wellington Region recognises the importance of regionally significant infrastructure within the Region, as forming part of national or regional networks that enable communities to provide for their social, economic and cultural wellbeing and their health and safety. There are a number of network utilities within Upper Hutt City that are identified as being regionally significant infrastructure in the Regional Policy Statement. The Regional Policy Statement requires that the benefits of such regionally significant infrastructure be recognised and protected in the District Plan.

The Council is required to give effect to any National Policy Statement. The National Policy Statement on Electricity Transmission came into force in 2008 and applies to effects on and effects of the transmission network". The National Policy Statement on Electricity Transmission's objective is to recognise the national significance of the National Grid 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.

There are many providers of network utilities within Upper Hutt City including the Council, Crown agencies, the Greater Wellington Regional Council, State Owned Enterprises, trading enterprises and private companies. The Council is in itself a major provider of network utilities and services, supplying water, sewage and stormwater reticulation, waste disposal and roads.

Other utilities that are managed through this Chapter because of their nature and function are navigation aids, beacons, signal stations and natural hazard warning devices and meteorological services<sup>1</sup>. These other utilities are owned and / or operated by Maritime New Zealand, local authorities or the Meteorological Service in order to provide for the health, safety and wellbeing of the local community, region and nation.

The successful functioning of the City depends on network utilities. It is therefore very important that construction, maintenance, upgrade and operation of these services be effectively provided for, technical and geographical constraints on the operation of network utilities are acknowledged and that the benefits that derive from them are adequately recognised. Network utilities can be vulnerable to reverse sensitivity effects when new buildings or structures and activities (that are sensitive to the effects of the existing network utility) are established nearby, leading to constraints on the operation of the network utility. However, network utilities can also have adverse environmental effects resulting from their construction, operation or associated maintenance activities.

Comment [GS1]: S4.2 Transpower

Comment [GS2]: S8.1 Forest and Bird

For example, network utilities may typically include buildings, poles, overhead wires, pylons, pipes or antennas, which may have an adverse visual impact depending on their location and proximity to other land use activities. The installation and upgrading of network utilities will also typically involve earthworks. However, network utilities may also involve few structures and have limited visual impact, such as underground power and telecommunication lines. Network utilities are also often seen as a necessary and normal part of the environment, such as a road.

The network utility rules apply where network utility operators do not hold a designation for their activities under the designation procedures of the Act. They may, however, also be used by Council to help assess any notices of requirement for new designations.

The provisions in this Chapter apply to network utilities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to earthworks, notable trees, flooding and fault band hazards, the Southern Hills Overlay and Protected Ridgelines, historic heritage and hazardous substances will still apply. As identified in Council's Planning Maps, all activities that take place within roads are subject to the relevant zone rules which pertain to the area in which the road is situated, as well as the City-wide rules. Where a road separates different zones on opposite sides of the road, the centre line of the road defines the boundary of the two zones.

Comment [GS3]: S1.5 GWRC

Comment [GS4]: S3.10 and S5.11

<sup>1</sup> The Meteorological Service is a requiring authority for its network operation of a system comprising telecommunication links to permit telecommunication and radiocommunication. Therefore, these aspects of meteorological service activities and facilities are network utilities.



## 16.2

### Resource Management Issues

#### 16.2.1

~~The sustainable management of the City's utilities is important as they are necessary to the functioning of the City and provide the framework for future development and use of resources, including water resources.~~

#### Balancing the national, regional and local benefits of network utilities with effects on the local environment

An important issue is managing the actual and potential adverse environmental effects arising from network utilities while also recognising the key role they play and benefits they have locally, regionally and nationally, and to ensure the technical and operational requirements of the network utility concerned is not unreasonably restricted. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City. This is because network utilities provide essential services to people's homes and businesses, such as water, transport means, electricity, gas and telecommunications, and are critical for the effective functioning and liveability of the City.

The high voltage electricity transmission lines that form part of the national grid play a vital role in the well-being of the community. The adverse effects of the high voltage electricity transmission lines are often local, while the benefits may be in a different locality and/or extend beyond the local to the regional and national.

However, the construction, operation and/or maintenance of network utilities can have adverse effects and adversely affect the amenity of areas of the City, as a result of, for example, noise, emissions, and visual dominance. Some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the surrounding environment. They may also have potential or perceived adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the network utility, but in some instances may continue throughout its operation or during maintenance and upgrade works. In some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there ~~will~~ may be some level of residual adverse effect on the surrounding environment. In such circumstances, there is a need to carefully consider both the benefits the network utility will provide and the significance of the adverse effects on the surrounding environment.

~~The City would not be able to function effectively or efficiently without essential facilities and services. Utilities are important physical resources that enable residents to provide for their economic, cultural and social well being and their health and safety.~~

~~The future well being of the City's population will continue to rely on major investment and sustainable management of utilities. This investment should be soundly managed and developed, taking into account the long term environmental values and needs of the~~

Comment [GS5]: S4.3 Transpower

Comment [GS6]: S4.3 Transpower

Comment [GS7]: S3.2 Spark, FS2.2 Transpower; FS3.8 WELL

Comment [GS8]: S4.3 Transpower

~~community and the environment.~~

~~An urban area with an integrated public transportation system is more resource efficient than a City completely dependent on private vehicle use. The current scale and pattern of development in Upper Hutt is based on both private vehicle and public transport use. Private motor vehicles are used by more than half of Upper Hutt's workforce as a means to get to work. More than half of the work force travels outside of the City to work, using either public transport or private motor vehicles. Access to public transport is an important resource management issue.~~

~~Stormwater drainage systems are necessary, particularly in urban areas, for health and safety reasons. In low lying areas drainage is needed for healthy and acceptable living conditions. In urban areas, a stormwater drainage network with safe inlets, secures the community from flooding. River and stream control systems work to minimise human and economic losses from flooding. Utilities can be affected by flooding and it is also possible for them to adversely impact on flooding patterns.~~

~~The Council's sewerage system provides a safe, cost effective and socially acceptable system for removing human waste. An efficient sewerage system with properly designed and maintained pumping and drainage systems, sufficient treatment, and suitably located final effluent discharge points, is the best protection against pollution.~~

~~The high voltage electricity transmission lines that form part of the national grid play a vital role in the well being of the community. The adverse effects of the high voltage electricity transmission lines are often local, while the benefits may be in a different locality and/or extend beyond the local to the regional and national.~~

## 16.2.2

~~**Potential adverse effects on the environment caused by the development and use of utilities.**~~

~~**Managing adverse effects including reverse sensitivity effects on regionally significant network utilities**~~

~~Providing, locating and operating a network of facilities and services can impact upon both the natural and physical environment. As an example, adverse effects from the development of utilities may occur during their establishment when the visual impact of the facilities is not in harmony with environmental amenity. On the other hand, utilities often have special technical and operational requirements which place constraints on where they can be located.~~

~~Changes to the infrastructure of the City will need to be managed to avoid, remedy, or mitigate adverse effects on natural and physical resources and on amenity values, taking into account the practical requirements for the establishment and operation of utilities.~~

~~Inappropriate subdivision, use and development in the vicinity of regionally significant network utilities may lead to adverse effects including reverse sensitivity effects that have the potential to impact upon the effective and efficient operation of such utilities.~~

Inappropriate subdivision, use and development may result in adverse effects on regionally significant network utilities and / or restrict access to such network utilities including the ability to undertake maintenance or upgrade work. Reverse sensitivity can occur when sensitive or inappropriate activities locate near to or intensify by existing network utilities and seek to or constrain the operation or expansion of these utilities. This may mean that the local, regional and national benefits of those regionally significant network utilities may be compromised. The City has a lot of well-established regionally significant network utilities located in close proximity to existing land use activities. The Council is predominantly concerned with new more intensive land use activities establishing in proximity to existing regionally significant network utilities that may lead to reverse sensitivity effects on those utilities.

**16.2.3                    *The efficient, convenient and safe movement of people, vehicles and goods in the City.***

The location, design and characteristics of activities, subdivision and development can adversely affect the safety, accessibility and efficiency of the roading network and the quality of the environment. Appropriately located activities, and well-designed subdivision and development, can contribute to the convenience and viability for access by walking, cycling and public transport. Roads themselves (including the State Highway network) contribute to the convenience, viability, and access to activities enjoyed by City residents.

**16.2.4                    *The limits that rural roading places on subdivision and development***

Mangaroa Hill Road, Blue Mountains Road, Akatarawa Road, and parts of Moonshine Hill Road and Mount Cecil Road require major upgrading to be able to accommodate further significant development. Such upgrading may have significant adverse environmental effects.

The limits that the rural roading system places on further development not only apply to formed and sealed roads, but also to the large number of 'paper roads' within the City. The pressure to subdivide with access to these paper roads can pose a public interest issue. Council could be placed in a position where it may have to spend public money on road upgrading where the community would receive little benefit in return. The limited access provisions applying to State Highway 2 and the nature of other roads in the Kaitoke area impose limits on further development in this part of the City.

**16.2.5                    *The potential adverse effects generated by subdivision and development in close proximity to high voltage (110kV or greater) electricity transmission lines.***

There can be a risk to the health and safety of nearby people and property when development occurs within close proximity to high voltage electricity transmission lines. Equally, development located under or in close proximity to high voltage electricity transmission lines can pose a risk to the efficient operation of the national grid.

Additionally, development in close proximity to high voltage electricity transmission lines generally does not provide a good level of amenity, particularly in the case of residential development or other sensitive activities.

## 16.3 Objectives

### ~~16.3.1~~ ~~*The sustainable management of physical infrastructure so that it can meet both the needs of today's community and the reasonably foreseeable needs of future generations.*~~

~~Infrastructure is an essential part of the City's physical resources, and its maintenance is essential to the social, economic, and cultural well being of people, as well as to their health and safety. Efficient resource use relates not only to the shorter term economic use of resources, but also to the longer term environmental effects of resource use.~~

~~An efficient city needs effectively operating utilities. The location and operation of these utilities can adversely affect the environment.~~

~~Many sites for utility operations will be provided by statutory designations.~~

### 16.3.1 ***To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not unreasonably compromised by other activities.***

This objective seeks to identify the importance of regionally significant network utilities within the City and to give effect to the Regional Policy Statement. The objective and supporting policies are focused on recognising the benefits that these regionally significant network utilities have locally, regionally and nationally and ensuring that these benefits they are protected from incompatible subdivision, use and development.

Comment [GS9]: S4.6 Transpower

Comment [GS10]: S4.6 Transpower

Comment [GS11]: S4.6 Transpower

### 16.3.2 ***The sustainable, secure and efficient use and development of the high voltage (110kV or greater) electricity transmission lines which avoids, remedies or mitigates adverse effects on the environment and recognises the technical and operational requirements and constraints of the network.***

The efficient transmission of electricity on the national grid plays a vital role in the social, economic and cultural well-being of people. Technical, operational and security requirements associated with high voltage electricity transmission lines can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.

**16.3.3**

**To recognise and provide for the sustainable, secure and efficient use, operation, maintenance and upgrading and development of network utilities within the City.**

Comment [GS12]: S4.8 Transpower

This objective requires that the benefits of network utilities including those that are not identified as regionally significant be recognised and provided for. Network utility services form an essential part of the City’s physical resource and provide for the community’s social, cultural and economic well-being. They provide essential services to people’s homes and businesses, such as water, transport means, electricity, gas, radiocommunications and telecommunications and are critical for the functioning and liveability of the City. Failing to adequately provide for network utilities may result in the desired level of well-being and quality of life not being achieved within the City.

**16.3.4**

**To manage any adverse effects on the environment resulting from the design, location, construction, operation, upgrading and maintenance of network utilities.**

Comment [GS13]: S8.3 Forest and Bird

This Objective recognises that the construction, operation, upgrade and maintenance of network utilities can adversely affect the environment and amenity, and seeks to manage potential adverse effects, particularly through design and location. This recognises that some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. They may also have adverse effects on public health and safety. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and / or upgrade works. For new lineal infrastructure, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there ~~will~~ may be some level of residual adverse effect on the surrounding environment ~~that requires mitigation~~. In such circumstances, there is a need to consider both the benefits the network utility will provide and the significance of the adverse effects on the surrounding environment.

Comment [GS14]: S3.6, S4.9, S5.6 and S6.13, Spark, Chorus, Transpower and WELL and FS1.5, FS2.6, FS3.9, FS3.14 and FS3.30 Transpower, Powerco, WELL

**16.4 Policies**

**16.4.1**

**~~To ensure that the establishment, operation, maintenance and upgrading of essential utilities in the City avoids, remedies or mitigates any adverse environmental effects.~~**

~~The City is dependent upon the efficient provision of facilities and services to maintain people’s health and safety and to support economic, social and cultural activities. There should, therefore, be opportunity to provide for the development, maintenance and use of essential facilities and services, as long as they can meet, or do not significantly compromise, environmental standards. This includes standards to address the potential adverse effects that are specific to utilities and services, such as the impacts of transmission lines and sewage disposal systems. The underground installation of facilities and services will be promoted where appropriate, in order to help avoid, remedy or mitigate adverse effects, especially on visual amenity. Where utilities are required to be sited above ground, the site or route selection process should seek to minimise adverse environmental effects.~~

~~Subdivision may be required to provide for special facilities or activities (such as substations, transformer sites, pumping station sites, and roads). There are therefore subdivision standards in each zone which recognise the special subdivision requirements for utilities.~~

~~Utilities can both be affected by flooding, and affect flood patterns. Therefore, it is appropriate that the location of utilities in flood prone areas is regulated (Chapter 33).~~

**Identify regionally significant network utilities within the City on Council planning maps, as practicable.**

~~The Council has identified regionally significant network utilities within the City on its planning maps. The majority of any new and extensions to existing regionally significant network utilities are expected to be identified on Council planning maps by network utility operators through a notice of requirement for designation process. In the case of the National Grid, which is not designated, this network ~~will be~~ is specifically recognised and mapped, as required by the National Policy Statement on Electricity Transmission. Due to the scale of the planning maps and the extensive nature of some regionally significant network utilities, it is however not feasible to identify all regionally significant network utilities on Council planning maps, particularly the local gas distribution lines.~~

Comment [GS15]: S4.10  
Transpower

**16.4.2 ~~To require an assessment of alternative methods and sites for proposed utility developments which have significant implications for resource use, or which may cause significant adverse environmental effects.~~**

~~The development of the City's infrastructure can have major implications for resource use. Large new proposals, such as a new energy distribution facility, highway, or sewage treatment plant, can be significant users of resources, and can cause significant adverse environmental effects. They can also have implications for other aspects of the City's economic activity and social life. For example, a major improvement to the roading network will generate changes in vehicle use, and open up opportunities for land development in some areas and may foreclose opportunities in other areas. Major developments in the City's infrastructure should therefore be carefully managed to promote sustainable management.~~

~~Consideration of alternative methods and sites is an important means of promoting sustainable resource use, and should be undertaken for those activities which have significant resource use implications. The broader considerations of the use of these resources should be integrated into the District Plan process.~~

**Recognise the national, regional and local benefits of regionally significant network utilities.**

~~Regionally significant network utilities provide benefits within the City, regionally and nationally. These are benefits that are to be considered in respect of any matter relating to regionally significant network utilities. Some of the benefits are:~~

- ~~• That people and goods can travel to, and from and around the City and Region efficiently and safely;~~
- ~~• That community well-being and public health and safety is maintained through the provision of essential services including supply of potable water and the collection, transfer and appropriate treatment of sewage and stormwater; and~~
- ~~• People have access to electricity and gas to meet their needs.~~

**16.4.3 ~~To promote the efficient and effective use of existing utilities and to encourage the co-siting of compatible facilities.~~**

~~Utilising the spare capacity of existing systems can be a more efficient use of resources than the development of new systems. Where such use can be demonstrated to be practicable and reasonable, it should be promoted. This policy is not intended to prevent competition between resource users or to prohibit growth; it simply seeks to promote the efficient use of natural and physical resources. For example, urban infrastructure will generally be used more efficiently if new residential developments are contained within existing urban areas, rather than dispersed or ribbon forms of development. Consolidation of settlements promotes the efficient use of existing infrastructure capacity and facilitates the viable introduction of new facilities. Council intends to support this policy by promoting costing and charging regimes for Council's services and utilities which take into account the longer term environmental implications of resource use and development.~~

~~Questions of long term efficiency should be addressed in the planning of new infrastructure systems, and this can be promoted through liaison with infrastructure providers and by requiring the assessment of such matters in designation, subdivision and land use consent processes.~~

~~Co-siting of facilities can reduce adverse effects on the environment by reducing the proliferation of similar facilities. Co-siting may be promoted by consultation between relevant organisations, and by ensuring that such matters are addressed in designation and resource consent processes.~~

**~~Avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects including reverse sensitivity effects on regionally significant network utilities from incompatible inappropriate new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.~~**

Comment [GS16]: S4.12  
Transpower

~~Any potential adverse effects including reverse sensitivity effects, on regionally significant network utilities are to be appropriately managed, with priority given to avoiding adverse effects, where practicable, on those utilities. The location of inappropriate new subdivision, use or development in proximity to existing regionally significant network utilities has the potential to compromise the efficient operation and use of the network utility including restricting access and result in the benefits of that network utility being reduced. In addition, the safety and amenity values of the community may be adversely affected by locating in too close proximity to regionally significant network utilities. The potential for adverse effects including reverse sensitivity effects may arise when the pattern and density of land use activities changes through the subdivision or rezoning of land. At the time of rezoning, the Council will seek to introduce new provisions to manage those potential adverse effects on existing or designated regionally significant network utilities. Any applications for subdivision that involve potential intensification located in proximity to regionally significant network utilities will require assessment in terms of the potential effects on those utilities as well as consultation with the relevant network utility operator.~~

**16.4.4 ~~To promote the safe and efficient use and development of the transportation network.~~**

~~The transportation network is a major physical resource in the City. The land and other resources used for transportation need to be sustainably managed.~~

~~There are a number of reasons for promoting a safe and efficient transportation network, including:~~

- The land and associated resources required by the existing transport system represent a significant level of investment and commitment. To promote the purpose of the Act, it is desirable that existing systems are used and developed efficiently.
- The efficient use of energy and resources in the design, management and use of transportation systems should be promoted.
- Efficiency would be promoted through the integration of different modes and types of transport and by improving the network. The beneficial effects of any development such as increases in safety or reduction in travel times must also be taken into account.

The transport system also needs to be maintained and developed without creating significant adverse effects on the environment.

Minor changes to the transport system can be undertaken without the need for stringent controls, although they may need monitoring to identify and manage their cumulative effects. However, large-scale transportation projects, or developments within areas of environmental sensitivity, require careful assessment to identify potential effects and possible mitigation measures.

Rural roads place limits on further development in certain areas of the City because of their condition or potential capacity. Closer subdivision in these areas may be restricted because of the demand that it would place on these roads and the likely costs incurred by the Council. Other rural activities can cause damage to roads or create dangerous situations where roads are not designed to accommodate such traffic. The upgrading of such roads can place a heavy financial burden on the community and have significant adverse environmental effects. Therefore, a requirement for financial contributions and/or limitations on development is an appropriate response.

**16.4.5 *To promote accessibility within the City and between the City and neighbouring areas.***

Access into and around the Central Business District, suburban shopping areas and industrial areas is important for both businesses and the community. This is facilitated by the availability of adequate car parking facilities and the close proximity of railway stations and the bus interchange.

In certain circumstances, car parking can have an adverse effect on the environment of an area. The proliferation of on-street car parking can adversely affect the visual and amenity values of an area, generate noise and make manoeuvring of vehicles difficult and unsafe. It may be necessary to require that sufficient on-site car parking is provided for any proposed activity, or that a financial contribution is made so that it can be developed by Council to avoid problems. The car parking requirements of the Plan have been developed on the basis of anticipated car parking demand and availability of car parking facilities.

The ability of people to have access to a variety of transport modes enables greater choice and means that transportation services can be used in a more efficient manner.

Most of Upper Hutt is well suited to cycling because of its topography. The bicycle is a useful, efficient and environmentally friendly form of transport. Although cycling is catered for within the present roading system, conflict can arise between cyclists, pedestrians and vehicular traffic. These conflicts need to be minimised or avoided to promote safety and encourage people to use dedicated cycling facilities. Convenient cycling and walking routes to community focal points need to be provided by linking streets, reserves, car parking areas and shopping centres.



**16.4.6** *To ensure that the subdivision, use and development of land is served by safe and adequate access from the roading network*

The roading network provides access to a wide range of activities. It is important to ensure that connections to the network are located, designed and maintained so as to provide for the safety of all road users.

**16.4.7** *To manage subdivision and development within close proximity to existing high voltage (110kV or greater) electricity transmission lines to protect both:*  
*(a) the safe, secure and efficient use and development of the electricity transmission network; and*  
*(b) the safety and amenity values of the community.*

A corridor management approach involves setting minimum buffer distances from high voltage electricity transmission lines to manage development both in the immediate proximity of and adjacent to the lines.

**16.4.8** *To recognise and provide for the:*

- *need for new and the maintenance and upgrading of existing network utilities; and*
- *technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and*
- *benefits that network utilities provide to the economic, social and cultural functioning of the City, Region and Nation.*

The provision of new and the upgrading of existing network utilities is necessary to meet the needs of City, both now and into the future. In considering any proposals for new or upgrades to existing network utilities, the technical and operational requirements that may constrain where and how they can locate and be designed need to be recognised. In some cases, some level of adverse effects may need to be accepted to recognise the necessity for and benefits derived from, some network utilities and meet their operational requirements. This policy also recognises the benefits that all network utilities have.

Comment [GS17]: S4.14  
Transpower

**16.4.9** *Enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.*

Network utilities have an important role in providing for the wellbeing of the City's community and beyond. Network utilities form an essential part of the efficient functioning of the City and their maintenance and development allows their benefits to be realised. There are a range of network utilities that enable communities to undertake everyday activities and functions and provide essential services to people's homes and businesses. It is therefore important that the District Plan provides for network utilities to be constructed, installed, operated, upgraded and maintained.

**16.4.10** *Ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.*

Most network utilities cross jurisdictional boundaries between councils. Cross boundary issues can result for network utility providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for network utilities and manage their effects. It is important that councils work together in an integrated manner both when

developing plan provisions and when dealing with proposals for new or upgrades to existing network utilities.

**16.4.11 Encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.**

Network utility operators, particularly those who operate regionally significant network utilities, should use the notice of requirement for designation process, where appropriate when they seek to develop new or extend existing network utilities. This is particularly encouraged for operators where such new or extended network utilities involve restrictions on the use of privately owned land and may require land acquisition. It is recognised that not all network utility operators use designations, particularly those that do not operate linear infrastructure.

Comment [GS18]: S4.16  
Transpower

**16.4.12 Ensure that network utilities are designed, developed, constructed, located, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.**

There are a range of different network utilities with different potential adverse effects on the environment. For instance, above ground network utilities can have adverse effects including visual, noise, traffic, odour and amenity, depending on their size, location, frequency and their scale in comparison with the character of a particular environment. A different activity status applies to some network utilities in the Southern Hills Overlay Area, Open Space and Residential Zones, to reflect that these zones have special environments that are more vulnerable to adverse effects and associated loss of amenity.

**16.4.13 ~~Ensure~~ Manage effects on health and safety by ensuring network utilities, in particular those emitting electric and magnetic fields, are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.**

Comment [GS19]: S7.15 Powerco

Comment [GS20]: S7.15 Powerco

Some network utilities may adversely affect health and safety. For example, telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. Any potential health effects arising from radiofrequency emissions are addressed by Regulation 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008. Electricity transmission/distribution activities can generate electromagnetic fields (EMF) which may be present a risk to health and safety, primarily through ~~and also generates~~ the risk of electrocution from direct contact with conductors or as a result of a flashover. The National Policy Statement on Electricity Transmission, and the National Environmental Standard for Electricity Transmission require that the exposures be limited to the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) to prevent the potential for public health effects. Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines, accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used in conjunction with some network utilities, such as water treatment plants for example, also pose a risk if an accidental spill occurs. There are a number of relevant national and international standards and guidelines addressing health and safety matters that are external to the District Plan but that must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, and the New Zealand Electrical Code of Practice, ~~and~~ The International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines provide best practice guidance.

Comment [GS21]: S7.15 Powerco

Comment [GS22]: S7.15 Powerco

Comment [GS23]: S4.18  
Transpower

Comment [GS24]: S7.15 Powerco

Comment [GS25]: S7.15 Powerco

**16.4.14** **Enable the co-location or multiple use of network utilities where this is efficient, technically feasible and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.**

Comment [GS26]: S4.19  
Transpower

The co-location and co-siting of network utilities may provide environmental benefits in terms of reduced visual impacts and consolidation of network utilities in existing areas thereby reducing adverse effects on amenity by reducing the need for more network utility structures. While co-location is encouraged it needs to be understood that technical requirements will generally mean that associated structures may need to be taller or bulkier to avoid interference between the two or more providers, such as radio-frequency bands. It is also recognised that co-location is not always possible due to operational issues such as radiofrequency interference, electrical interference, lease arrangements, safety and structural capacity.

**16.4.15** **Require the underground placement of new network utilities unless**

- **there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;**
- **they are of a temporary nature and required for emergency purposes or critical events; and**
- **they are of a nature that they can only operate aboveground.**

The adverse visual effects of certain network utilities can often be managed by putting the services underground. ~~With some exceptions, this~~ is the required approach for those network utilities, such as those with cables that can be located underground. For those network utility structures that need to be located aboveground, particular attention should be given to their design, location and minimising of any adverse visual effects as outlined in Policy 16.4.12. This can be achieved in a number of ways including, where practical, through screening, careful placement, size and appearance and applying different activity status. With the exception of Protected Ridgelines and the Southern Hills, new overhead lines, including electricity lines below 110kV, are provided for as a permitted activity in the Rural and Open Space Zones ~~provide for overhead lines~~, recognising the more visual absorptive capacity of those locations, and the practicality of needing to provide for a cost effective means of enabling service development and maintenance in remote less densely populated areas.

Comment [GS27]: S5.10 Chorus

Comment [GS28]: S5.10 Chorus

New customer connections to existing lines and minor upgrading of existing lines are provided for within the City in recognition that this is an efficient use of an existing resource. However, new above ground lines and their associated supporting structures in areas that do not have existing above ground lines are generally considered to be unacceptable within the City. ~~However it is recognised~~ The policy recognises ~~that~~ particular consideration needs to be given to the efficient use of resources and that there are situations where placing lines underground is, or may be, impracticable or unreasonable.

Comment [GS29]: S5.10 Chorus

**16.4.16** **Encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors.**

Locating network utilities in the road corridor can assist to minimise the adverse effects of network utilities on amenity and other values as these locations generally have a range of existing network utilities and are less sensitive to new network utilities. However, the effects of these activities require some management to ensure conflicts with the primary function of the road corridor and with each other are avoided.

**16.4.17** **Encourage network utility providers to consult with local communities on the appropriate placement, location and design of new network utilities.**

In some cases, engaging early with the community about a proposed new network utility may result in an alternative more appropriate location to be identified that both meets the needs of the network utility operator and addresses any concerns that the community may have. In encouraging consultation, the Council recognises that it cannot require network utility operators to consult on permitted activities.

## **16.5 Methods**

### **16.5.1** District Plan provisions consisting of the following:

1. Provision for the operation of utilities by designations and rules. Planning Maps that identify the location of both designated and undesignated regionally significant network utilities within the District to the extent practicable.
2. Designations for State Highways and railways. Encourage designations for new network utilities and extensions to existing network utilities that are not currently designated
3. Management of the location of traffic generating uses through zoning rules and the resource consents process to avoid, remedy or mitigate adverse effects on the safety and efficiency of the transport system.
4. Performance standards to avoid, remedy or mitigate any adverse effects on the environment associated with the provision and operation of the City's infrastructure. Regulatory Assessment Framework that includes rules and matters of control and discretion to guide assessment of the construction, operation, upgrading and maintenance of network utilities, and inappropriate subdivision, use and development within Electricity Transmission Corridors and subdivision that occurs in proximity to regionally significant network utilities. The framework utilises permitted, controlled, restricted discretionary, discretionary and non-complying activity status and specific matters of control and discretion to assess and manage the actual and potential adverse effects.
5. The consideration of viable alternatives for new designations. Plan change(s) to introduce new provisions to manage reverse sensitivity effects on regionally significant network utilities where there are pressures for new or intensification of existing development in proximity to regionally significant infrastructure.
6. Provision of appropriate infrastructure at the time of subdivision.
7. Financial contributions for the upgrading or extension of public infrastructure, or the avoidance, remedying, or mitigation of any adverse effects on public infrastructure.
8. Identification of designations on the Planning Maps and the inclusion of their details in Chapter 36.
9. Identification of high voltage (110kV or greater) electricity transmission lines on the Planning Maps.
10. Management of buildings, structures, earthworks and vegetation within a determined transmission corridor either side of the centreline of high voltage (110kV or greater) electricity transmission lines.
11. Administer, monitor and enforce compliance with the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

~~Application of any applicable National Environmental Standards (NES) such as the NES for Electricity Transmission Activities.~~

12. Information requirements for certificates of compliance and resource consents for network utilities.
13. Advice notes identifying the relevant national and international codes and standards that also apply to network utilities in addition to the District Plan's Regulatory Assessment Framework.
14. Monitoring and review of the District Plan network utility provisions to assist in assessing the effectiveness of the network utilities provisions in the Plan.

- 16.5.2** Planning for the efficient development of infrastructure by liaison and consultation with requiring authorities.
- 16.5.3** Council provision and maintenance of transportation infrastructure through its Annual and Strategic Plans and the strategies of roading infrastructure providers.
- 16.5.4** The Code of Practice for Civil Engineering Works.
- 16.5.5** Efficient management of Council's works and utilities. This would include Council demonstrating a leadership role in the sustainable management and use of its infrastructure.
- 16.5.6** Consultation with Transpower when applying policies relating to the transmission network within the City with the potential to adversely affect transmission assets.
- 16.5.7** Compliance with relevant national and international codes and standards that also apply to network utilities.
- 16.5.8** Education of and building relationships with network utility providers.
- 16.5.9** Encouraging network utility providers to engage with the local community when considering new network utilities within the City.
- 16.5.10** Where appropriate, hold joint hearings with adjacent territorial authorities in instances where network utilities cross territorial boundaries and undertake joint plan changes to achieve consistency.

## 16.6 Anticipated environmental results and monitoring

The following results are expected to be achieved by the objective, policies and methods in this Chapter. The means of monitoring whether this Plan achieves the anticipated environmental results are also set out below.

Anticipated environmental results	Monitoring indicators	Data source
The sustainable management of <u>network</u> utilities throughout the City	Complaints and enforcement procedures  Types of <u>network</u> utility development  System failures  Consultation with regional and national organisations to ensure network utilities management is co-ordinated and consistent	Council complaints register  Council records
The avoidance, remedying, or mitigation of the adverse effects of developing and maintaining the City's <u>network</u> utilities	Complaints and enforcement procedures  Assessment of the effectiveness of selected methods in implementing policies relating to <u>network</u> utilities	Council complaints register  Council resource consent records
The avoidance of potential <u>conflicts between regionally significant network utilities and incompatible development, use and subdivision</u>	<u>Complaints and enforcement procedures</u>  <u>Assessment of the effectiveness of selected methods in implementing policies relating to regionally significant network utilities</u>	<u>Council complaints register</u>  <u>Council resource consent records</u>

## Amendment 2:

# Insert new Chapter 16A: Renewable Energy Issues Objectives and Policies

## **16A RENEWABLE ENERGY GENERATION**

### **16A.1 Background**

Energy is vital to the efficient functioning of our country. As both a natural and physical resource, the generation and use of energy is a relevant resource management matter. In particular, section 7(j) of the Resource Management Act requires decision-makers to give particular regard to the benefits derived from the use and development of renewable energy.

This chapter is focused on renewable energy generation; and in particular, the conversion of natural resources into electricity. Energy generation from non-renewable sources, energy efficiency and energy conservation are addressed in other Plan chapters.

The National Policy Statement for Renewable Electricity Generation came into force in May 2011 and forms part of central government's strategic target to achieve 90% of electricity generated is from renewable energy sources by 2025. The Council is required to give effect to any national policy statement. The objective of the National Policy Statement is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation. Policy D of the National Policy Statement requires that decision makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

The Regional Policy Statement for the Wellington Region recognises the importance of energy within the Region, and in particular that the benefits from renewable energy, from small to large scale generation, be recognised. Upper Hutt City Council is required to give effect to the Regional Policy Statement and include policies and/or methods to ensure these benefits are recognised. These benefits include security of supply and diversification of energy sources, reducing dependency on imported energy sources and reducing greenhouse gas emissions.

Although energy is essential to our communities, its generation has the potential to have both adverse and positive environmental effects. The positive effects of renewable energy generation are often felt nationally (and/or globally) as well as locally, however adverse effects are generally more localised. Given the nature of renewable energy generation activities, many developments are unlikely to be able to internalise all potential adverse effects that they may generate within the site, and may include effects on amenity, landscape, ecology, cultural and heritage values. The benefits of any development therefore need to be weighed up against potential adverse effects.

The application of renewable energy can be in a number of different forms. At the domestic or small scale, there are various passive approaches including orientating buildings to assist passive heating and cooling, and natural lighting and more active approaches such as solar water heating and panels, and wind turbines. The passive approaches are addressed through other chapters in the District Plan. This chapter addresses the active approaches to renewable energy generation, primarily in the form of electricity generation. At present, renewable energy generation facilities in Upper Hutt City are limited to small scale wind turbines and solar panels. There are no existing larger scale renewable energy generation activities within the City.

A study of the Wellington Region's renewable energy sources undertaken by the Energy Efficiency and Conservation Authority in August 2006 identifies wind and solar as the primary renewable energy sources within Upper Hutt City that fall within the functions of the Upper Hutt City Council. Other options such as large scale solar generation or biomass energy may become more viable in the future, and this chapter should be amended to address the various resource management issues that may arise as more information about these options becomes available. This chapter therefore focusses on wind and small-scale solar resources.

The provisions in this Chapter apply to renewable energy generation activities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to renewable energy generation activities unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply.

## **16A.2 Resource Management Issue**

### ***16A.2.1 Balancing conflicts created by the effects of renewable energy generation with its local, regional and national benefits.***

Upper Hutt City contains some renewable energy resources, the use of which would provide benefits locally, regionally and nationally. However, the use of such resources can also have adverse environmental effects, which are generally felt at a local level. These effects can create conflicts between renewable energy generation and a wide range of biophysical and community held values, and raise issues of scale and location.



## **16A.3 Objectives**

**16A.3.1** *Provide for the development of renewable energy generation that is designed, located, constructed, operated, maintained and upgraded so as to:*

- a) Avoid, remedy or mitigate adverse effects on the environment; and*
- b) Promote the local, regional, and national benefits of the use and development of renewable energy resources.*

There are significant benefits available at the local, regional and national level from renewable energy generation activities. The benefits from any renewable energy generation proposal can range from large significant contributions, to small incremental gains, but they are all cumulative. New renewable generation capacity can contribute to the New Zealand Energy Strategy target, and to increasing the diversity of supply. The City offers opportunities in particular for wind and solar generation.

The nature and scale of effects from renewable energy generation will vary depending on the scale and location of the activity and the characteristics of the surrounding area. Potential effects include adverse visual impacts, impacts on indigenous flora and fauna, culturally and historically significant areas and noise effects.

The District Plan provides for renewable energy generation activities at different scales, ranging from commercial-scale activities where the purpose is to generate electricity for financial gain to small scale activities which provide for domestic energy needs. Different activity statuses are used to reflect the nature, scale and associated levels of effects of the different scales of renewable energy generation activities.

**16A.3.2** *Enable small-scale renewable energy generation and the identification and assessment of potential renewable energy sources and sites in appropriate locations within the City.*

This objective recognises that there are parts of the City where small-scale renewable energy generation activities may be viable to serve the electricity needs of individuals and local areas. The objective also recognises the importance of enabling the identification and assessment of potential renewable energy sources and sites for the Upper Hutt community.

## **16A.4 Policies**

**16A.4.1** *Recognise the local, regional and national benefits of renewable energy generation activities.*

Renewable energy generation activities have the potential to provide a range of benefits within the City, regionally and nationally. These benefits need to be considered by decision makers when determining any application for a new renewable energy generation activity within

the City. Some of the benefits of renewable energy generation activities include:

- Maintaining and increasing security of electricity supply;
- Using renewable rather than finite energy sources;
- Reducing dependency on imported energy sources;
- Reducing greenhouse gas emissions; and
- The reversibility of the adverse effects of some renewable energy generation technologies.

**16A.4.2** ***Enable small-scale renewable energy generation to be developed and operated in a manner that avoids, remedies or mitigates adverse environmental effects.***

Small-scale renewable energy generation particularly from wind and the sun provides an opportunity for Upper Hutt City to become partially self-reliant for energy supply. Technologies that currently exist and enable individuals to harness energy sources are likely to improve and become more cost-effective into the future. As demand for energy increases, self-reliance will have economic benefits for both individuals and the City.

Small-scale renewable energy generation activities may still have adverse environmental effects that should be avoided, remedied or mitigated. The District Plan includes such controls as are necessary to manage the potential effects of small-scale renewable energy generation activities.

**16A.4.3** ***Enable the identification and assessment of potential renewable energy sources and sites in a manner that avoids, remedies or mitigates adverse environmental effects.***

A precursor to developing renewable energy generation activities is identifying and subsequently assessing potential renewable energy sources. This may require testing over a number of years, for instance, to determine whether wind speeds are of an appropriate velocity and are consistent enough to efficiently and effectively generate electricity.

While the equipment needed for identification and assessment is generally of a lesser overall scale than a renewable energy generation facility itself, the equipment has the potential to generate adverse environmental effects that need to be appropriately managed. Accordingly, the District Plan includes controls as are necessary to avoid, remedy or mitigate adverse effects.

**16A.4.4** ***Provide for the operation, maintenance and development of community scale and commercial scale renewable energy generation activities.***

Some parts of the City, particularly those that are elevated, are potentially suited to the development of renewable energy sources, particularly commercial scale renewable energy generation activities where wind is the energy source. There is little potential in the City for the community or commercial scale use of solar energy for electricity generation.

**16A.4.5** **Manage the adverse environmental effects of community scale and commercial scale renewable energy generation activities by recognising that these activities have the potential to cause significant adverse effects on the environment. In particular, activities that use wind as a source of energy have the potential for significant adverse effects on landscape, ecology and amenity values, and noise (including any low frequency noise) and may be inappropriate in some locations.**

While the Plan permits some renewable energy generation activities, those that are of a significant scale or do not meet the standards to be a permitted activity, will require a full assessment of their environmental effects through the resource consent process. This will allow the Council to weigh the benefits of any new generation activity with its environmental effects. A non-complying activity status applies to activities located within the Southern Hills Overlay Area and on sites containing listed Heritage Features and where turbines do not comply with NZS6808:2010, as these are likely to have significant adverse effects on the environment.

**16A.4.6** **Recognise the technical and operational constraints of renewable energy generation, including the location of the resource, development and maintenance of facilities and the location of the electricity distribution network.**

The locational, functional and technical constraints on the siting of renewable energy generation facilities also need to be considered when development proposals are assessed and conditions of consent are imposed. This recognition includes considering the need for renewable energy generation facilities to be located where such resources are available and the location of existing structures and infrastructure. The District Plan includes relevant matters of discretion which ensures the Council recognises these technical and operational constraints associated with any application.

**16A.4.7** **Encourage community and commercial scale renewable energy generation providers to consult early with the local community, including Māori, on the appropriate placement, location and design of renewable energy generation activities.**

In some cases, engaging early with the community about a proposed new renewable energy generation activity may result in an alternative more appropriate location to be identified that both meets the needs of the developer and addresses any concerns that the community may have. In encouraging consultation, the Council recognises that it cannot require providers or individuals to consult on permitted activities.

**16A.4.8** **Protect consented and existing renewable energy generation activities from incompatible subdivision, land use and development.**

The Plan recognises that new subdivision, land use and development activities can result in reverse sensitivity effects on existing and consented renewable energy generation facilities and may result in the benefits of facilities being reduced. In addition, community amenity

values may be adversely affected by locating in too close proximity to renewable energy generation facilities.

At present, the City only contains small scale renewable energy generation facilities with no established community scale or commercial facilities. It is likely any such larger scale facilities would be established in the rural areas and that any reverse sensitivity effects would arise from subsequent new subdivision, land use and development which would provide an opportunity for assessment of any such potential effects.

**16A.4.9** ***Ensure that the provision and operation of renewable energy generation activities that cross jurisdictional boundaries is managed in an integrated manner.***

Some renewable energy generation activities and the effects arising from them may cross jurisdictional boundaries between councils. Cross boundary issues can result for renewable energy generation providers and for the community, particularly where different councils have different rules or processes for how they recognise and provide for renewable energy generation activities and manage their effects. It is important that councils work together in an integrated manner both when developing plan provisions and when dealing with proposals for new or upgrades to existing renewable energy generation activities.

<b>16A.5</b> <b><u>Methods</u></b>
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**16A.5.1**    District Plan provisions which include a Regulatory Assessment Framework that includes rules and matters of control and discretion to guide assessment of renewable energy generation activities. The framework utilises permitted, controlled, restricted discretionary, discretionary and non-complying activity status and specific matters of control and discretion to assess and manage the actual and potential adverse effects.

**16A.5.2**    Plan change(s) to introduce new provisions to manage reverse sensitivity effects on renewable energy generation activities where there are pressures for new or intensification of existing development in proximity to consented or existing renewable energy generation activities.

**16A.5.3**    Monitoring and review of the District Plan renewable energy generation provisions to assist in assessing the effectiveness of the renewable energy generation provisions in the Plan.

**16A.5.4**    Education of, and building relationships with, renewable energy generation providers.

**16A.5.5**    Encouraging renewable energy generation providers to engage with the local community when considering new renewable energy generation activities within the City.

**16A.5.6**    Education of the local community about renewable energy.

**16A.6**

**Anticipated environmental results and monitoring**

Anticipated environmental results	Monitoring indicators	Data source
<p><u>The benefits to be derived to Upper Hutt City from renewable energy generation activities are realised.</u></p>	<p><u>Types of renewable energy generation activities</u></p> <p><u>Consultation with regional and national organisations to ensure renewable energy generation activities are co-ordinated and consistent</u></p>	<p><u>Council records</u></p> <p><u>Customer surveys</u></p> <p><u>Council resource consent records and monitoring compliance</u></p>
<p><u>The Upper Hutt City community is able to provide for its social, economic, cultural and environmental wellbeing.</u></p>	<p><u>Types of renewable energy generation activities located within Upper Hutt City</u></p> <p><u>Level of update of renewable energy generation activities.</u></p>	<p><u>Council records</u></p> <p><u>Council resource consent records and monitoring compliance</u></p> <p><u>Community surveys</u></p>
<p><u>The health and safety of Upper Hutt City's community is not adversely affected by the construction, operation, upgrading and maintenance of renewable energy generation activities.</u></p>	<p><u>Complaints and enforcement procedures</u></p> <p><u>System failures</u></p>	<p><u>Council complaints register</u></p> <p><u>Council resource consent records and monitoring compliance</u></p>

Amendment 3:  
Amendments to Chapter 18: Residential  
Zone Rules

**18 RESIDENTIAL ZONE RULES**

**Standards for Permitted and Controlled Activities**

**18.6 Subdivision which complies with the standards in rule 18.5 and 18.9, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 4.4.2,  
4.4.7, 4.4.12,  
9.4.3, 10.4.1,  
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid located on or in proximity to the site).

Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

In relation to the land identified in Appendix Residential 1 Council may impose conditions over the following matters:

- Landscape character and visual amenity.

**Restricted Discretionary Activities**

## 18.28A

### Comprehensive Residential Development

*Policies 4.4.1,  
4.4.2, 4.4.4,  
4.4.12, 4.4.13,  
16.4.3*

**Note:** Comprehensive Residential Development within Residential (Centres Overlay) Areas is not subject to the minimum net site area requirements of rule 18.10

Standards and terms for Comprehensive Residential Development:

- Compliance with the access standards of rule 18.9.
- Compliance with the site coverage standard of rule 18.11.
- Compliance with the yard setback standards of rule 18.12 and 18.17 for external boundaries only.
- Compliance with the outdoor living court standard of rule 18.13
- Compliance with the maximum building height standard of rule 18.15.
- Compliance with the sunlight access planes of rule 18.16 for external boundaries only.
- Compliance with the on-site soakage standard of rule 18.18A.

For subdivision of a Comprehensive Residential Development under Rule 18.1, Council's discretion is also limited to the matters specified in this rule, but not the standards and terms.

Council will restrict its discretion to, and may impose conditions on:

- Site layout, design and external appearance.
- Provision of and effects on network utilities and/or services.
- Landscaping.
- Standard, construction and layout of vehicular access.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.

In considering a resource consent application, Council's discretion is also restricted to an assessment against the Design Guide for Residential (Centres Overlay) Areas (refer to Appendix Residential 2).

## Matters for Consideration

**18.37**

Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

### Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with the Council's Code of Practice for Civil Engineering Works.
- For subdivisions with a net site area less than 400m<sup>2</sup> located in a Residential (Centres Overlay) Area, the extent to which the proposal meets the requirements for 'small site design and development' of the Design Guide for Residential (Centres Overlay) Areas;
- For subdivisions of a Comprehensive Residential Development, the extent to which the proposal meets the requirements of the Design Guide for Residential (Centres Overlay) Areas.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.

- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.
- Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

Comment [GS30]: S2.6 KiwiRail



Amendment 4:  
Amendments to Chapter 19: Rural Zone  
Rules

19

**RURAL ZONE RULES**

**Standards for Permitted and Controlled Activities**

**19.6 Subdivision which complies with the standards in rule 19.5 and 19.8, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 5.4.12,  
9.4.3, 10.4.1, 16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
  - Landscaping.
  - Provision of and effects on network utilities and/or services.
  - 
  - Standard, construction and layout of vehicular access.
  - Earthworks.
  - Provision of esplanade reserves and strips.
  - Protection of any special amenity feature.
  - Financial contributions.
  - The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.
- Note: Rule 19.21 covers subdivision within the Electricity Transmission Corridor.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

## Matters for Consideration

19.28

Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

### Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with Council's Code of Practice for Civil Engineering Works.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.
- Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

Comment [GS31]: S2.6 KiwiRail

Amendment 5:  
Amendments to Chapter 20: Business  
Zone Rules

**20 BUSINESS ZONE RULES**

**Standards for Permitted and Controlled Activities**

**20.6 Subdivision which complies with the standards in rule 20.5 and 20.8, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 6.4.3,  
6.4.4, 9.4.3,  
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 20.28 covers subdivision within the Electricity Transmission Corridor.

## Matters for Consideration

### 20.32

Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

Subdivision
<ul style="list-style-type: none"><li>• The requirements of section 106 of the Act.</li><li>• Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.</li><li>• Whether the subdivision compromises future subdivision potential of the land.</li><li>• The cumulative effect on existing infrastructure as a result of the proposed subdivision.</li><li>• The extent of compliance with Council's Code of Practice for Civil Engineering Works.</li><li>• <u>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.</u></li><li>• <u>The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.</u></li></ul> <p><u>Note: Rule 20.28 covers subdivision within the Electricity Transmission Corridor.</u></p> <ul style="list-style-type: none"><li>• <u>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.</u></li><li>• <u>The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.</u></li><li>• <u>Account must be taken of the future development potential of adjoining or adjacent land.</u></li><li>• <u>Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).</u></li></ul>

Comment [GS32]: S2.6 KiwiRail

Amendment 6:  
Amendments to Chapter 21: Open  
Space Zone Rules

**21**

**OPEN SPACE ZONE RULES**

**Zone-wide provisions (including Speedway Area)**

**Permitted and Controlled Activities**

Unless otherwise specified, all permitted and controlled activities within the Open Space Zone shall comply with the standards specified below.

**21.5A**

**All subdivision provided for as a controlled activity in Table 21.1**

*Policy 9.4.3,  
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

## Provisions for the Speedway Area only

### Permitted and Controlled Activities

Unless otherwise specified, all permitted and controlled activities within the Speedway Area of the Open Space Zone shall comply with the standards specified below.

**21.28**                    **Subdivision which complies with the standards in rule 21.6 and 21.27, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 7.4.3, 7.4.5, 9.4.3, 16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

### Matters for Consideration

**21.41**                    Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

### Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with the Council's Code of Practice for Civil Engineering Works.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities located on or in proximity to the site.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.  
Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

Comment [GS33]: S2.6 KiwiRail

Amendment 7:  
Amendments to Chapter 22: Special  
Activity Zone Rules

**22 SPECIAL ACTIVITY ZONE RULES**

**Zone-wide provisions  
(including St. Patrick's Estate Area)**

**Provisions for the St Patrick's Estate Area only**

**Controlled Activities**

**22.30** Council may impose conditions over the following matters:

*Policies 8.4.2,  
8.4.3, 16.4.3*

- Bulk, location and design of the buildings.
- Design and layout of car parks, loading, manoeuvring, pedestrian links and access.
- Provision of and effects on network utilities and/or services.
- Landscaping.
- Flood mitigation measures.
- Screening.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

**Matters for Consideration**



**22.31**

Matters that may be relevant in the consideration of any resource consent other than for a restricted discretionary activity may include the following:

<b>Subdivision</b>
<ul style="list-style-type: none"> <li>• The requirements of section 106 of the Act.</li> <li>• Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.</li> <li>• Whether the subdivision compromises future subdivision potential of the land.</li> <li>• The cumulative effect on existing infrastructure as a result of the proposed subdivision.</li> <li>• The extent of compliance with the Council’s Code of Practice for Civil Engineering Works.</li> <li>• <u>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.</u></li> <li>• <u>The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.</u></li> </ul> <p><u>Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor.</u></p> <ul style="list-style-type: none"> <li>• <u>The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.</u></li> <li>• <u>The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.</u></li> <li>• <u>Account must be taken of the future development potential of adjoining or adjacent land.</u></li> <li>• <u>Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).</u></li> </ul>

Comment [GS34]: S2.6 KiwiRail

**Standards for Permitted and Controlled Activities**

**22.7**

**Subdivision which complies with the standards in rule 22.6 and 22.9, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 8.4.3, 9.4.3, 16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.

- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

Amendment 8:

Amendments to Chapter 28: Southern Hills Overlay Area and Protected Ridgelines Rules

**28 RULES FOR SOUTHERN HILLS OVERLAY AREA AND PROTECTED RIDGELINES**

**Activity Table**

Policies 12.4.6  
 - 12.4.8,  
 15.4.1,  
 16.4.12

<b>Protected Ridgelines</b>		
<b>28.1</b>	<b>Activity</b>	<b>All Zones</b>
	Any building or structure <u>or new aboveground network utility</u> , otherwise permitted, located on a site subject to a protected ridgeline (identified on the Planning Maps) which complies with the standard specified in rule 28.4	<b>P</b>
	Any building or structure <u>or new aboveground network utility (excluding minor above ground lines)</u> , otherwise permitted which does not comply with the standard specified in rule 28.4	<b>RD</b>

**Comment [GS35]:** S5.21 Chorus, FS3.39 WELL

<b>Southern Hills Overlay Area</b>		
<b>28.2</b>	<b>Activity</b>	<b>All Zones</b>
	Subdivision, otherwise controlled under the underlying zone, within an area identified as Southern Hills Overlay Area	<b>RD</b>
	Subdivision, otherwise restricted discretionary or discretionary under the underlying zone, within an area identified as Southern Hills Overlay Area	<b>D</b>
	Subdivision, otherwise non-complying under the underlying zone within the Southern Hills Overlay Area	<b>NC</b>
	Accessory buildings, otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area (see definition of “accessory building” for limitations on size and floor area)	<b>P</b>
	Any building or structure <u>or new aboveground network utility (excluding accessory buildings and minor above ground lines)</u> , otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area	<b>RD</b>

**Comment [GS36]:** S5.21 Chorus, FS3.39 WELL

Any building or structure <u>or new aboveground network utility</u> (including accessory buildings), otherwise controlled or restricted discretionary under the underlying zone, located within an area identified as Southern Hills Overlay Area	<b>D</b>
Any building or structure <u>or new aboveground network utility</u> , otherwise non-complying under the underlying zone, located within an area identified as Southern Hills Overlay Area	<b>NC</b>

- Key**
- P** Permitted activity which complies with standards for permitted activities specified in the Plan
  - RD** Restricted discretionary activity
  - D** Discretionary activity
  - NC** Non complying activity

**28.3 City-wide provisions**

Each building, structure, new aboveground network utility or subdivision located within an area identified as Southern Hills Overlay Area shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan.

**Standard for Permitted Activities**

**28.4 Buildings or structures or new aboveground network utilities located on a site subject to a protected ridgeline**

*Policy 12.4.6, 16.4.12*

Any building or structure or new aboveground network utility is to be located and designed so as not to project through the protected ridgelines identified on the Planning Maps, as viewed from any point on State Highway 2.

**Restricted Discretionary Activities**

**28.5**

**Any activity located on a site subject to a protected ridgeline (identified on the Planning Maps) which does not comply with the standard specified in rule 28.4**

*Policy 12.4.6,  
16.4.12*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which any building, ~~or~~ structure or new aboveground network utility is visually obtrusive.
- Design, appearance, scale and siting of the building or structure.
- Materials used (including their colour, texture and reflectivity).
- Landscaping, planting and screening.
- Access arrangements.

**28.7**

**Any building or structure or new aboveground network utility (excluding accessory buildings), otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area**

*Policies 12.4.8,  
15.4.1, 16.4.12*

Council will restrict its discretion to, and may impose conditions on:

- Design, appearance, scale and siting of the building ~~or~~ structure, or new aboveground network utility.
- Effects on visual values.
- Effects on landscape values.
- Effects on ecological values.
- Measures to avoid, remedy or mitigate potential adverse effects.

## Matters for Consideration

**28.8** Matters that may be relevant in the consideration of any resource consent may include the following

### Southern Hills Overlay Area

- Matters for consideration within 18.35 of the Residential Zone, 19.28 of the Rural Zone, 21.41 of the Open Space Zone, and 22.31 of the Special Activity Zone.
- Compliance with the relevant standards of the underlying zoning of the site.
- The extent to which any natural feature will be retained or enhanced by the development of anticipated consequential development(s).
- The ability of affected natural features to absorb the overall development impact, including the extent to which any natural feature, and/or intrinsic value will be disturbed or modified as a result of the development or anticipated consequential development(s).
- The suitability of any proposed mitigation mechanisms in avoiding, remedying or mitigating adverse visual or landscape effects on the development or anticipated consequential development(s) on any natural or amenity values, including screening through plantings or the reinstatement of any previous plantings.
- The suitability of any proposed mitigation mechanisms in avoiding, remedying or mitigating adverse effects of the development or anticipated consequential development(s) on any ecological values.
- The suitability of the site for the proposed development and anticipated consequential development(s), including the extent to which alternative sites or locations have been considered.
- In respect of the proposed location of any new residential building or network utility, the extent to which other viable alternatives are available within the application site, and the effectiveness of the proposed location compared to any identified alternatives.
- The suitability of the site in relation to natural science factors including geological, topographical, ecological and dynamic components.
- The effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.
- The effectiveness of any existing or proposed protection or enhancement mechanisms.
- The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of the following generic criteria:
  - Representativeness: i.e. contains or supports an ecosystem that is unrepresented, uncommon or unique.
  - Rarity: i.e. contains or supports threatened ecosystems, threatened species, or endemic species.
  - Diversity: i.e. contains or supports diverse ecosystems, species, vegetation.
  - Distinctiveness: i.e. its natural state, significance as a habitat.
  - Continuity: i.e. role as an ecological buffer area or corridor.

### Protected Ridgelines

- The extent to which any building or structure or network utility is visually obtrusive.
- Design, appearance, scale and siting of the building or structure.
- Materials used (including their colour, texture and reflectivity).

- Landscaping, planting and screening.
- Access arrangements.

Amendment 9:  
 Amendments to Chapter 30: Rules for  
 Utilities

**30 RULES FOR NETWORK UTILITIES**

**Activities Table**

<b>30.1</b>	<b>Activities</b>	<b>All Zones</b>
	<del>The construction, operation, maintenance, minor upgrading, replacement and refurbishment of:</del>	
	<del>• Masts</del>	<b>P</b>
	<del>• Transformers and lines for conveying electricity voltage</del>	
	<del>• Connections from allotments to gas, water, drainage and sewer pipes</del>	
	<del>• Pipes for distribution of natural or manufactured gas and necessary incidental equipment and compressor stations</del>	
	<del>• Wastewater, drainage and water supply networks</del>	
	<del>• Service reservoirs</del>	
	<del>• Lines as defined by section 5 of the Telecommunications Act 2001</del>	
	<del>• Works, facilities, services, transmission and equipment associated with the operation of a telecommunication and radiocommunication network, including microwave stations, radio stations, telephone exchanges, antennas, cables, lines, radio links and satellite dishes</del>	
	<del>• Footways, accessways and service lanes including footbridges over roads and railways</del>	
	<del>• Bridges for roads and railways, and underpasses</del>	
	<del>• Street furniture and lighting</del>	
	<del>• Public toilets</del>	
	<del>• Automatic weather stations, voluntary observer sites and anemometer mast sites</del>	
	<del>• Trig stations, benchmarks and other survey marks required as part of any engineering, land transfer or other land surveying activity</del>	
	<del>The operation, maintenance, minor upgrading, replacement and refurbishment of existing formed roads within the meaning of section 43 Transit New Zealand Act 1989 and section 315 Local Government Act 1974</del>	<b>P</b>
	<del>Construction of new roads, except where part of a subdivision for which consent is required</del>	<b>D</b>
	<del>Weather radar</del>	<b>D</b>
	<del>Any activity listed above that does not meet the relevant standards in rules 30.2 to 30.12</del>	<b>D</b>



<b>30.1</b>	<b>Activities</b>	<b>Status</b>	<b>Zone</b>
<b>Removal, maintenance, operation and upgrading</b>			
	The removal of existing network utilities, including any existing structures	<b>P</b>	<b>All</b>
	The operation and maintenance of existing network utilities	<b>P</b>	<b>All</b>
	The minor upgrading of existing electricity and telecommunication lines	<b>P</b>	<b>All</b>
	The upgrading of all other network utilities, excluding: <ul style="list-style-type: none"> <li>electricity and telecommunication lines and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals</li> </ul>	<b>P</b>	<b>All</b>
	The removal, operation and maintenance of network utilities and the minor upgrading of electricity and telecommunication lines that does not meet permitted activity standards	<b>C</b>	<b>All</b>
	The upgrading of network utilities that do not meet the permitted activity standards, excluding: <ul style="list-style-type: none"> <li>Electricity transmission lines above 110kV; and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals</li> </ul>	<b>RD</b>	<b>All</b>
	The upgrading of: <ul style="list-style-type: none"> <li>Electricity transmission lines above 110kV; and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals</li> </ul>	<b>RD</b>	<b>All</b>
<b>Subdivision</b>			
	Subdivision for the purpose of accommodating any network utility	<b>C</b>	<b>All</b>
<b>General</b>			
	Cabinets and other network utility structures not otherwise listed in this table that meet the relevant standards	<b>P</b>	<b>All</b>
	Network utilities located within existing buildings	<b>P</b>	<b>All</b>
	Aerial crossings necessary for network utilities, located on or within existing bridges and structures or across streams, watercourses, and including regulator stations, but not compressor stations.	<b>P</b>	
	Cabinets and other network utility structures not otherwise listed in this table that do not meet all of the relevant standards.	<b>RD</b>	<b>All</b>
	All network utilities that are not otherwise listed as a permitted, controlled, restricted discretionary or non-complying activity	<b>D</b>	<b>All</b>
	All network utilities which do not comply with the permitted activity standards for radiofrequency and electro-magnetic fields in standard 30.3.	<b>NC</b>	<b>All</b>
<b>Underground utilities</b>			
	The construction, installation and development, of new underground network utilities, except for: <ul style="list-style-type: none"> <li>Electricity transmission lines above 110kV; and</li> <li>Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals</li> </ul>	<b>P</b>	<b>All</b>
<b>Radiocommunication, Telecommunication and Electricity Distribution and Transmission</b>			

Comment [GS37]: S2.8 KiwiRail

Comment [GS38]: S2.12 KiwiRail

<u>Masts with or without associated antennas</u>	<b><u>P</u></b>	<b><u>Rural Business Special Activity</u></b>
<u>Masts with or without associated antennas which meet the criteria in Rule 30.14</u>	<b><u>RD</u></b>	<b><u>Residential Open Space</u></b>
<u>Antenna and support structure(s) attached to buildings</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>Masts, with or without associated antennas that do not comply with the standards to be a permitted activity.</u>	<b><u>RD</u></b>	<b><u>Rural Business Special Activity</u></b>
<u>Antenna and support structure(s) attached to buildings that do not comply with the standards to be a permitted activity.</u>	<b><u>RD</u></b>	<b><u>All</u></b>
<u>New above ground lines, excluding electricity transmission lines above 110kV.</u>	<b><u>P</u></b>	<b><u>Rural Open Space</u></b>
<u>Minor above ground lines</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>Temporary above ground lines</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>New or additional above ground lines that are not otherwise permitted, or restricted discretionary activities</u>	<b><u>D</u></b>	<b><u>All</u></b>
<u>New and additional lines (above ground and underground) and support structures for conveying electricity at a voltage above 110kV</u>	<b><u>D</u></b>	<b><u>All</u></b>
<u>New and upgraded transformers, substations and switching stations distributing electricity and ancillary buildings, except for those encased within a cabinet or located on a line that is otherwise a permitted activity.</u>	<b><u>D</u></b>	<b><u>All</u></b>
<b><u>Gas Distribution and Transmission</u></b>		
<u>Underground gas distribution and transmission pipelines at a pressure not exceeding 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment, including regulator stations but not compressor stations.</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>Underground gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment, including compressor compounds with compressor houses</u>	<b><u>RD</u></b>	<b><u>All</u></b>
<b><u>Water, Wastewater and Stormwater</u></b>		
<u>Water reservoirs</u>	<b><u>RD</u></b>	<b><u>All</u></b>
<u>Water and wastewater treatment plants</u>	<b><u>D</u></b>	<b><u>All</u></b>
<b><u>Meteorological Activities</u></b>		
<u>Meteorological enclosures and buildings; automatic weather stations and anemometer masts, voluntary observer sites and associated microwave links</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>Meteorological enclosures and buildings, automatic weather stations and anemometer masts voluntary observer sites and associated microwave links that are not permitted activities</u>	<b><u>RD</u></b>	<b><u>All</u></b>
<b><u>Roading, and Traffic and Transport Structures</u></b>		

Comment [GS39]: S6.22 WELL

<u>Traffic control signals and devices, light and decorative poles and associated structures and fittings, post boxes, landscaped gardens, artworks and sculptures, bus stops and shelters, phone boxes, public toilets, road furniture located within the road reserve or rail corridors</u>	<b><u>P</u></b>	<b><u>All</u></b>
<u>The construction, alteration or diversion of roads, but excluding any such construction works which are part of a subdivision</u>	<b><u>D</u></b>	<b><u>Business Rural Residential</u></b>
<u>The construction, alteration or diversion of roads, but excluding any such construction works which are part of a subdivision</u>	<b><u>NC</u></b>	<b><u>Open Space</u></b>
<b><u>Extreme Adverse Weather Warning Devices</u></b>		
<u>Extreme adverse weather warning devices</u>	<b><u>P</u></b>	<b><u>All</u></b>

**Notes:**

*Resource Management Regulations – National Environmental Standards*

The operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 is largely controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, separate to this District Plan.

The installation and operation of telecommunications facilities (antennas attached to existing structures and cabinets in the road reserve) is largely controlled by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan. It also controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.

Upper Hutt City Council is responsible for enforcing these standards. For clarification, where there is conflict or perceived conflict between the provisions of this Plan and the requirements of the NESs identified above, the provisions of the NES shall apply.

The National Environmental Standards are available for viewing at [www.mfe.govt.nz](http://www.mfe.govt.nz) and at Upper Hutt City Council offices.

*Other Relevant Regulations*

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electricity lines.

Compliance with the Electricity (Hazards from Trees) Regulations 2003 is mandatory for tree trimming and planting in proximity to electricity transmission and distribution lines.

To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator. \_\_\_\_\_

The following two standards are relevant for work in proximity to gas pipelines:

- NZS/AS 2885 Pipelines – Gas and Liquid petroleum
- NZS 5258:2993 Gas Distribution Network

Upper Hutt City Council is not responsible for enforcing these regulations or standards.

- Key**
- P** Permitted activity which complies with standards for permitted activities specified in the Plan
  - RD** Restricted discretionary activity
  - D** Discretionary activity
  - NC** Non-complying activity

**30.1A City-Wide Provisions**

Each activity shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

**Comment [GS40]:** S1.5, S3.10, S5.11, FS1.6, FS3.31, FS2.1, GWRC, Spark, Chorus, WELL, Powerco, Transpower

<b>Chapter</b>	<b>City-wide provisions</b>
<u>23</u>	<u>Earthworks and Indigenous Vegetation Clearance</u>
<u>26</u>	<u>Heritage Features</u>
<u>27</u>	<u>Notable Trees</u>
<u>28</u>	<u>Southern Hills Overlay and Protected Ridgelines</u>
<u>32</u>	<u>Noise and Vibration</u>
<u>33</u>	<u>Flooding and Fault Band Hazards</u>
<u>34</u>	<u>Hazardous Substances and Contaminated Land</u>

**Standards for Permitted Activities**

**Exemptions:**

- a) ~~The operation, maintenance, minor upgrading, replacement and refurbishment of existing utilities are exempt from compliance with the following standards.~~
- b) ~~All electricity transmission activities affecting national grid assets existing as at 14 January 2010 must comply with the National Environmental Standards for Electricity Transmission Activities, and no rule in the Plan shall apply unless required to by virtue of a specific regulation in the National Environmental Standards for Electricity Transmission Activities.~~

**30.2**

**Height**

*Policy 16.4.1*

~~Utilities shall not exceed the maximum height for the zone in which they are located, except as follows:~~

- ~~• Masts\* (freestanding or attached to a building) including any attached antennas, and/or overhead cables and lines shall not~~

exceed the following heights:

<b>ZONE</b>	<b>MAXIMUM HEIGHT ABOVE GROUND**</b>
Residential	15m
Rural	15m
Business	30m (50m in the CBD)
Open Space	15m (25m in the Speedway Zone)
Special Activity	20m (15m within the St Patrick's Estate Area)

~~\* For the purposes of the Plan, these are defined as 'any mast, pole, tower or similar structure which is used to facilitate the operation of a utility.'~~

~~\*\* Maximum height above ground includes any building to which a mast may be attached.~~

- ~~• Antennas directly attached to existing buildings may project above the finished height of a building up to a maximum of 5m, provided that where the existing building already exceeds the maximum building height for the zone, antennas shall not exceed the height of the building by more than 2m.~~

### **30.2A**

*Policy 16.4.1*

#### **Mast diameter**

~~The diameter of any mast shall not exceed 0.5m when measured at a height of 3 metres or more above ground level, and shall not exceed 1m in diameter from ground level up to 3m.~~

### **30.3**

*Policy 16.4.1*

#### **Setbacks**

- ~~• Utilities may encroach into boundary setbacks up to a maximum of half the setback specified for the zone in which they are located, provided that no setback shall be less than 1.5m.~~
- ~~• Any service reservoir shall be located at least 15m from the boundary of any Residential Zone or any site containing a dwelling and its top shall be below the apex of any ridge or hill.~~

#### **Exemption:**

~~Utilities within roads, all underground utilities and overhead cables and lines (excluding their support structures) are exempt from the above setback requirements.~~

### **30.4**

*Policy 16.4.1*

#### **Screening**

~~Any structure associated with utilities shall be screened from an arterial road, an adjoining residential site or an Open Space Zone. The screening shall be in the form of trees and/or shrubs which will~~

~~effectively screen the structure. This requirement shall not apply to:~~

- ~~• Utilities within roads and all underground utilities~~
- ~~• Masts and overhead cables and lines~~
- ~~• Antennas attached to buildings or other utility structures~~

**30.52**

Development associated with network utilities shall comply with the Council's Code of Practice for Civil Engineering Works where that development involves assets which are managed by or to be vested in Council.

Policy 16.4.4, 16.4.6, 16.4.12

**30.6**

~~Cables and lines for the distribution, transmission or supply of telecommunications or electricity shall be placed underground in all zones except the Rural Zone.~~

~~Policy 16.4.1~~

**30.7**

~~Lines for conveying electricity must not exceed a voltage of 110kV.~~

~~Policy 16.4.1~~

**30.8**

~~The pressure in pipes for the distribution of natural or manufactured gas shall not exceed 2000kPa.~~

~~Policy 16.4.1~~

**30.9**

~~Any above ground structure associated with a water or drainage supply facility shall not exceed 50m<sup>2</sup> in area~~

~~Policy 16.4.1~~

**30.10**

~~Any equipment shelter or plant associated with a telecommunication or radiocommunication activity shall not exceed 9m<sup>2</sup> in floor area.~~

~~Policy 16.4.1~~

**30.11**

~~The diameter of an antenna (not including its bracket or attachment) shall not exceed 5m.~~

~~Policy 16.4.1~~

**30.3**

**Health and Safety**

Policy 16.4.12, 16.4.13

Where relevant, network utilities shall comply with the following standards:

- The maximum exposure levels shall not exceed the levels specified in NZS 2772:1999
- Network utilities that emit electric and magnetic fields shall comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz – 100 Hz), Health Physics 99(6):818-836; 2010, and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, 2007).

Note: The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008, separate to this District Plan controls all radio-frequency emissions from

telecommunication facilities through specific exposure standards.

**30.4 Maximum Height of Network Utilities**

Policy 16.4.12

The maximum height of any utility structure listed in the table below shall include any antenna and support structures and exclude any lightning rod.

<u>Network Utility</u>	<u>Business - CBD</u>	<u>Business</u>	<u>Residential</u>	<u>Rural</u>	<u>Open Space</u>	<u>Special Activity</u>
<u>Masts, antennas, lines and single-pole support structures</u>	<u>20m</u>	<u>25m</u>	<u>n/a</u>	<u>15m</u>	<u>n/a</u>	<u>20m</u> <u>15m in the St Patrick's Estate Area</u>
<u>Masts and antennas (where there are two or more providers)</u>	<u>25m</u>	<u>30m</u>	<u>n/a</u>	<u>20m</u>	<u>n/a</u>	<del><u>12m</u></del> <u>25m (other than in the St Patrick's Estate Area)</u>
<u>Maximum height of an antenna and support structure measured from the highest point of the building to which it is attached.</u>	<u>5m</u>		<u>3.5m</u>			
<u>Cabinets, and network utility structures located within road reserve, that are not otherwise provided for</u>	<u>2.0m</u>		<u>1.8m</u>	<u>2.0m</u>		
<u>Cabinets, and network utility structures, that are not otherwise provided for</u>	<u>3.5m</u>					
<u>Anemometer masts</u>	<u>15m</u>	<u>30m</u>	<u>12m</u>	<u>15m</u>	<u>12m</u>	

**Comment [GS41]:** S3.12 Spark; S5.14 Chorus

<u>Network Utility</u>	<u>Business - CBD</u>	<u>Business</u>	<u>Residential</u>	<u>Rural</u>	<u>Open Space</u>	<u>Special Activity</u>
<u>Maximum height of an extreme adverse weather measured from the point of attachment.</u>	<u>4m</u>					

**30.5 Maximum Size and Diameter of Network Utilities**

*Policy 16.4.12*

The maximum size and diameter of network utilities for each zone is outlined in the table below.

<u>Network Utility</u>	<u>CBD</u>	<u>Business</u>	<u>Residential</u>	<u>Rural</u>	<u>Open Space</u>	<u>Special Activity</u>
<u>Masts</u>	<u>Diameter of mast &lt;600mm from 6m in height</u>	<u>Diameter of mast 1.5m</u>	<u>n/a</u>	<u>Diameter of mast &lt;600mm from 6m in height</u>	<u>n/a</u>	<u>Diameter of mast 1.5m</u>  <u>Except in the St Patrick's Estate Area: Diameter of mast &lt;600mm from 6m in height</u>
<u>Masts (where there are two or more providers)</u>	<u>Diameter of mast &lt;600mm from 6m in height</u>	<u>Diameter of mast 1.5m</u>	<u>n/a</u>	<u>Diameter of mast &lt;600mm from 6m in height</u>	<u>n/a</u>	<u>Diameter of mast &lt;600mm from 6m in height</u>  <u>Diameter of mast 1.5m</u>
<u>Antenna attached to masts</u>	<u>Antenna located within a horizontal diameter circle of 750mm around the mast</u>	<u>Antenna located within a horizontal circle of 5m around the mast</u>	<u>n/a</u>	<u>Antenna located within a horizontal circle of 5m around the mast</u>	<u>n/a</u>	<u>Antenna located within a horizontal circle of 5m around the mast</u>  <u>Except</u>  <u>In the St Patrick's Estate Area</u>

**Comment [GS42]:** S3.12 Spark; S5.14 Chorus

**Comment [GS43]:** S3.12 Spark; S5.14 Chorus

**Comment [GS44]:** S3.12 Spark; S5.14 Chorus



<u>Network Utility</u>	<u>CBD</u>	<u>Business</u>	<u>Residential</u>	<u>Rural</u>	<u>Open Space</u>	<u>Special Activity</u>
						- Antenna located within a horizontal circle of 750mm around the mast
<u>Antenna attached to buildings</u>	<u>Antenna diameter of 2m or area of 1.8m<sup>2</sup></u>	<u>Antenna diameter of 1m or area of 0.8m<sup>2</sup></u>	<u>Antenna diameter of 1.3m or area of 1.2m<sup>2</sup></u>	<u>Antenna diameter of 1m or area of 0.8m<sup>2</sup></u>	<u>Antenna diameter of 2m or area of 1.8m<sup>2</sup></u>	
<u>Cabinets and other network utility structures located within road reserve (not otherwise provided for)</u>	<u>2m<sup>2</sup></u>	<u>1.4m<sup>2</sup></u>			<u>2m<sup>2</sup></u>	
<u>Cabinets and other network utility structures (not otherwise provided for) that are not located within road reserve</u>	<u>15m<sup>2</sup></u>					
<u>Cabinets located within the road reserve containing an electricity distribution substation</u>	<u>5m<sup>2</sup></u>					
<u>Meteorological enclosures and buildings</u>	<u>30m<sup>2</sup></u>					
<u>Extreme adverse weather warning devices</u>	<u>No greater dimension than 2.5m x 1.5m</u>					

Comment [GS45]: S6.24 WELL

### 30.6

### Separation distance and setbacks from boundaries

Policy 16.4.12

No network utilities shall be located within an esplanade or strip.

The following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is over 5m<sup>2</sup> in area with a height of more than 1.2m defined as a building that are not located in the road reserve or rail corridor:

Comment [GS46]: S7.26 Powerco

Comment [GS47]: S2.15 KiwiRail

<b><u>Zone</u></b>	<b><u>Setback distance or setback for masts and antenna attached to masts</u></b>	<b><u>Setback distance or setback for cabinets and other network utility structures</u></b>
All	Not located within an esplanade reserve or strip	
Business	<u>No less than 10m from a Residential Zone boundary</u>	<u>No less than 2 metres to any boundary in a Rural, Residential, Open Space and Special Activity Zone and to a road or service lane boundary.</u>
Rural	<u>No less than 10m from any property boundary</u>  <u>Under 15m in height - no less than 20m from the closest wall of a dwelling (excluding balconies and decks)</u>  <u>Over 15m in height - no less than 50m from the closest wall of a dwelling (excluding balconies and decks)</u>	<u>No less than 2 metres to all boundaries</u>
Residential, Open Space and Special Activity	<u>No less than 10m from a Residential or Rural Zone boundary.</u>	<u>No less than 2 metres to all boundaries</u>

**30.7**

**Specific standards for temporary above ground lines**

Policy 16.4.12,  
16.4.15

The line(s) shall be in place for no longer than six calendar months from the date of erection until its removal.

**30.128**

Policy 16.4.4,  
16.4.16

Where any work is undertaken on a road or service lane the persons responsible for the work shall notify Council at least 10 working days before work begins.

**Controlled Activities**

**30.9**

**The removal, operation and maintenance of network utilities and the minor upgrading of electricity and telecommunication lines**

Policy 16.4.8, 16.4.9,  
16.4.12.

**that does not meet permitted activity standards**

Council may impose conditions over the following matters:

- Earthworks and sediment and erosion control;
- Noise;
- Any adverse effects on a heritage site or area of native vegetation

**30.10**

**Subdivision for the purpose of accommodating any network utility**

Policy 16.4.8, 16.4.9,  
16.4.12.

Council may impose conditions over the following matters:

- Site design, frontage and area;
- Legal and physical access to the lots;
- Risks to public health and safety;
- Earthworks and sediment and erosion control;
- Landscaping and screening;
- Traffic and parking management;
- The imposition of financial contributions in accordance with Part E of this Plan
- Any adverse effects on a heritage site or area of native vegetation

**Restricted Discretionary Activities**

**30.11**

**The upgrading of network utilities that do not meet the permitted activity standards, excluding:**

Policy 16.4.8, 16.4.9,  
16.4.12

- **Electricity transmission lines above 110kV; and**
- **Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals**

Council will restrict its discretion to, and may impose conditions on:

- The degree, extent and effects of the non-compliance with the Permitted Activity Standards
- The extent to which there are difficult ground conditions, technical or financial constraints that make compliance impracticable/ unreasonable
- Earthworks and erosion and sediment control
- Any adverse effects on an identified heritage site or an area of native vegetation.

**30.12**

**The upgrading of:**

Policy 16.4.8, 16.4.9,  
16.4.12

- **Electricity transmission lines above 110kV; and**
- **Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals**

Council will restrict its discretion to, and may impose conditions on:

- Risks to public health and safety
- Rehabilitation of the site following any construction or future maintenance period.
- The extent to which the affected persons / community has been consulted with.
- Earthworks and erosion and sediment control.

- Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity
- Any adverse effects on an identified heritage site or an area of native vegetation
- Local, national and / or regional benefits derived from the activity
- Any constraints arising from technical and operational requirements of the network which may limit measures to avoid, remedy or mitigate environmental effects.

**Comment [GS48]:** S4.34  
Transpower; S4.17, S5.6 and US6.18,  
and FS3.9, FS1.5, FS3.18 and FS3.30;  
Spark, Chorus, Transpower, WELL

### 30.13

Policy 16.4.8, 16.4.9,  
16.4.12

#### **Cabinets and other network utility structures not otherwise listed in this table that do not meet all of the relevant standards.**

Council will restrict its discretion to, and may impose conditions on:

- The degree, extent and effects of the non-compliance with the Permitted Activity Standards
- Risks to public health and safety
- Any effect on heritage and cultural values
- Design and external appearance
- Visual effects including impacts on:
  - The residential and recreational use of land in the vicinity of the proposed utility;
  - The existing character, landscape, streetscape and amenity values of the locality;
  - Key public places, public viewing points and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the near vicinity
- Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures
- Whether the size and scale of the proposal is generally compatible with other development in the area
- Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage
- The extent to which the affected persons / community has been consulted with.

### 30.14

Policy 16.4.8, 16.4.9,  
16.4.12

#### **Masts with or without associated antennas which meet the following criteria:**

- **Have a maximum height of 12m**
- **The diameter of the mast is <600mm, from 6m in height above ground level**
- **The antenna are located within a horizontal circle of 750mm**
- **Are located no less than 10m from a Residential or Rural Zone boundary**

Council will restrict its discretion to, and may impose conditions on:

- Risks to public health and safety
- The maximum height, area or diameter of any antenna
- Design and external appearance
- Any effect on heritage and cultural values
- Visual effects including impacts on:

- The residential and recreational use of land in the vicinity of the proposed utility;
- The existing character, landscape, streetscape and amenity values of the locality;
- key public places, public viewing points, and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Whether the size and scale of the proposal is generally compatible with other development in the area.
- Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage.
- The extent to which alternative locations, routes or other options have been appropriately considered.
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the near vicinity
- The extent to which it is technically, economically and practically reasonable for the masts or antennas can be co-sited with similar structures or other buildings
- The extent to which the affected persons / community has been consulted with.

### **30.15**

Policy 16.4.8, 16.4.9, 16.4.12

#### **Masts, with or without associated antennas that do not comply with the standards to be a permitted activity.**

Council will restrict its discretion to, and may impose conditions on:

- The degree, extent and effects of the non-compliance with the Permitted Activity Standards
- Risks to public health and safety
- The maximum height of the mast and area or diameter of any antenna
- The maximum height, area or diameter of any antenna
- Any effect on heritage and cultural values
- Visual effects including impacts on:
  - The residential and recreational use of land in the vicinity of the proposed utility;
  - The existing character, landscape, streetscape and amenity values of the locality;
  - key public places, public viewing points, and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the near vicinity
- Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures.
- Whether the size and scale of the proposal is generally compatible with other development in the area.
- Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage.
- The extent to which alternative locations, routes or other options have been appropriately considered.
- The extent to which it is technically, economically and practically reasonable for the masts or antennas can be co-sited with similar structures or other buildings

- The extent to which the affected persons / community has been consulted with.

### **30.16**

Policy 16.4.8, 16.4.9, 16.4.12

#### **Antenna attached to buildings that do not comply with the standards to be a permitted activity.**

Council will restrict its discretion to, and may impose conditions on:

- The degree, extent and effects of the non-compliance with the Permitted Activity Standards
- Risks to public health and safety
- The maximum height, area or diameter of any antenna
- Design and external appearance
- Any effect on heritage and cultural values
- Visual effects including impacts on:
  - The residential and recreational use of land in the vicinity of the proposed utility;
  - The existing character, landscape, streetscape and amenity values of the locality;
  - key public places, public viewing points, and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity
- Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures.
- Whether the size and scale of the proposal is generally compatible with other development in the area.
- Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signage.
- Where antennas are proposed to be sited on the top of a building, the extent to which they can be designed or screened so that they form an integral part of the total building design.
- The extent to which the affected persons / community has been consulted with.

### **30.17**

Policy 16.4.8, 16.4.9, 16.4.12

#### **Underground gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals, including aerial crossings of bridges, structures or streams, and ancillary equipment, including compressor compounds with compressor houses**

Council will restrict its discretion to, and may impose conditions on:

- Risks to public health and safety
- Any effect on heritage and cultural values
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity
- The extent to which alternative locations, routes or other options have been appropriately considered.
- Earthworks and erosion and sediment control.
- The extent to which the work is able to be conveniently accommodated underground without adversely affecting existing underground utility services.

- Any adverse effects on an identified heritage site or an area of native vegetation.

### **30.18**

#### **Water reservoirs**

Policy 16.4.8, 16.4.9, 16.4.12

Council will restrict its discretion to, and may impose conditions on:

- Risks to public health and safety
- Design and external appearance
- Any effect on heritage and cultural values
- Visual effects including impacts on:
  - The residential and recreational use of land in the vicinity of the proposed utility;
  - The existing character, landscape, streetscape and amenity values of the locality;
  - key public places, public viewing points, and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Any potential interference with public use and enjoyment of the land and the operation of land uses in the vicinity.
- Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures.
- The extent to which alternative locations, routes or other options have been appropriately considered.
- Rehabilitation of the site following any construction or future maintenance period.
- The extent to which the affected persons / community has been consulted with.
- Earthworks and erosion and sediment control.
- Any adverse effects on an identified heritage site or an area of native vegetation.

### **30.19**

#### **Meteorological enclosures and buildings, automatic weather stations and anemometer masts voluntary observer sites and associated microwave links that are not permitted activities**

Policy 16.4.8, 16.4.9, 16.4.12

Council will restrict its discretion to, and may impose conditions on:

- The degree, extent and effects of the non-compliance with the Permitted Activity Standards
- Risks to public health and safety
- The maximum height of the mast and area or diameter of any antenna
- Design and external appearance
- Any effect on heritage and cultural values
- Visual effects including impacts on:
  - The residential and recreational use of land in the vicinity of the proposed utility;
  - The existing character, landscape, streetscape and amenity values of the locality;
  - key public places, public viewing points, and significant recreational areas
- Amenity effects, including noise, vibration, odour, dust, earthworks and lighting
- Cumulative effects
- Any potential interference with public use and enjoyment of

- the land and the operation of land uses in the vicinity
- Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures.
- Whether the size and scale of the proposal is generally compatible with other development in the area.
- The extent to which the affected persons / community has been consulted with.

### **Matters for Consideration**

**30.1320** Matters that may be relevant in the consideration of any discretionary activity resource consent may include the following:

<b><u>Network Utilities</u></b>
<ul style="list-style-type: none"> <li>• Compliance with the Code of Practice for Civil Engineering Works.</li> <li>• Whether alternative locations or other options are physically or technically possible.</li> <li>• Whether the size and scale of the development is generally compatible with other development in the area.</li> <li>• Whether the local topography, existing vegetation or screening will diminish the impact of the new structure.</li> <li>• The extent to which the development can be designed to reflect the form of development in the immediate locality and/or harmonise with the natural or built features of the area.</li> <li>• The degree to which the proposed activity is appropriately located in terms of visibility. Where ridges or hilltop locations are necessary, Council encourages the co-siting of utilities to reduce the effect on visual amenities.</li> <li>• Whether the utility structure damages habitats or ecosystems or causes the loss of significant vegetation that contributes to the amenity of an area.</li> <li>• <u>All those matters listed for restricted discretionary activities.</u></li> </ul>
<b><u>Traffic generation and access</u></b>
<ul style="list-style-type: none"> <li>• Accessibility for public transport, cyclists and pedestrians.</li> <li>• Any vehicle/pedestrian/cyclist conflict.</li> <li>• Accessibility to the site.</li> <li>• Current traffic problems in the area.</li> <li>• Ability of the existing roading network to cater for increased traffic generation.</li> <li>• Ingress and egress to and from the site.</li> <li>• Neighbourhood amenity.</li> </ul>
<b><u>Roads</u></b>
<ul style="list-style-type: none"> <li>• Any need to create a public road.</li> <li>• Traffic Safety.</li> <li>• Alternative routes or alignments.</li> <li>• Visual Impacts.</li> <li>• Environmental Effects.</li> </ul>





Amendment 10:

New Chapter 30A: Rules for Renewable Energy Generation

**30A RULES FOR RENEWABLE ENERGY GENERATION**

**Activities Table**

<b>30A.1</b>	<b>Activities</b>	<b>Activity Status</b>	<b>Zone</b>
	<u>The operation and maintenance of existing renewable energy generation facilities.</u>	<b>P</b>	<u>All</u>
	<u>Any solar panel mounted to any building</u>	<b>P</b>	<u>All</u>
	<u>Roof-mounted small scale wind turbines</u>	<b>P</b>	<u>All</u>
	<u>Freestanding small scale wind turbines</u>	<b>P</b>	<u>All</u>
	<u>Temporary renewable energy assessment and research structures</u>	<b>P</b>	<u>Rural</u> <u>Open Space</u> <u>Business</u> <u>Industrial</u>
	<u>Solar panels that do not comply with one or more of the permitted activity standards</u>	<b>RD</b>	<u>All</u>
	<u>Small scale roof-mounted and freestanding wind turbines that do not comply with one or more of the permitted activity standards</u>	<b>RD</b>	<u>All</u>
	<u>Temporary renewable energy assessment and research structures that do not comply with one or more of the permitted activity standards and are not located on a site</u>	<b>RD</b>	<u>All</u>
	<u>Land based structures that support in-stream hydro or marine energy generation provided that they are not located:</u> <ul style="list-style-type: none"> <li>• <u>on a site containing an item listed in the Schedule of Significant Heritage Features 26.8</u></li> <li>• <u>within an esplanade reserve or strip</u></li> <li>• <u>within any riparian setback</u></li> <li>• <u>on any legal road (formed or unformed)</u></li> </ul>	<b>RD</b>	<u>Rural</u> <u>Open Space</u> <u>Business</u> <u>Industrial</u>
	<u>Community scale renewable energy generation activities, including associated construction and commissioning activities provided that they are not located:</u> <ul style="list-style-type: none"> <li>• <u>on a site containing an item listed in the Schedule of Significant Heritage Features 26</u></li> <li>• <u>within an esplanade reserve or strip</u></li> <li>• <u>on any legal road (formed or unformed)</u></li> </ul> <u>and any structures are set back at a distance of not less than three times the height of any generating device or support structure from any site boundary.</u>	<b>RD</b>	<u>Rural</u>
	<u>The installation or upgrading of any commercial scale renewable energy generation activities, including associated construction and commissioning activities, whereby for any activity where wind is the energy source, the activity</u>	<b>D</b>	<u>Rural</u>

<u>complies with NZS6808:2010.</u>		
<u>Any renewable energy generation activity that is not otherwise provided for as a permitted, restricted discretionary or non-complying activity.</u>	<b>D</b>	<u>All</u>
<u>The installation of or upgrading of any community and commercial scale renewable energy generation activities, including associated construction and commissioning activities, renewable energy generation activity:</u> <ul style="list-style-type: none"> <li>• <u>located on a site containing an item listed in the Schedule of Significant Heritage Features 26.8; or</u></li> <li>• <u>located within the Southern Hills Overlay; or</u></li> <li>• <u>that does not comply with NZS6808:2010, where wind is the energy source.</u></li> </ul>	<b>NC</b>	<u>All</u>
<u>Any renewable energy generation activity located on a site containing an item listed in the Schedule of Significant Heritage Features 26.8</u>	<b>NC</b>	<u>All</u>

- Key**
- P** Permitted activity which complies with standards for permitted activities specified in the Plan
  - C** Controlled activity
  - RD** Restricted Discretionary activity
  - D** Discretionary activity
  - NC** Non Complying activity

### Standards for Permitted Activities

**30A.2      The operation and maintenance of existing renewable energy generation activities**

*Policy*  
16A.4.4

The permitted activity standards for the zone must be complied with.

**30A.3      Any solar panel mounted to any building**

*Policy*  
16A.4.2

- The permitted building height may be exceeded by no more than 1m
- The sunlight access standard may be exceeded by no more than 1m (measured vertically)
- \*Where located on a heritage building listed in the Schedule of Significant Heritage Features 26.8, any solar panel shall:
  - be located on a roof plane which is not visible from any adjacent

- public areas
- aligned with the plane of the roof.

**30A.4 Roof-mounted small scale wind turbines**

*Policy*  
*16A.4.2*

- The sunlight access, setback and noise standards for the zone in which the site is located shall be complied with.
- The permitted building height may be exceeded by no more than 2m
- \*Shall not be located on a site containing an item listed in the Schedule of Significant Heritage Features 26.8

**30A.5 Freestanding small scale wind turbines**

*Policy*  
*16A.4.2*

- The sunlight access, setback and noise standards for the zone that the site is located in must be complied with.
- The permitted building height for the zone may be exceeded by up to, but no more than, 2m.
- There shall be no more than one turbine per site
- \*Shall not be located on a site containing an item listed in the Schedule of Significant Heritage Features 26.8.

**30A.6 Temporary renewable energy assessment and research structures**

*Policy*  
*16A.4.3*

- Shall comply with the following New Zealand Standards as well as any others relevant to emissions:
  - NZS6808:2010 Acoustics – Wind Farm Noise
  - NZS 2772:1999 Radiofrequency Fields
- Must comply with the noise standards for the zone in which they are located.
- Shall not be located on a site containing an item listed in the Schedule of Significant Heritage Features 26.8.
- Any anemometer must not exceed 80 metres in height.
- All structures shall comply with the sunlight access height control plane and setback requirements for the zone in which they are located.
- Any public road damaged in such investigation or assessment activity shall be reinstated to a condition of a similar or improved standard to that which existed prior to commencement of the work;
- No such investigation or assessment period shall exceed five years
- All equipment and structures shall be removed at the end of the investigation and the site shall be restored and rehabilitated to a condition no less than that which existed prior to the works commencing.

## Restricted Discretionary Activities

### 30A.7

#### **Solar Panels that do not comply with one or more of the permitted activity standards**

Policies  
16A.4.1.  
16A.4.2.  
16A.4.5

Council will restrict its discretion to, and may impose conditions on:

- Any positive effects to be derived from the activity;
- The contribution to achieving national, regional and local energy policy objectives and renewable energy targets;
- Health and safety;
- Layout, design and location of proposed structure;
- Effects on historic heritage;
- Visual, character and amenity effects;
- Adequacy of the methods of mitigation/remediation or ongoing management.

### 30A.8

#### **Small scale roof-mounted and freestanding wind turbines that do not comply with one or more of the permitted activity standards**

Policies  
16A.4.1.  
16A.4.2.  
16A.4.5

Council will restrict its discretion to, and may impose conditions on:

- All those matters under Rule 30A.11, and;
- Extent of any earthworks
- Noise and lighting effects

### 30A.9

#### **Temporary renewable energy assessment and research structures, Land based structures that support in-stream hydro or marine energy generation and Community scale renewable energy generation activities, including associated construction and commissioning activities**

Policies  
16A.4.1.  
16A.4.3.  
16A.4.4.  
16A.4.5

Council will restrict its discretion to, and may impose conditions on:

- All those matters under Rule 30A.10, and;
- Traffic effects
- Effects on public access
- Effects on natural character
- Suitability of the site for the proposed activity, including consideration of geotechnical and natural hazard constraints

## Matters for Consideration

### 30A.10

Matters that may be relevant in the consideration of any discretionary activity resource consent may include the following:

Policies  
16A.4.1.  
16A.4.4.  
16A.4.5

- Any positive effects to be derived from the activity;
- The contribution to achieving national, regional and local energy policy objectives and renewable energy targets;
- Health and safety;
- Noise effects, including compliance with NZS 6808:2010 (Acoustics – wind farm noise);
- The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;
- The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features;
- The impact on landscape values and natural features;
- The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards;
- Any geotechnical constraints of the affected area;
- Impacts of earthworks and the modification of natural landforms, including proposed remedial and mitigation measures;
- Impacts on the amenity values of the surrounding environment, including a consideration of electromagnetic interference, vibration, aviation navigation lighting and turbine blade shadow or glare flicker;
- Ecological impacts, particularly impacts on water bodies, impacts associated with native vegetation removal and impacts on indigenous avifauna, indigenous fauna and their habitats;
- Impacts on archaeological and historic features and items, and sites of significance to tangata whenua;
- Traffic impacts (including construction and post-construction traffic) and impacts on the roading network, including the nature and extent of vehicle movements, access, management and mitigation measures; road safety and levels of service; and impacts associated with traffic distraction;
- Impacts on aviation and navigation;
- Construction effects, including construction noise (and the ability to meet NZS 6803:1999 Acoustics – Construction Noise);
- Any cumulative effects

Amendment 11:  
Amendments to Chapter 35: Definitions

35

DEFINITIONS

**Anemometer**

means a mast and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including:

- Anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear;
- wind vanes to measure wind direction; and
- other meteorological instruments to measure temperature, air pressure, humidity and rainfall.

**Antenna**

~~any telecommunication or radio communication apparatus, including satellite dishes and aeriels, used for transmission or reception, including the antenna mounting but not any supporting mast.~~

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

- Devices used in amateur radio configurations
- Devices used only for television reception; and
- Any other device not otherwise defined above that is less than 1.5m<sup>2</sup> in area

**Advice note:** The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area or diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself. Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measurement is of each individual antenna and is not a cumulative measurement.

**Building**

any structure whether temporary or permanent, movable or immovable, which, in addition to its ordinary and usual meaning, includes the following:

- Any structure of over 5m<sup>2</sup> in area with a height of more than 1.2m.
- Any fence or wall with a height of more than 2m.
- Any retaining wall with a height of more than 1.5m above the finished ground level.
- Any tank or pool, and any structural support:

- (i) Which has a capacity of not less than 25,000 litres and is supported directly by the ground.
- (ii) Which has a capacity of 2,000 litres or more and is supported at a height of more than 2.0 metres from the base of its structure.
- (iii) Which has a capacity of 500 litres or more and is supported at a height of more than 4.0 metres from the base of its supporting structure.

This definition does not apply to network utilities as defined in this chapter.

**Cabinet**

means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities and includes single transformers and associated switching gear distributing electricity at a voltage up to, and including, 110KV.

Comment [GS49]: S6.2 WELL

**Commercial scale renewable energy generation activities**

means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity from a renewable energy source and the operation of the renewable energy generation activity. It does not include:

- Small scale wind turbines turbines of less than 5kW
- Community scale renewable energy generation activities
- Any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

**Community scale renewable energy generation**

means renewable energy generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network ('off grid'); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network.

**Construction and Commissioning activities:**

in respect of renewable electricity generation activities includes those activities directly involved with the building and operation of a new renewable electricity generation activity. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.

Activities associated with "construction and commissioning" includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity conveyance transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of 'renewable electricity generation activity.



**Distribution network**

For the purpose of Chapter 30A, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a distributor's lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

**Distributor**

for the purpose of Chapter 30A, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a business engaged in distribution of electricity.

**Line**

means 'line' as defined in Section 5 of the Telecommunications Act 2001 ~~and or~~ Section 2 of the Electricity Act 1992.

Comment [GS50]: S6.4 Transpower

**Maintenance**

as it applies to network utilities, means the replacement, repair or renewal of existing network utilities and where the effects of that utility remain the same or similar in character, intensity and scale, and excludes 'minor upgrading' and 'upgrading'.

**Mast**

~~any mast, pole, tower or similar structure which is used to facilitate the operation of a utility.~~  
any pole, tower or similar structure which is fixed to the ground specifically designed to carry an antenna to facilitate the transmission of—telecommunication and radiocommunication signals.

**Minor above ground line**

means a line that provides an above ground connection to a site, including any connection to a building within that site, from an existing or permitted new above ground line provided that no more than one new support structure is required for that connection.

**Minor upgrading**

~~any work necessary to continue or improve the operation and/or functioning of an existing activity where, as a result of the work, the activity concerned would have effects that are the same or similar in character, intensity, and scale as those that existed before the work was carried out.~~

~~In respect of above ground cables and lines, minor upgrading includes the provision of one new or additional connection per site within existing developed areas already serviced by existing above ground lines.~~

~~Minor upgrading for the purposes of electricity transmission lines includes the following:~~

- ~~(i) the addition of circuits and conductors;~~
- ~~(ii) the reconductoring of the line with higher capacity conductors;~~
- ~~(iii) the resagging of conductors;~~

- ~~(iv) the addition of longer or more efficient insulators;~~
- ~~(v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;~~
- ~~(vi) an increase in the voltage of the line where the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.~~

means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

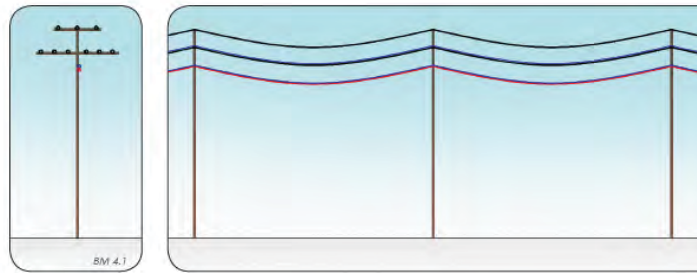
- (1) the reconductoring of the line with higher capacity conductors; and
- (2) the resagging of conductors; and
- (3) the addition of longer and more efficient insulators; and
- (4) A support structure replacement within a similar location as 5 metres of the support structure that is to be replaced; and
- (5) The addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and
- (6) The addition of electrical or telecommunication fittings; and
- (7) ~~Power~~ Support structure replacement in the same location or within the existing alignment of the transmission line corridor; and
- (8) The replacement of existing cross arms, including with cross arms of an alternative design; and
- (9) An increase in tower height to achieve compliance with the clearance distances specified in NZECP34:2001; and
- (10) an increase in the height of replacement poles in the road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in Rule 30.4 is not exceeded; and
- (11) an increase in voltage of electricity lines from 11kV to no more than 33kV; and
- (12) the addition of a new overhead telecommunication fibre optic line provided that:
  - (i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;
  - (ii) the diameter of new fibre optic lines does not exceed 25mm; and
  - (iii) the location of the new fibre optic line is consistent with the following figure

**Comment [GS51]:** S5.18 Chorus; S6.7 and UFS3.36 WELL

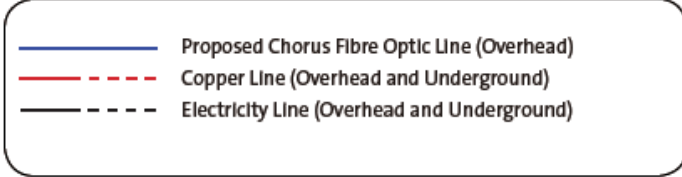
**Comment [GS52]:** S4.37 Transpower

**Comment [GS53]:** Clause 20

Figure X: Location of new fibre optic line



**LEGEND**



**Comment [GS54]:** S5.18 Chorus

Minor upgrading shall not include:

- (i) Any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage, or
- (ii) Any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35mm, or
- (iii) The bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 43mm in diameter, or
- (iv) The addition of any new circuits, lines or utility structures, where this results in an increase in the number of circuits, lines or utility structures except as provided for in (12) above.

**Comment [GS55]:** S5.18 Chorus

**Comment [GS56]:** S4.37  
Transpower

Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to the existing National Grid, ~~and~~ applies to all transmission lines that were operational, or able to be operated, on 14 January 2010.

**Comment [GS57]:** S4.37  
Transpower

(vii) —

**Network Utility**

means any activity undertaken by a network utility operator as defined in s166 of the RMA, relating to:

- (i) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy, or
- (ii) Telecommunication as defined in section 5 of the Telecommunications Act 2001; or radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989, or
- (iii) ~~the provision, operation and maintenance of works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity, as defined in section 2 of the Electricity Act 1992, or~~
- (iv) The distribution of water for supply including irrigation, or
- (v) Sewerage or drainage reticulation, or
- (vi) Construction and operation of roads and railway lines, or
- (vii) The operation of an airport as defined by the Airport Authorities Act 1966, or
- (viii) the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
- (ix) Undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991

and includes:

- Lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices,
- Meteorological services,
- all associated structures; and
- regionally significant network utilities

Comment [GS58]: S4.38  
Transpower

**Network utility structure**

means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, support poles and towers for lines, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets, and similar structures. It does not include lines, antennas and masts.

Comment [GS59]: S4.39  
Transpower

**Regionally significant network utilities**

includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- the National Grid, as defined by the National Policy Statement on Electricity Transmission
- facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040

**Renewable**

has the same meaning as under the National Policy Statement

**electricity generation activities**

for Renewable Electricity Generation and means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

**Renewable electricity generation**

means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.

**Renewable energy**

is defined in section 2 of the Resource Management Act 1991

**Small Scale Renewable Energy Generation**

means small scale renewable energy generation development for the purpose of using or generating electricity on a particular site (single household or business premise) with or without exporting back into the distribution network.

**Small scale wind turbines**

means wind turbines that are capable of generating up to 10kW of electricity.

**Solar panel**

means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity direct

**Temporary renewable energy assessment and research structures**

means structures for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following activities:

- Erecting an anemometer mast.
- Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions.
- Installing instruments into drill holes for monitoring groundwater levels and land movement.
- Erecting survey monuments and installing instruments to monitor land movement.
- Erecting telemetry stations for the transmission of instrument data.
- Installing microseismic stations to measure microseismic activity and ground noise.
- Erection of signs or notices giving warning of danger

## **Upgrading**

as it applies to network utilities, upgrading means the ~~replacement, repair, renewal or improvement~~ or physical works that result in an ~~to~~ increase in carrying capacity, operational efficiency, security or safety of existing network utilities but ~~but~~ excludes:

- ~~'maintenance' (as it relates to network utilities); and~~
- ~~'minor upgrading'; and~~
- ~~any other activity specifically otherwise provided for under Rule 30.1 and~~
- ~~any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in Rules 30.4, 30.5 and 30.6.~~

Comment [GS60]: S2.21 KiwiRail

Comment [GS61]: Clause 20

Comment [GS62]: S

## **Utility**

one or more of the following:

- ~~The distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy;~~
- ~~Networks for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001 or radio communication as defined in section 2(1) of the Radiocommunications Act 1989;~~
- ~~The distribution or transmission of electricity by an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992;~~
- ~~The collection, treatment, distribution or transmission by pipeline of water for supply (including irrigation);~~
- ~~The development, operation and maintenance of a drainage or sewerage system;~~
- ~~The construction, operation and maintenance of a road or railway line;~~

~~and includes all structures in relation to the operation of the utility.~~