

Proposed District Plan Change 34

Network Utilities and Renewable Energy Generation

Summary of Submissions

Publicly Notified:

7 April 2015

Further Submissions Close:

21 April 2015 at 5.00pm

PUBLIC NOTICE

Public Notification of the Summary of Submissions on Proposed District Plan Change 34 to the City of Lower Hutt District Plan

Clause 8 of the First Schedule – Part 1 of the Resource Management Act 1991

Hutt City Council has prepared the summary of submissions received on

Proposed District Plan Change 34: Network Utilities and Renewable Energy Generation

The summary of the decisions sought and full copies of the submissions are available and can be inspected at

- All Hutt City Council Libraries; and
- Customer Services Counter, Council Administration Building, 531 High Street, Lower Hutt.

Alternatively, the summary of submissions is available on the Council website:

- <http://www.huttcity.govt.nz/district-plan-change-34>

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666 or
- Email: district.plan@huttcity.govt.nz

Further Submissions close on Tuesday 21 April 2015 at 5.00pm

Persons who are representing a relevant aspect of the public interest and persons who have an interest in the proposed plan change that is greater than the interest of the general public can make a submission in support of, or in opposition to, the submissions already made.

You may do so by sending a written submission to Council:

- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040;
- Deliver: Council Administration Building, 531 High Street, Lower Hutt
- Email: district.plan@huttcity.govt.nz

You must also send a copy of your further submission to the person whose submission you are supporting or opposing within five working days of sending your further submission to Hutt City Council.

The further submission must be written in accordance with RMA Form 6 and must state whether or not you wish to be heard on your submission. Copies of Form 6 are available from the above locations and the Council website.

Please state clearly the submission reference number to which your further submission relates.

**Tony Stallinger
Chief Executive**

7 April 2015

SUBMISSIONS RECEIVED

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SUMMARY OF SUBMISSIONS – BY SUBMITTER - PROPOSED PLAN CHANGE 34

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 Council believe are not in scope of the Plan Change or on the Plan Change. These are identified in ***bold italics***.

Submission Number: DPC34/1				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
NZ Transport Agency	1.1	Amendment 12: Definition of Maintenance	Retain as notified.	Support.
	1.2	Amendment 19: Definition of Network Utility	Retain as notified.	Support.
	1.3	Amendment 20: Definition of Network Utility Structure	Retain as notified.	Support.
	1.4	Amendment 32: Upgrading	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
	1.5	Amendment 34: Rule 11.2.2.2 - Matters in which Council seeks to control	Retain as notified.	Support.
	1.6	Amendment 35: 11.2.2.3 - Assessment Criteria	Retain as notified.	Support.
	1.7	Amendment 44: Regionally Significant Infrastructure issues, objectives and policies	Retain as notified.	Support.
	1.8	Amendment 45: Reverse Sensitivity Effect Management	Retain as notified.	Support.
	1.9	Amendment 46: Recognising and	Retain as notified.	Support.

		providing for network utilities		
	1.10	Amendment 49: Rule 13.3.1.3	Remove the word existing from this rule. <i>"The minor upgrading of existing 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.
	1.11	Amendment 54: Rule 13.3.2.5.2	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.

Submission Number: DPC34/2				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Greater Wellington Regional Council	2.1	Add new policy to Chapter 13	<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.
	2.2	Amendment 47: Co-location Policy 13.1.4(d)	Amend policy 13.1.4 (d) as follows: <i>"...to require the underground placement of new network utilities unless (i) there are natural or physical features or structures, or technological and operational constraints <u>and effects on flood flow capacity and stopbank integrity</u>, that makes underground placement impractical or unreasonable"...</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.
	2.3	Amendment 47: Co-location Policy	Amend policy 13.1.4 as follows: <i>"(f) To encourage network utility providers to consult with local</i>	Support. Seek regional council be included as they are not always informed that activities and earthworks are

		13.1.4(f)	<i>communities and the regional council on the appropriate placement, location and design of new network utilities"</i>	happening on, or in, stopbanks, and uncontrolled earthworks can and do cause a real risk of stopbank breach or failure.
	2.4	Amendment 49: Add new rules for removal, maintenance and upgrading	<ul style="list-style-type: none"> • 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. • 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. 	GWRC has concerns 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), 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. 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.
	2.5	Amendment 49: Add new rule for underground services	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.

Submission Number: DPC34/3				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
KiwiRail	3.1	Amendment 12: Definition of Maintenance	Retain as notified.	Support
	3.2	Amendment 19: Definition of Network Utility	Retain as notified.	Support

3.3	Amendment 20: Definition of Network Utility Structure	Retain as notified.	Support
3.4	Amendment 22: Definition of Regionally Significant Network Utilities	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.
3.5	Amendment 26: Definition of Sensitive Activity	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’.
3.6	Amendment 32: Definition of Upgrading	Amend the definition as follows: <i>Upgrading: As it applies to network utilities, upgrading means the replacement, repair, renewal or improvement or <u>physical works that result in an increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:</u></i> <i>(a) ‘maintenance’ (as it relates to network utilities);</i> <i>(b) ‘minor upgrading’; 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 as both definitions covering the same activity and clarity is required. The improvement in carrying capacity and operational efficiency does not necessarily result 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. KiwiRail would support wording that restricted upgrading to physical works on the network utility itself, rather than the operation of the utility.
3.7	Amendment 34: Rule 11.2.2.2 Matters in which Council seeks to Control	Retain as notified.	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, are supported.
3.8	Amendment 35: Rule 11.2.2.3 Assessment Criteria	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.
3.9	Amendment 43: Introduction	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.
3.10	Amendment 44: Issues, Objectives and Policies - 13.1 Regionally Significant Network Utilities	Retain as notified.		Support.
3.11	Amendment 45: Reverse Sensitivity Effect Management	Retain as notified.		Support. Not opposed to development on sites adjoining the rail network, given trains can often be intermittent and cause effects on amenity. Support that these potential effects are mitigated. Where sensitive activities are proposed adjacent to rail corridors, appropriate controls should be imposed to ensure long term amenity of occupants. Along with the need for mitigation is the risk of objections and complaints resulting in restraints on the operation of the rail corridor.
3.12	Amendment 46: Recognising and Providing for Network Utilities	Retain as notified.		Support. While new rail networks are not common, upgrading to ensure safety and technology adjustments are accommodated, and maintenance to ensure safety is constantly maintained, is pivotal to the operation of the network. Support being able to undertake works with little impediment and restriction 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 submission point 3.6, above.
3.13	Amendment 49: Rule 13.3.1.1	Retain as notified.		Support.
3.14	Amendment 49: Rule 13.3.1.2	Amend as follows: <i>"The operation and maintenance of existing network utilities."</i>		Support. Question whether 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 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'.
3.15	Amendment 49: Rule 13.3.1.4	Retain as notified.		Support.
3.16	Amendment 49: Rule 13.3.1.5	Retain as notified.		Support.
3.17	Amendment 49: Rule 13.3.1.6	Retain as notified.		Support but conditional upon the definition of Upgrading and Maintenance being amended 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.
3.18	Amendment 49: Rule 13.3.1.14	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.
3.19	Amendment 49: Rule 13.3.1.17	Retain as notified.		Support.
3.20	Amendment 49: Rule 13.3.1.37	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. There are also traffic control signals and devices, light poles, gardens, shelters, phone boxes, etc. in the rail corridor.
3.21	Amendment 53: Standard 13.3.2.4	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 attached to masts and any cabinet or other network</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.

			<i>utility structure that is defined as a building that are not located in the road reserve or rail corridor:..."</i>	
	3.22	Amendment 54: Rule 13.3.2.5.2	Amend as follows: <i>"Slope, Height, Depth and Area of Earthworks ... (iv) Area: ... <u>Within any Rail Corridor – 1000m²</u>"</i>	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 ² 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.

Submission Number: DPC34/4

Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Mary Beachen	4.1	National Grid	Oppose. Transpower to purchase submitter's property as the proposed restrictions prevent the building of any dwelling.	Oppose as the restrictions will prevent building a dwelling on the property.

Submission Number: DPC34/5

Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Warren Thessman	5.1	General – Network Utilities	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 telecos.
	5.2	General – Renewable Energy Generation	Unclear.	The provisions for Renewable Energy Generation are not very specific and do not address some matters; in particular:

				<ul style="list-style-type: none"> • 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; • Should vertical axis wind generators be allowed on top of houses?
	5.3	General – Renewable Energy Generation	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?

Submission Number: DPC34/6				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Transpower New Zealand	6.1	General – NESETA, NPSET and RPS	<ul style="list-style-type: none"> - Give full effect to the NPSET - Effect is given to the policies of the RPS - Recognition of the NESETA and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the RMA) - The protection of the National Grid from issues of reverse sensitivity and the direct effects from others' activities through the provision of appropriate National Grid Yard and National Grid Corridor provisions - Provide for the on-going operation, maintenance, upgrading and development of transmission lines, support structures and substations. 	Supports the general intent of the plan change subject to appropriate amendments.
	6.2	General – National Grid Yards and Corridors	Approve the plan change subject to the amendments requested.	To ensure that policies 10 and 11 of the NPSET are given effect to.
	6.3	Amendment 10: Definition of Height	<p>Insert the following note after the definition of height:</p> <p><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></p>	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.

6.4	Amendment 11: Definition of Line	Amend as follows: <i>"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."</i>	Support in part. Clarify that the activity does not need to meet the definition of line under both Acts referenced.
6.5	Amendment 12: Definition of 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. 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.
6.6	Amendment 15: Definition of Minor Upgrading	Amend as follows: <i>"Minor Upgrading: ... (d) the addition of any new circuits, lines or utility structures, <u>where this results in an increase in the number of new lines or utility structures</u> Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to <u>all the existing n-National g-Grid, and applies to all Transmission Lines that were operational, or able to be operated, on 14 January 2010.</u>"</i>	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.
6.7	Amendment 16: Definition of National Grid	Amend as follows: <i>"National Grid: means 'nNational gGrid' as defined in the National Policy Statement on Electricity Transmission."</i>	Support in part. Prefer that references to the National Grid are capitalised.
6.8	Amendment 17: Definition of National Grid Corridor	Amend as follows: <i>"...measured either side of the centreline of the transmission line, as depicted in Diagram 1, <u>below of the definition of National Grid Yard.</u> The measurement of setback distances ..."</i>	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.
6.9	Amendment 18: Definition of National Grid Yard	Amend as follows: <i>"National Grid Yard: means (a) the area located 12m either side of the centreline of an above ground National Grid transmission line which is 110kV or greater; ..."</i>	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.
6.10	Amendment 19: Definition of Network Utility	Replace clause (c) of the definition as follows: <i>"(c) the provision, operation and maintenance of works <u>(as defined in section 2 of the Electricity Act 1992)</u> for the conveyancing of electricity, as defined in section 2 of the Electricity Act 1992;"</i>	Oppose in part. The definition could be clearer.

6.11	Amendment 20: Definition of Network Utility Structure	Retain as notified.	Support.
6.12	Amendment 22: Definition of Regionally Significant Network Utilities	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.
6.13	Amendment 26: Definition of Sensitive Land Use	Amend as follows: <i>“Sensitive Activity: 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.”</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.
6.14	Amendment 31: Definition of Transmission Line	Amend as follows: <i>“means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and ...”</i>	Support in part. The phrase ‘in the National Grid’, 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.
6.15	Amendment 32: Definition of Upgrading	Amend as follows: <i>“Upgrading: ... (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>	Oppose. Unclear what is the difference between 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.
6.16	Amendment 36:	Retain the proposed Restricted Discretionary Rule 11.2.3(b) without	Oppose in part.

	Rule 11.2.3 (b)	amending except for the following: <i>"11.2.3 (b) Any subdivision located within a National Grid Corridor that complies with the standard and terms under Rule 11.2.3.1 11.2.3.2.</i>	The reference in rule 11.2.3 (b) to 'standards and terms under Rule 11.2.3.1' appears incorrect and should be amended.
6.17	Amendment 36: Rule 11.2.3.2(a)	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
6.18	Amendment 38: 12.2.3.1 Matters of Discretion	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 (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) <u>the extent to which landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid;</u> (iii) The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines; (iv) The risk to the structural integrity of the National Grid; (v) 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.</i> <i>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,</i>	Support in part. 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. The potential benefits and adverse effects of landscaping should be within the discretion of Council, and seeks changes accordingly. Proposed clause (b) refers to 'electricity transmission lines', whereas the term defined in the proposed plan change is 'transmission lines'. Transpower considers that the defined term should be used. Clause (a) is inappropriately limited to dwellings and should also include commercial and industrial buildings. 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>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.</p> <p>Vegetation to be planted <u>within proximity to Transmission Lines</u> 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 <u>Transmission Line</u> especially works within the transmission corridor; contact the relevant network utility <u>National Grid operator.</u>"</p>	
6.19	Amendment 41: Rule 11.2.5	<p>Amend as follows: “(a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.1 <u>11.2.3.2.</u>”</p>	Support. The reference to Rule 11.2.3.1 appears to be incorrect and should be amended.
6.20	Amendment 42: Deletion of existing Chapter 13	Retain as notified.	Support.
6.21	Amendment 43: Introduction	<p>Amend as follows: “... 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 <u>National Grid</u>. 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. ... 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</p>	Support in part. There should be minor terminology changes to ensure consistency with other parts of the Plan Change.

			<p>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. ...”</p>	
6.22	Amendment 44: Regionally Significant Network Utilities	<p>Amend as follows: “Objective To recognise <u>and protect</u> the benefits of regionally significant network utilities.</p> <p>Policies</p> <p>(a) To identify regionally significant network utilities within the City on Council planning maps, as practicable.</p> <p>(b) To recognise <u>and protect</u> the national, regional and local benefits of regionally significant network utilities.</p> <p>Explanation and Reasons ... 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:</p> <p>i That people and goods can travel to, and from and around the City and Region efficiently and safely;</p> <p>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;</p> <p>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>”</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). Paragraph 3 of the explanation and reasons which identifies the benefits of regionally significant network utilities, does not recognise the key 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>	
6.23	Amendment 45: 13.1.2 Managing adverse effects, including reverse sensitivity effects on	<p>Amend as follows: “Objective To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not unreasonably compromised by other activities.</p>	<p>Oppose. The qualifier ‘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. The new section fails to recognise the adverse effects earthworks can have on the National Grid and that the</p>	

		regionally significant network utilities	<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>...</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, where practicable, 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.</i></p> <p><i>Policy (b) recognises the importance of the National Grid and seeks to</i></p>	<p>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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6.24	Amendment 46: 13.1.3 Recognising and providing for Network Utilities	Retain as notified.	Support.
6.25	Amendment 47: 13.1.4 Managing environmental effects	<p>Add a new policy as follows:</p> <p><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</u></i></p>	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.

			<u>selection when considering the adverse effects of the National Grid.</u>	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.
6.26	Amendment 47: 13.1.4 Policy (c) Managing environmental effects	Amend Policy (c) as follows: <i>“(c) To enable the co-location or multiple use of network utilities where this is efficient and practicable <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’.
6.27	Amendment 47: 13.1.4 Policy (d) Managing environmental effects	Amend Policy (d) as follows: <i>“(d) <u>Except for transmission lines</u>, 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; (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. “</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.
6.28	Amendment 47: 13.1.4 Explanations and Reasons - Managing environmental effects	Amend the Explanations and Reasons as follows: <i>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 <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 some level of adverse effect on the surrounding environment. that requires mitigation. In</i>		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.

		<p><i>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.</i></p> <p>...</p> <p><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 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 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 prevent the potential for health effects.</i></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>	
6.29	Amendment 49: 13.3.1 Network Utilities Rules	<p>Amend the Activity Status in 13.3.1 so that:</p> <ul style="list-style-type: none"> • 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 	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.

		<ul style="list-style-type: none"> • National Grid activities are given the following activity status: <ul style="list-style-type: none"> ○ Permitted: The operation, maintenance, minor-upgrading of transmission lines, transmission line support structures and substations. ○ Restricted Discretionary: The upgrading of transmission lines, transmission line support structures and substations. ○ Discretionary: New transmission lines, transmission line support structures and substations. ○ Non-complying: All network utilities which do not comply with the permitted activity standards for electric and magnetic fields. • Transmission lines and their support structures are covered by the same rules • The status of activities which do meet standards is clearly stated • Only Health and Safety Standard 13.3.2.1 applies to discretionary activities for new lines 	
6.30	Amendment 49: 13.3.1.3 Network Utilities Rules	Amend Rule 13.3.1.3 as 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).	Refer to Reasons under submission point 6.26.
6.31	Amendment 49: 13.3.1.6 Network Utilities Rules	Amend Rule 13.3.1.6 'upgrading of network 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.	Refer to Reasons under submission point 6.26.
6.32	Amendment 49: New Network Utilities Rules	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 should be specifically provided for and that this would give effect to the NPSET and RPS.	Refer to Reasons under submission point 6.26.
6.33	Amendment 49: 13.3.1.9 Network Utilities Rules	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).	Refer to Reasons under submission point 6.26.
6.34	Amendment 49: 13.3.1.10 Network Utilities Rules	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).	Refer to Reasons under submission point 6.26.
6.35	Amendment 49: 13.3.1.11 Network Utilities Rules	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).	Refer to Reasons under submission point 6.26.

6.36	Amendment 49: 13.3.1.12 Network Utilities Rules	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).	Refer to Reasons under submission point 6.26.
6.37	Amendment 49: 13.3.1.26 Network Utilities Rules	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.	Refer to Reasons under submission point 6.26.
6.38	Amendment 49: 13.3.1.27 Network Utilities Rules	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 of the plan. It is also unclear what activity status applies if the standards listed for either rules are not complied with. 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.	Refer to Reasons under submission point 6.26.
6.39	Amendment 49: 13.3.1.30 Network Utilities Rules	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.	Refer to Reasons under submission point 6.26.
6.40	Amendment 51: Standard 13.3.2.2.1 Height	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.
6.41	Amendment 53: Standard 13.3.2.4	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.

	Separation Distance and Setbacks		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.
6.42	Amendment 54: Standard 13.3.2.5.2 Earthworks	Amend as follows: <i>"The following shall apply to all network utility activities, except to 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 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>	Oppose. The proposed standard may unnecessarily catch earthworks associated with the foundations for 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.
6.43	Amendment 55: Standard 13.3.2.6 Native Vegetation Cover	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.
6.44	Amendment 59: Matters in which Council has restricted its discretion	Replace the matters of discretion with the following: <i>"(a) Any positive effects to be derived from the activity.</i> <i>(b) The degree, extent and effects of the non-compliance with the Permitted Activity Conditions.</i> <i>(c) Health and safety.</i> <i>(d) Suitability of the site for the proposed activity, including consideration of geotechnical and natural hazard constraints.</i> <i>(e) Layout, design and location of proposed structures.</i> <i>(f) Traffic and transport effects.</i> <i>(g) Extent of any earthworks.</i>	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 to renewable energy generation. In addition: <ul style="list-style-type: none"> • Clause (n) relating to alternatives should be removed. The Act only requires applicants to describe possible

		<p><u>(h) Effects on historic heritage.</u> <u>(i) Visual, character and amenity effects.</u> <u>(j) Noise and lighting effects.</u> <u>(k) Effects on public access.</u> <u>(l) Effects on natural character and native vegetation.</u> <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> <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>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</p> <ul style="list-style-type: none"> • 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.
6.45	Amendments 61 – 64: Rules relating to activities in the National Grid Yard	<p>Amend 13.4 as follows:</p> <p>a) Include the new permitted activity rule: <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; 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 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:</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><i>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.</i></p>

			<p><u>“a) Impacts on the operation, maintenance, upgrade and development of the National Grid.</u></p> <p><u>b) Compliance with NZECP34:2001.</u></p> <p><u>c) Technical advice provided by the National Grid owner (Transpower).</u></p> <p><u>d) The risk to the structural integrity of the National Grid.</u></p> <p><u>e) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</u></p> <p><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:</p> <p><u>“In all activity areas, within the National Grid Yard:</u></p> <p><u>a) The establishment of sensitive land use activity, including the change of the 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>	
6.46	Amendment 75: Other Provisions	Amend clause (c) of all ‘Other Provisions’ as follows: <i>“(c) Network Utilities, including the National Grid <u>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></i>	Oppose. The proposed change does not adequately direct parties to the National Grid provisions in proposed section 13.4 of the Plan.	
6.47	Amendment 76: Planning Maps	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 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.	

Submission Number: DPC34/7				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Spark New Zealand	7.1	General – Network Utilities	Either (i) amend the proposed plan change as per the relief set out in the	Spark’s general relief sought in this submission point (7.1) applies to submission points 7.2 to 7.21.

Trading Limited		<p>specific submissions by Spark</p> <p>Or</p> <p>(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>	
7.2	Amendment 1: Definition of Antenna	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.
7.3	Amendment 10: Definition of Height	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.
7.4	Amendment 22: Definition of Regionally Significant Network Utilities	<p>Add additional item (g) to the definition as follows:</p> <p><i><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></i></p>	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.
7.5	Amendment 32: Definition of Upgrading	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.	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 'Minor Upgrading' provisions.
7.6	Amendment 44: 13.1.1 Regionally Significant Network Utilities – Explanation and Reasons	<p>Amend the second paragraph of the Explanation and Reasons as follows:</p> <p><i><u>"Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps, as practicable. 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."</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:</p> <p><i><u>"iii People have access to electricity, telecommunications, radiocommunications and gas to meet their needs."</u></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>

7.7	Amendment 45: 13.1.2 Managing Adverse Effects, including Reverse Sensitivity Effects	Retain as notified.	Support.
7.8	Amendment 46: 13.1.3 Recognising and Providing for Network Utilities	Retain as notified.	Support.
7.9	Amendment 47: 13.1.4 Managing Environmental Effects – Policy (a) and associated Explanation and Reasons	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 as far as practicable.”</i> 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 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.”</i>	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.
7.10	Amendment 47: 13.1.4 Managing Environmental Effects – Policy (c)	Retain as notified.	Support.
7.11	Amendment 49: 13.3.1.11 – Cabinets	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.
7.12	Amendment 49: 13.3.1.18 – Masts with or without associated antennas in Residential, Rural	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. Spark states that the areas have not been

	Residential and Recreation zones		specifically zoned to protect ‘amenity values’ and the permitted activity standards will ensure that any adverse effects are less than minor.
7.13	Amendment 49: 13.3.1.19– Masts with or without associated antennas in Residential, Rural Residential and Recreation zones	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.
7.14	Amendment 49: 13.3.1.23 – Masts with or without associated antennas in Residential, Rural Residential and Recreation zones	Consequential amendments are required to 13.3.1.23 to include the activity areas outlined in submission point 7.12.	Oppose. Refer to Reasons under submission point 7.12.
7.15	Amendment 51: Standard 13.3.2.2.1 – Height of masts, antennas, lines and single pole support structures	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. Spark considers 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. Spark states that the provision of the same height limit for one or two providers will not encourage co-location in the Rural zone.
7.16	Amendment 51: Standard 13.3.2.2.2 – Masts and antennas (involving two or more providers)	Amend the permitted standard 13.3.2.2.2 to provide a height of 25m for two or more providers. Amend the permitted standard 13.3.2.2.2 to provide for a 15m height limit in the General Recreation and the Rural Residential zones.	
7.17	Amendment 52: Standard 13.3.2.3.2 – Diameter of masts involving two providers;	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. Spark submits that the proposed standards are too restrictive and will not encourage co-location.
7.18	Amendment 52: Standard 13.3.2.3.3 – Horizontal diameter circle of antenna	Amend permitted standards 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 (involving either one or more providers).	Refer to Reasons under submission point 7.17.

		attached to masts (one or two providers)		
7.19	Amendment 52: Standard 13.3.2.3.4 – Horizontal diameter circle of antenna attached to masts (one or two providers)	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 (involving either one or more providers).	Refer to Reasons under submission point 7.17.	
7.20	Amendment 52: Standard 13.3.2.3.5 – Antenna attached to buildings	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m ² 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 ² in area).	
7.21	Amendment 54: Permitted standard 13.3.2.5.2 – Earthworks	Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <i><u>“Slope, Height, Depth and Area of Earthworks</u></i> <i><u>The following shall apply to all network utilities except to:</u></i> <i><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></i> <i><u>(b) trenching in road reserve; and to</u></i> <i><u>(c) piling associated with the installation of network utility masts.”</u></i>	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.	

Submission Number: DPC34/8				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Chorus New Zealand Limited	8.1	General – Network Utilities	Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Chorus Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions	Chorus’ general relief sought in this submission point (8.1) applies to submission points 8.2 to 8.26.

		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.	
8.2	Amendment 1: Definition of Antenna	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.
8.3	Amendment 10: Definition of Height	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.
8.4	Amendment 11: Definition of Line	Retain definition of Line in so far as it relates to the Telecommunications Act 2001.	Support in part.
8.5	Amendment 14: Definition of Minor Above Ground Line	Retain as notified.	Support.
8.6	Amendment 15: Definition of Minor Upgrading	<p>Amend as follows:</p> <p><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 <u>and/or the replacement of an existing pole in road reserve is within 2m horizontal distance of that existing pole.</u></i></p> <p>...</p> <p><i><u>(l) the addition of a new overhead telecommunication fibre optic line provided that:</u></i></p> <p><i><u>(i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;</u></i></p> <p><i><u>(ii) the diameter of new fibre optic lines does not exceed 25mm;</u></i></p> <p><i><u>and</u></i></p> <p><i><u>(iii) the location of the new fibre optic line is consistent with the following figure:</u></i></p> <p>[please refer to the full 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 <u>(with the exception of</u></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>

			<i><u>additional overhead telecommunication lines utilising existing support poles as provided for in item (l) above) or utility structures.”</u></i>	
8.7	Amendment 22: Definition of Regionally Significant Network Utilities	Add item (g) to the definition as follows: <i><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></i>		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.
8.8	Amendment 32: Definition of 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. 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.
8.9	Amendment 44: 13.1.1 Regionally Significant Network Utilities – Explanation and Reasons	Amend the second paragraph of the Explanation and Reasons as follows: <i><u>“Policy (a) requires the Council to identify regionally significant network utilities within the City on its planning maps, as practicable. 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.”</u></i> Amend item (iii) in paragraph 3 of the Explanation and Reasons to 13.1.1 Regionally Significant Network Utilities as follows: <i><u>“iii People have access to electricity, telecommunications, radiocommunications and gas to meet their needs.”</u></i>		Oppose in part. Chorus considers 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). Chorus considers that it is not appropriate to map telecommunications networks due to the sheer volume of detail that would be required, therefore Chorus seeks to clarify that mapping should be undertaken as practicable in paragraph two of the Explanations and Reasons.
8.10	Amendment 45: 13.1.2 Managing Adverse Effects, including Reverse Sensitivity Effects	Retain as notified.		Support.
8.11	Amendment 46: 13.1.3 Recognising and Providing for Network Utilities	Retain as notified.		Support.

	8.12	Amendment 47: 13.1.4 Managing Environmental Effects, Policy (a); and associated Explanation and Reasons	<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 will <u>may</u> be some level of <u>residual</u> 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.”</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, <u>while also acknowledging that it is not always possible to</u> and requires that any potential adverse effects arising from network utilities are avoided, remedied or mitigated <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></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 the <u>generally the</u> required approach for those network utilities, such as cables that can be located underground.... In particular, the underground placement of electricity lines and telecommunication lines is required <u>in most circumstances</u> by only providing for aboveground lines in particular defined situations, such as for customer connections <u>and where permitted as minor upgrading.</u> and through different activity status. New above ground</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.
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		<i>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>	
8.13	Amendment 47: 13.1.4 Managing Environmental Effects – Policy (c)	Retain as notified.	Support.
8.14	Amendment 49: 13.3.1.11 Provision for Cabinets	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.
8.15	Amendment 49: 13.3.1.18 – Masts with or without associated antennas in Residential, Rural Residential and Recreation zones	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.
8.16	Amendment 49: 13.3.1.19 – Masts with or without associated antennas in Residential, Rural Residential and Recreation zones	Consequential amendments are required to Rule 13.3.1.19 to remove the activity areas outlined in submission point 8.15 from the Rule.	Refer to Reasons under submission point 8.15.
8.17	Amendment 49: 13.3.1.23 – Masts with or without associated antennas in Residential, Rural Residential and Recreation zones	Consequential amendments are required to Rule 13.3.1.23 to include these activity areas outlined in submission point 8.15	Refer to Reasons under submission point 8.15.
8.18	Amendment 49: 13.3.1.27	Amend as follows: <i>“New or additional above ground lines <u>not otherwise provided for.</u>”</i>	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".
8.19	Amendment 49: 13.3.1.28 Provision for Minor Above Ground Lines	Retain as notified.	Support.
8.20	Amendment 51: Standard 13.3.2.2.1 – Height of masts, antennas, lines and single pole support structures	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.
8.21	Amendment 51: Standard 13.3.2.2.2 – Masts and antennas (involving two or more providers)	Amend the permitted standard 13.3.2.2.2 to provide a height of 25m for two or more providers. Amend the permitted standard 13.3.2.2.2 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 8.20.
8.22	Amendment 52: Standard 13.3.2.3.2 – Diameter of masts involving two providers;	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. Chorus submits that the proposed standards are too restrictive and will not encourage co-location.
8.23	Standard 13.3.2.3.3 – Horizontal diameter circle of antenna attached to masts (one or two providers)	Amend permitted standards 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 (involving either one or more providers).	Oppose in part. Refer to Reasons under submission point 8.22.

	8.24	Standard 13.3.2.3.4 – Horizontal diameter circle of antenna attached to masts (one or two providers)	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 (involving either one or more providers).	Oppose in part. Refer to Reasons under submission point 8.22.
	8.25	Amendment 52: Standard 13.3.2.3.5 – Antenna attached to buildings	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m ² 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 ² in area).
	8.26	Amendment 54: Permitted standard 13.3.2.5.2 – Earthworks	Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <u>“Slope, Height, Depth and Area of Earthworks</u> <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.

Submission Number: DPC34/9				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Wellington Electricity Lines Limited (WELL)	9.1	Amendment 3: Definition of Building	Amend the definition to include the following exemption: <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 3m² or less ground coverage.”</u>	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.
	9.2	Amendment 4: Definition of Cabinet	Amend as follows: <u>“means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment</u>	Support in part. 110kV, not 100kV, is the industry standard.

			<i>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, 100kV 110kV. ...</i>	
9.3	New Definition of Critical Electricity Line	Include a definition for Critical Electricity Lines as follows: <i>“Critical Electricity Lines means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point to point. 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”.</i>		
9.4	Amendment 11: Definition of Line	Retain as notified.		Support.
9.5	Amendment 12: Definition of Maintenance	Retain as notified.		Support.
9.6	Amendment 14: Definition of Minor Above Ground Line	Retain as notified.		Support.
9.7	Amendment 15: Definition of Minor Upgrading	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.
9.8	Amendment 19: Definition of Network Utility	Retain as notified.		Support.
9.9	Amendment 20: Definition of Network Utility Structure	Retain as notified.		Support.

9.10	Amendment 31: Definition of Transmission Line	Retain as notified.	Support.
9.11	Amendment 32: Definition of Upgrading	Retain as notified.	Support.
9.12	Amendment 46: 13.1.3 Issue, Objective and Policies – Recognising and Providing for Network Utilities	Amend Policy 13.1.3 (a) by including the following: <i><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></i>	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. Policy 13.1.3(a) should be amended to more accurately reflect the policy’s explanation and definitively stipulate that potential adverse environmental effects of network utilities may need to be accepted.
9.13	Amendment 47: 13.1.4 Issue, Objective and Policies – Managing Environmental Effects	Amend by adding a new policy as follows: <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>	Support in part. The PC34 policies do not 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.
9.14	Amendment 49: Rule 13.3.1.1	Retain as notified.	Support.
9.15	Amendment 49: Rule 13.3.1.2	Retain as notified.	Support.
9.16	Amendment 49: Rule 13.3.1.3	Retain as notified.	Support.
9.17	Amendment 49: Rule 13.3.1.6	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.
9.18	Amendment 49: Rule 13.3.1.28	Retain as notified.	Support.
9.19	Amendment 49: Rule	Amend as follows:	Oppose as it includes all new and upgraded transformers

	13.3.1.30	<i>“New and upgraded transformers, substations and switching stations (other than those encased within a cabinet and/or those that are pole mounted within the Rural Activity Area), distributing electricity and ancillary buildings.”</i>	<p>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 5m² as sought below).</p> <p>The permitted activity rule for Cabinets should also apply to transformers and switch gear located within a Cabinet as the proposed definition includes these.</p> <p>As currently worded Rule 13.3.1.30 would require resource consent (discretionary activity) for overhead transformers in all activity areas. WELL 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.</p> <p>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>
9.20	Amendment 51: 13.3.2.2.4 – Height	Retain as notified.	Support.
9.21	Amendment 51: 13.3.2.2.5 – Height	Retain as notified.	Support.
9.22	Amendment 52: 13.3.2.3.6 – Size and Diameter	That Council Amend Standard 13.3.2.3.6 to enable road reserve cabinets associated with electrical distribution networks to have an area up to 5m ² as permitted activities adjacent to all land use zones.	<p>Support in part. The size and diameter standards for Cabinets located within the road reserve are too restrictive.</p> <p>As shown in Attachment 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</p>

			reserve cabinet.
9.23	Amendment 52: 13.3.2.3.7 – Size and Diameter	Retain as notified.	Support.
9.24	Amendment 53: 13.3.2.4 – Separation Distance and Setback	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.
9.25	Amendment 53: 13.3.2.4.3	Retain as notified.	Support.
9.26	Amendment 54: 13.3.2.5.2 – Earthworks, Slope, Height, Depth and Area of Earthworks.	Amend as follows: <i>“The following shall apply to all network utility activities, except to earthworks <u>associated with cable trenching</u>, 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 <u>or support structure</u>, where that piling is contained within 2.0m of the edge of the mast:...”</i>	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 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.
9.27	Amendment 55: 13.3.2.6 – Native Vegetation Clearance in Rural Residential and General Rural Activity Area	Amend as follows: <i>“Within the Rural Residential and General Rural Activity Areas, <u>and apart from damage caused by a Network Utility Operators maintenance activities</u>, there shall be no destruction of any native vegetation where:...”</i>	Support in part. Agree with Council that 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.

	9.28	Amendment 57: 13.3.2.8 – Temporary Above Ground Lines	Retain as notified.	Support.
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Submission Number: DPC34/10				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Powerco Limited	10.1	General – Network Utilities	<p>Amend the relevant provisions of the District Plan to:</p> <ul style="list-style-type: none"> • 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; • Implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA; <p>Recognise and provide for the ongoing operation, maintenance, upgrade and development of Powerco’s gas and electricity networks.</p>	<p>Support the general 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.</p> <p>Some amendments are sought to further clarify the specific regulatory approach for gas distribution infrastructure.</p>
	10.2	General – Network Utilities	<ul style="list-style-type: none"> • 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. 	To give effect to Powerco’s submission.
	10.3	Amendment 44: Issue, objective and policy 13.1.1	Retain as notified.	<p>Support.</p> <p>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.</p>
	10.4	Amendment 45: Issue, objective and policies 13.1.2	Retain as notified.	Support, as recognises reverse sensitivity is one of a range of adverse effects that may arise from inappropriate land use, subdivision and development in close proximity to existing network utilities.

10.5	Amendment 46: Issue, objectives and policies 13.1.3	Retain as notified.	Support.
10.6	Amendment 47: Issue 13.1.4	Retain Issue 13.1.4 as notified.	Support in part.
10.7	Amendment 47: objective 13.1.4	Retain Objective 13.1.4 as notified.	Support in part.
10.8	Amendment 47: Policy 13.1.4 (a)	Retain Policy 13.1.4 (a) as notified.	Support in part.
10.9	Amendment 47: Policy 13.1.4 (b)	Amend Policy (b) as follows: <i>“(b) To manage effects on health and safety by ensuring 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 recognised standards and guidelines.”</i>	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.
10.10	Amendment 47: Policy 13.1.4 (c)	Retain Policy 13.1.4 (c) as notified.	Support in part.
10.11	Amendment 47: Policy 13.1.4 (d)	Retain Policy 13.1.4 (d) as notified.	Support in part.
10.12	Amendment 47: Policy 13.1.4 (e)	Retain Policy 13.1.4 (e) as notified.	Support in part.
10.13	Amendment 47: Policy 13.1.4 (f)	Retain Policy 13.1.4 (f) as notified.	Support in part.
10.14	Amendment 47: Explanations and Reasons 13.14	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 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</i>	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 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><i>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 <u>relevant</u> national and international standards and guidelines addressing health and safety matters that are external to the District Plan. <u>Some of these but that</u> must be complied with, including the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, <u>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.</u>"</i></p>	
10.15	Amendment 48: How to use the network utility rules	Retain as notified.	Support.	
10.16	Amendment 49: Rule 13.3.1.1 – Removal, Operation and Maintenance	Retain as notified.	Support.	
10.17	Amendment 49: Rule 13.3.1.2 – Removal, Operation and Maintenance	Retain as notified.	Support.	
10.18	Amendment 49: Rule 13.3.1.4 – Upgrading	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. The upgrading work Powerco undertakes involves trenching which is an essential and temporary activity. 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 is required	

			before the work can be carried out. 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.
10.19	Amendment 49: Rule 13.3.1.8 – Subdivision	Retain as notified.	Support.
10.20	Amendment 49: Rule 13.3.1.31 – Gas Distribution Networks	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.
10.21	Amendment 51: Standard 13.3.2.2.4 – Height of Cabinets and other network utility structures	Retain as notified.	Support.
10.22	Amendment 51: Standard 13.3.2.2.5 – Height of Cabinets and other network utility structures	Retain as notified.	Support.
10.23	Amendment 52: Standard 13.3.2.3.6 – Size and Diameter of Cabinets and other network utility structures	Retain as notified.	Support.
10.24	Amendment 52: Standard 13.3.2.3.7 – Size and Diameter of Cabinets and other network utility structures	Retain as notified.	Support.
10.25	Amendment 53: Standard 13.3.2.4.3 – Minimum separation	Retain as notified.	Support.

		distance or setback requirements for network utilities.		
	10.26	Amendment 22: Definition of Regionally Significant Network Utilities	Retain as notified.	Support.
	10.27	Amendment 3: Definition of Building	Retain as notified.	Support.
	10.27	Amendment 3: Definition of Building	Retain as notified.	Support.

Submission Number: DPC34/11				
Submitter	Sub. Ref.	Amendment No. / Provision	Decision/Relief Sought	Reasons
Julie Sylvester	11.1	General – Network Utilities	Not stated.	Unclear whether consideration been given to animals that live in the rural area where the plan change has effects. Unclear what consideration owners of rural properties get.
	11.2	General – Renewable Energy Generation	Not stated.	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. Care must be taken not to destroy the environment when and if this activity takes place.

SUMMARY OF SUBMISSIONS – BY PROVISION - PROPOSED PLAN CHANGE 34

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 Council believe are not in scope of the Plan Change or on the Plan Change. These are identified in ***bold italics***.

GENERAL – NETWORK UTILITIES			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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 telecos.
Transpower New Zealand	6.1	<ul style="list-style-type: none"> - Give full effect to the NPSET - Effect is given to the policies of the RPS - Recognition of the NESETA and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the RMA) - The protection of the National Grid from issues of reverse sensitivity and the direct effects from others’ activities through the provision of appropriate National Grid Yard and National Grid Corridor provisions - Provide for the on-going operation, maintenance, upgrading and development of transmission lines, support structures and substations. 	Supports the general intent of the plan change subject to appropriate amendments.
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.
Spark New Zealand Trading Limited	7.1	Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Spark Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions 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.	Spark’s general relief sought in this submission point (7.1) applies to submission points 7.2 to 7.21.
Chorus New Zealand Limited	8.1	Either (i) amend the proposed plan change as per the relief set out in the specific submissions by Chorus Or (ii) such other relief to like effect to remedy the concerns outlined in the submissions	Chorus’ general relief sought in this submission point (8.1) applies to submission points 8.2 to 8.26.

		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.	
Powerco Limited	10.1	Amend the relevant provisions of the District Plan to: <ul style="list-style-type: none"> • 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; • Implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA; Recognise and provide for the ongoing operation, maintenance, upgrade and development of Powerco’s gas and electricity networks.	Support the general intent. 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.
	10.2	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.	To give effect to Powerco’s submission.
Julie Sylvester	11.1	Not stated.	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 properties get.
	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.

GENERAL – RENEWABLE ENERGY GENERATION			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Warren Thessman	5.2	Unclear.	The provisions for Renewable Energy Generation are not very specific and do not address some matters; in particular: <ul style="list-style-type: none"> • 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; • Should vertical axis wind generators be allowed on top of houses?
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?
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.

Amendment 1 – Definition of Antenna			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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.

Amendment 3 – Definition of Building			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Wellington Electricity Lines Limited (WELL)	9.1	Amend the definition to include the following exemption: <i>“(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 3m² or less ground coverage.”</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.
Powerco Limited	10.19	Retain as notified.	Support.

Amendment 4 – Definition of Cabinet			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Wellington Electricity Lines Limited (WELL)	9.2	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 up to, and including, 100kV 110kV.</i> ...”	Support in part. 110kV, not 100kV, is the industry standard.

Amendment 10 – Definition of Height			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.3	Insert the following note after the definition of height: <i>“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.”</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.
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.

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.
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Amendment 11 – Definition of Line			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.4	Amend as follows: <i>“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.”</i>	Support in part. Clarify that the activity does not need to meet the definition of line under both Acts referenced.
Chorus New Zealand Limited	8.4	Retain definition of Line in so far as it relates to the Telecommunications Act 2001.	Support in part.
Wellington Electricity Lines Limited (WELL)	9.4	Retain as notified.	Support.

Amendment 12 – Definition of Maintenance			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.1	Retain as notified.	Support.
KiwiRail	3.1	Retain as notified.	Support.
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.
Wellington Electricity Lines Limited (WELL)	9.5	Retain as notified.	Support.

Amendment 14 – Definition of Minor Above Ground Line			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Chorus New Zealand Limited	8.5	Retain as notified.	Support.
Wellington Electricity Lines Limited (WELL)	9.6	Retain as notified.	Support.

Amendment 15 – Definition of Minor Upgrading			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.6	Amend as follows: <i>“Minor Upgrading:</i> ... <i>(d) the addition of any new circuits, lines or utility structures, <u>where this results in an increase in the number of new lines or utility structures</u></i> <i>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.”</i>	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.
Chorus New Zealand Limited	8.6	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> <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 <u>and/or the replacement of an existing pole in road reserve is within 2m horizontal distance of that existing pole.</u></i> <i>(l) the addition of a new overhead telecommunication fibre optic line provided that:</i> <i>(i) the maximum number of fibre optic lines on existing support structures does <u>not exceed two lines;</u></i>	Oppose in part. Chorus seeks amendments to allow for: (a) the provision of up to two fibre optic lines utilising existing or replacement support structures subject to specific controls; and (b) the replacement of an existing support poles in road reserve within 2 metres of the existing pole which it is replacing. 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><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:</u> [please refer to the full submission which contains the figure]</p> <p>Minor upgrading shall not include:</p> <p>...</p> <p><u>(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."</u></p>	
Wellington Electricity Lines Limited (WELL)	9.7	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.

Amendment 16 – Definition of National Grid			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.7	Amend as follows: "National Grid: means ' N ational g Grid' as defined in the National Policy Statement on Electricity Transmission."	Support in part. Prefer that references to the National Grid are capitalised.

Amendment 17 – Definition of National Grid Corridor			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.8	Amend as follows: "...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 ..."	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.

Amendment 18 – Definition of National Grid Yard			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower	6.9	Amend as follows:	Support in part. Clarify in relation to (a), to show there is

New Zealand		<i>"National Grid Yard: means (a) the area located 12m either side of the centreline of an above-ground National Grid transmission line which is 110kV or greater; ..."</i>	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.
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Amendment 19 – Definition of Network Utility			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.2	Retain as notified.	Support.
KiwiRail	3.2	Retain as notified.	Support.
Transpower New Zealand	6.10	Replace clause (c) of the definition as follows: <i>"(c) the provision, operation and maintenance of works <u>(as defined in section 2 of the Electricity Act 1992)</u> for the conveyancing of electricity, as defined in section 2 of the Electricity Act 1992; "</i>	Oppose in part. The definition could be clearer.
Wellington Electricity Lines Limited (WELL)	9.8	Retain as notified.	Support.

Amendment 20 – Definition of Network Utility Structure			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.3	Retain as notified.	Support.
KiwiRail	3.3	Retain as notified.	Support.
Transpower New Zealand	6.11	Retain as notified.	Support.
Wellington Electricity Lines Limited (WELL)	9.9	Retain as notified.	Support.

Amendment 22 – Definition of Regionally Significant Network Utilities			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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.
Spark New Zealand Trading Limited	7.4	Add additional item (g) to the definition as follows: <i>“(g) <u>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>”</i>	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.
Chorus New Zealand Limited	8.7	Add item (g) to the definition as follows: <i>“(g) <u>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>”</i>	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.
Powerco Limited	10.26	Retain as notified.	Support.

Amendment 26 – Definition of Sensitive Activity			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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’
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) <u>childcare facilities, kohanga reo, primary, intermediate and secondary schools.</u>”</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.

Amendment 31 – Definition of Transmission Line			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
Wellington Electricity Lines Limited (WELL)	9.10	Retain as notified.	Support.

Amendment 32 – Definition of Upgrading			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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
KiwiRail	3.6	Amend the definition as follows: <i>Upgrading: As it applies to network utilities, upgrading means the replacement, repair, renewal or improvement or <u>physical works that result in an increase in carrying capacity, operational efficiency, security or safety of existing network utilities</u> but excludes:</i> <i>(a) ‘maintenance’ (as it relates to network utilities);</i> <i>(b) ‘minor upgrading’; 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.

Transpower New Zealand	6.15	Amend as follows: <i>"Upgrading: ... (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>	Oppose. Unclear what is the difference between 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.
Spark New Zealand Trading Limited	7.5	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.	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 'Minor Upgrading' provisions.
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.
Wellington Electricity Lines Limited (WELL)	9.11	Retain as notified.	Support.

Amendment 34 – Rule 11.2.2.2 – Matters in which Council seeks to Control			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.5	Retain as notified.	Support.
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 regionally significant network utility, and the outcome of consultation with KiwiRail, are supported as being matters Council seek to control.

Amendment 35 – Rule 11.2.2.3 – Assessment Criteria			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.6	Retain as notified.	Support.
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.

Amendment 36 – Rule 11.2.3(b) and associated Standards and Terms 11.2.3.2			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.16	Retain the proposed Restricted Discretionary Rule 11.2.3(b) without amending except for the following: “11.2.3 (b) Any subdivision located within a National Grid Corridor that complies with the standard and terms under Rule 11.2.3.1 11.2.3.2”	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 amended.
Transpower	6.17	Retain the standards and terms (11.2.3.2) without amending except for the following:	Oppose in part. At present, the District Plan only requires

New Zealand		<p>11.2.3.2 (a)</p> <p>(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) <u>or in the case of industrial or commercial activities, a suitable building platform</u> which is fully located outside of the national grid yard."</i></p>	<p>the demonstration of shape factors where residential activities are proposed: it is not required for commercial and industrial activities.</p> <p>A subdivision should be required to demonstrate that a building platform can be provided for all activities outside of the National Grid Yard</p>
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Amendment 38 – Matters of Discretion			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower	6.18	<p>Amend as follows:</p> <p><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></p> <p>(i) <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;</i></p> <p>(ib) <i><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>(ii) <i>The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;</i></p> <p>(iii) <i>The risk to the structural integrity of the National Grid;</i></p> <p>(iv) <i>The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;</i></p> <p>(v) <i>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.</i></p> <p><i>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.</i></p> <p><i>Vegetation to be planted <u>within proximity to Transmission Lines</u> 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)</i></p>	<p>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 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>

		<i>Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity <u>Transmission Line</u> especially works within the transmission corridor; contact the relevant network utility <u>National Grid operator</u>."</i>	
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Amendment 41 – Rule 11.2.5			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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 11.2.3.1 <u>11.2.3.2</u> .”	Support. The reference to Rule 11.2.3.1 appears to be incorrect and should be amended.

Amendment 42 – Deletion of existing Chapter 13			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.20	Retain as notified.	Support.

Amendment 43 – Chapter 13 Introduction			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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 transmission network <u>National Grid</u>. 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.</i> ”	Support in part. There should be minor terminology changes to ensure consistency with other parts of the Plan Change.

		<p>...</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 power <u>electricity</u> 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>..."</p>	
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Amendment 44 – 13.1.1 Issues, Objectives and Policies: Regionally Significant Network Utilities			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.7	Retain as notified.	Support.
KiwiRail	3.10	Retain as notified.	Support.
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></p> <p><i>(a) To identify regionally significant network utilities within the City on Council planning maps, as practicable.</i></p> <p><i>(b) To recognise <u>and protect</u> the national, regional and local benefits of regionally significant network utilities.</i></p> <p><i>Explanation and Reasons</i></p> <p>...</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"> <i>i. That people and goods can travel to, and from and around the City and Region efficiently and safely;</i> <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> 	<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 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>

		<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>	
Spark New Zealand Trading Limited	7.6	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> 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>telecommunications, radiocommunications</u> and gas to meet their needs."</i>	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). 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.
Chorus New Zealand Limited	8.9	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> 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>telecommunications, radiocommunications</u> and gas to meet their needs."</i>	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). It is not appropriate to map telecommunications networks due to the sheer volume of detail that would be required, therefore Chorus seeks 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.

Amendment 45 – 13.1.2 Issues, Objectives and Policies: Managing Adverse Effects, including Reverse Sensitivity Effects

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.8	Retain as notified.	Support.
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.
Transpower New Zealand	6.23	<p>Amend as follows:</p> <p><i>“Objective</i> <i>To ensure the operation, maintenance, upgrading and development of regionally significant network utilities is not unreasonably 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>...</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, where practicable, 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.</i></p> <p><i>Policy (b) recognises the importance of the National Grid and seeks to protect the continued operation, <u>maintenance and upgrade and upgrade</u> and functioning of that</i></p>	<p>Oppose. The qualifier ‘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>

		<p>network. The policy provides for the establishment of a National Grid Yard within which sensitive activities and incompatible <u>earthworks</u>, buildings and structures will be avoided. The management avoidance of sensitive activities and incompatible earthworks, of buildings and structures within a National Grid Yard is aimed at ensuring that these do not hinder required access to the network for its on-going operation and maintenance;</p> <ol style="list-style-type: none"> 1. <u>maintaining access to the network for its on-going operation, maintenance, upgrading and development;</u> 2. <u>mitigating safety risks for occupants and users of properties;</u> 3. <u>protecting the structural integrity of transmission lines; and</u> 4. <u>maintaining the opportunity to further optimise existing National Grid lines in the future.</u> <p>which 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.</p> <p>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.”</p>	
Spark New Zealand Trading Limited	7.7	Retain as notified.	Support.
Chorus New Zealand Limited	8.10	Retain as notified.	Support.
Powerco Limited	10.4	Retain as notified.	Support.

Amendment 46 – 13.1.3 Issue, Objective and Policies: Recognising and Providing for Network Utilities

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport	1.9	Retain as notified.	Support.

Agency			
KiwiRail	3.12	Retain as notified.	Support. While new rail networks are not 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.
Spark New Zealand Trading Limited	7.8	Retain as notified.	Support.
Chorus New Zealand Limited	8.11	Retain as notified.	Support.
Wellington Electricity Lines Limited (WELL)	9.12	Amend Policy 13.1.3 (a) by including the following: <i><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></i>	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. Policy 13.1.3(a) should be amended to more accurately reflect the policy's explanation and definitively stipulate that potential adverse environmental effects of network utilities may need to be accepted.
Powerco Limited	10.5	Retain as notified.	Support.

Amendment 47 – 13.1.4 Issues, Objectives and Policies: Managing Environmental Effects

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Powerco Limited	10.6	Retain Issue 13.1.4 as notified.	Support in part.
Powerco Limited	10.7	Retain Objective 13.1.4 as notified.	Support in part.
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.
Wellington Electricity Lines Limited (WELL)	9.13	Amend by adding a new policy as follows: <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>	Support in part. The PC34 policies do not 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.
Spark New Zealand Trading Limited	7.9	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> 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 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."</u></i>	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.

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 will <u>may be</u> some level of <u>residual</u> 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.”</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, <u>while also acknowledging that it is not always possible to</u> and requires that any potential adverse effects arising from network utilities are avoided, remedied or mitigated <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></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 the <u>generally the required</u> approach for those network utilities, such as cables that can be located underground.... In particular, the underground placement of electricity lines and telecommunication lines is required <u>in most circumstances</u> by only providing for aboveground lines in particular defined situations, such as for customer connections <u>and where permitted as minor upgrading.</u> 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 above ground lines, such as the Rural zone where they are permitted.</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.
Powerco Limited	10.8	Retain Policy 13.1.4 (a) as notified.	Support in part.

Powerco Limited	10.9	Amend Policy (b) as follows: <i>“(b) To manage effects on health and safety by ensuring 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 recognised standards <u>and guidelines.</u>”</i>	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.
Transpower New Zealand	6.26	Amend Policy (c) as follows: <i>“(c) To enable the co-location or multiple use of network utilities where this is efficient and practicable <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’.
Spark New Zealand Trading Limited	7.10	Retain 13.1.4 Policy (c) as notified.	Support.
Chorus New Zealand Limited	8.13	Retain 13.1.4 Policy (c) as notified.	Support.
Powerco Limited	10.10	Retain Policy 13.1.4 (c) as notified.	Support in part.
Greater Wellington Regional Council	2.2	Amend policy 13.1.4 (d) as follows: <i>“...to require the underground placement of new network utilities unless (i) there are natural or physical features or structures, or technological and operational constraints <u>and effects on flood flow capacity and stopbank integrity</u>, that makes underground placement impractical or unreasonable”...</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.
Transpower New Zealand	6.27	Amend Policy (d) as follows: <i>“(d) <u>Except for transmission lines</u>, 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; (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.”</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.
Powerco Limited	10.11	Retain Policy 13.1.4 (d) as notified.	Support in part.
Powerco Limited	10.12	Retain Policy 13.1.4 (e) as notified.	Support in part.

Greater Wellington Regional Council	2.3	Amend policy 13.1.4 (f) as follows: “(f) To encourage network utility providers to consult with local communities <u>and the regional council</u> on the appropriate placement, location and design of new network utilities”	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.
Powerco Limited	10.13	Retain Policy 13.1.4 (f) as notified.	Support in part.
Transpower New Zealand	6.28	Amend the Explanations and Reasons as follows: “ <i>Explanation and Reasons</i> <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 some level of 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.</i> ... <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 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 generate electromagnetic fields (EMF), the National Policy Statement on Electricity Transmission, requires that the exposures be limited to the <u>guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) to prevent the potential for health effects.</u></i> ... <i>Policy (c) recognises that the co-location and co-siting of network utilities may provide</i>	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.

		<i>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>	
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 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 that 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.”</i></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 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.

Amendment 48 – How to use the Network Utility Rules			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Powerco Limited	10.15	Retain as notified.	Support.

Amendment 49 – Network Utility Rules 13.3.1

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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> <ul style="list-style-type: none"> • 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. • 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>GWRC has concerns 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), 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 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>
Transpower New Zealand	6.29	<p>Amend the Activity Status in 13.3.1 so that:</p> <ul style="list-style-type: none"> • 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 • National Grid activities are given the following activity status: <ul style="list-style-type: none"> ○ Permitted: The operation, maintenance, minor-upgrading of transmission lines, transmission line support structures and substations. ○ Restricted Discretionary: The upgrading of transmission lines, transmission line support structures and substations. ○ Discretionary: New transmission lines, transmission line support structures and substations. ○ Non-complying: All network utilities which do not comply with the permitted activity standards for electric and magnetic fields. • Transmission lines and their support structures are covered by the same rules • The status of activities which do meet standards is clearly stated 	<p>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.</p>

		<ul style="list-style-type: none"> Only Health and Safety Standard 13.3.2.1 applies to discretionary activities for new lines 	
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 should be specifically provided for and that this would give effect to the NPSET and RPS.	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.

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
KiwiRail	3.13	Retain as notified.	Support.
Wellington Electricity Lines Limited (WELL)	9.14	Retain as notified.	Support.
Powerco Limited	10.16	Retain as notified.	Support.

Amendment 49 – Network Utility Rule 13.3.1.2 Operation and maintenance of existing network utilities			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
KiwiRail	3.14	Amend as follows: <i>“The operation and maintenance of existing 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 would be removed with the removal of the word ‘existing’.
Wellington Electricity Lines Limited	9.15	Retain as notified.	Support.

(WELL)			
Powerco Limited	10.17	Retain as notified.	Support.

Amendment 49 – Network Utility Rule 13.3.1.3 Minor upgrading of existing electricity and telecommunication lines			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
NZ Transport Agency	1.10	Remove the word existing from this rule. <i>“The minor upgrading of existing 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.
Transpower New Zealand	6.30	Amend Rule 13.3.1.3 as 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)	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.
Wellington Electricity Lines Limited (WELL)	9.16	Retain as notified.	Support.

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
KiwiRail	3.15	Retain as notified.	Support.
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 is required before the work can be carried

			<p>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
KiwiRail	3.16	Retain as notified.	Support.

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
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.
Transpower New Zealand	6.31	Amend Rule 13.3.1.6 ‘upgrading of network 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	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.
Wellington Electricity Lines Limited (WELL)	9.17	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.

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
Powerco Limited	10.27	Retain as notified.	Support.

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
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.

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
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.

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			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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.
Chorus New Zealand	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

Limited			13.3.1.9 are then again 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
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.

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
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.

Amendment 49 – Network Utility Rule 13.3.1.17 Underground Utilities

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
KiwiRail	3.19	Retain as notified.	Support.

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
Spark New	7.12	Amend Rule 13.3.1.18 to provide as a permitted activity for masts with or without	Oppose. There is no proposed permitted provision for

Zealand Trading Limited		associated antennas as a permitted activity in the General or Hill Residential, Rural Residential and General Recreation Activity areas.	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.
Chorus New Zealand Limited	8.15	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.

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
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.
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.

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
Spark New Zealand Trading Limited	7.14	Consequential amendments are required to 13.3.1.23 to include the activity areas outlined in submission point 7.12.	Oppose. Refer to Reasons under submission point 7.12.
Chorus New	8.17	Consequential amendments are required to Rule 13.3.1.23 to include these activity areas	Oppose. Refer to Reasons under submission point 8.15.

Zealand Limited		outlined in submission point 8.15.	
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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
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.

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
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 of the plan. It is also unclear what activity status applies if the standards listed for either rules are not complied with. 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.	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.
Chorus New Zealand Limited	8.18	Amend as follows: <i>“New or additional above ground lines <u>not otherwise provided for.</u>”</i>	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”.

Amendment 49 – Network Utility Rule 13.3.1.28 Minor above ground lines			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Chorus New Zealand Limited	8.19	Retain as notified.	Support.
Wellington Electricity Lines Limited (WELL)	9.18	Retain as notified.	Support.

Amendment 49 – Network Utility Rule 13.3.1.30 New and upgraded transformers, substations and switching stations distributing electricity and ancillary buildings			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
Wellington Electricity Lines Limited (WELL)	9.19	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 ² 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 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.
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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
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.

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
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 and the rail corridor.”</i>	Support in part. Within the rail corridor there are also traffic control signals and devices, light poles, gardens, shelters, phone boxes, etc.

Amendment 51 – Standard 13.3.2.2.1 Height			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
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 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.

Amendment 51 – Standard 13.3.2.2.2 Height of masts and antennas (involving two or more providers)			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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 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.
Chorus New Zealand Limited	8.21	Amend the permitted standard 13.3.2.2.2 to provide a height of 25m for two or more providers 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 8.20.

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
Wellington Electricity Lines Limited (WELL)	9.20	Retain as notified.	Support.
Powerco Limited	10.21	Retain as notified.	Support.

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
Wellington Electricity Lines Limited (WELL)	9.22	Retain as notified.	Support.
Powerco Limited	10.21	Retain as notified.	Support.

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
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 providers.	Oppose in part. The proposed standards are too restrictive and will not encourage co-location.
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.

Amendment 52 – Standard 13.3.2.3.3 Horizontal diameter circle of antenna attached to masts			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Spark New	7.18	Amend permitted standard 13.3.2.3.3 to provide as a permitted standard for antenna	Oppose in part. Refer to Reasons under submission point

Zealand Trading Limited		attached to a mast to be located within a horizontal circle of 5m in the General Rural zone.	7.17.
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.

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
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.
Chorus New Zealand Limited	8.24	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 8.22.

Amendment 52 – Standard 13.3.2.3.5 Antenna attached to other buildings			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Spark New Zealand Trading Limited	7.20	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m ² 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 ² in area).
Chorus New Zealand Limited	8.25	Amend permitted standard 13.3.2.3.5 to provide for an antenna diameter of 1.2m ² 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 ² in area).

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
Wellington Electricity Lines Limited (WELL)	9.22	That Council Amend Standard 13.3.2.3.6 to enable road reserve cabinets associated with electrical distribution networks to have an area up to 5m ² as permitted activities adjacent to all land use zones; and	Support in part. The size and diameter 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 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.

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
Wellington Electricity Lines Limited (WELL)	9.23	Retain as notified.	Support.
Powerco Limited	10.24	Retain as notified.	Support.

Amendment 53 – Standard 13.3.2.4 Separation Distance and Setbacks			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
KiwiRail	3.21	Amend as follows: <i>“Separation Distance and Setbacks</i> <i>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 attached to masts and any cabinet or other network utility structure that is defined as a building that are not</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.

		<i>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.
Wellington Electricity Lines Limited (WELL)	9.24	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.

Amendment 53 – Standard 13.3.2.4.3 Separation distance or setback for cabinets and other network utility structures

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Wellington Electricity Lines Limited (WELL)	9.25	Retain as notified.	Support.
Powerco Limited	10.25	Retain as notified.	Support.

Amendment 54 – Standard 13.3.5.2 Slope, Height, Depth and Area of Earthworks

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
KiwiRail	3.22	Amend as follows: “Slope, Height, Depth and Area of Earthworks ... (iv) Area: ...	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

		<u>Within any Rail Corridor – 1000m²</u>	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 ² 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.
Transpower New Zealand	6.42	Amend as follows: <i>"The following shall apply to all network utility activities, except to 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 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, <u>and to earthworks within 2 metres of the outer edge of a network utility support structure without exterior walls: ..."</u></i>	Oppose. The proposed standard may unnecessarily catch earthworks associated with the foundations for 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.
Spark New Zealand Trading Limited	7.21	Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <u>"Slope, Height, Depth and Area of Earthworks</u> <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. 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.
Chorus New Zealand Limited	8.26	Amend as follows: That permitted standard 13.3.2.5.2 be amended and reformatted as follows: <u>"Slope, Height, Depth and Area of Earthworks</u> <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>	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

		<u>(b) trenching in road reserve; and to</u> <u>(c) piling associated with the installation of network utility masts."</u>	of the mast is unnecessary in terms of the nature and the effects of this work.
Wellington Electricity Lines Limited (WELL)	9.26	Amend as follows: "The following shall apply to all network utility activities, except to earthworks <u>associated with cable trenching</u> , 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 <u>or support structure</u> , where that piling is contained within 2.0m of the edge of the mast:..."	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 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.

Amendment 55 – Standard 13.3.2.6 Native Vegetation Cover			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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.
Wellington Electricity Lines Limited	9.27	Amend as follows: "Within the Rural Residential and General Rural Activity Areas, <u>and apart from damage caused by a Network Utility Operators maintenance activities</u> , there shall be no	Support in part. Agree with Council that destruction of native vegetation should be avoided; however WELL are required to maintain growth limits on vegetation within

(WELL)		<i>destruction of any native vegetation where:..."</i>	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
Wellington Electricity Lines Limited (WELL)	9.28	Retain as notified.	Support.

Amendment 59 – 13.3.4 Matters in which Council has restricted its discretion			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.44	<p>Replace the matters of discretion with the following:</p> <p><i><u>"(a) Any positive effects to be derived from the activity.</u></i></p> <p><i><u>(b) The degree, extent and effects of the non-compliance with the Permitted Activity Conditions.</u></i></p> <p><i><u>(c) Health and safety.</u></i></p> <p><i><u>(d) Suitability of the site for the proposed activity, including consideration of geotechnical and natural hazard constraints.</u></i></p> <p><i><u>(e) Layout, design and location of proposed structures.</u></i></p> <p><i><u>(f) Traffic and transport effects.</u></i></p> <p><i><u>(g) Extent of any earthworks.</u></i></p> <p><i><u>(h) Effects on historic heritage.</u></i></p> <p><i><u>(i) Visual, character and amenity effects.</u></i></p> <p><i><u>(j) Noise and lighting effects.</u></i></p> <p><i><u>(k) Effects on public access.</u></i></p> <p><i><u>(l) Effects on natural character and native vegetation.</u></i></p> <p><i><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></i></p>	<p>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 to renewable energy generation.</p> <p>In addition:</p> <ul style="list-style-type: none"> • 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 • 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

	<p><i>(n) Any constraints arising from technical and operational requirements of the network which may limit measures to avoid, remedy or mitigate environment effects"</i></p> <p>Make consequential amendments to the references to the matters of discretion in section 13.3.1.</p>	<p>should have a bearing on a resource consent application. The Act does not require consultation.</p>
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Amendments 61, 62, 63 and 64 – Rules relating to activities in the National Grid Yard

Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	6.45	<p>Amend 13.4 as follows:</p> <p>a) Include the new permitted activity rule:</p> <p><u>"In all activity areas, earthworks within the National Grid Yard which:</u></p> <p><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></p> <p><u>b) do not exceed 300mm in depth within 12m of any National Grid support structure foundation;</u></p> <p><u>c) do not compromise the stability of a National Grid support structure; and</u></p> <p><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</p> <p><u>"Any earthworks 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:</p> <p><u>"a) Impacts on the operation, maintenance, upgrade and development of the National Grid.</u></p> <p><u>b) Compliance with NZECP34:2001.</u></p> <p><u>c) Technical advice provided by the National Grid owner (Transpower).</u></p> <p><u>d) The risk to the structural integrity of the National Grid.</u></p> <p><u>e) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</u></p> <p><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:</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>

		<p><u>"In all activity areas, within the National Grid Yard:</u></p> <p><u>a) The establishment of sensitive land use activity, including the change of the 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
Transpower New Zealand	6.46	Amend clause (c) of all 'Other Provisions' as follows: <i>"(c) 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."</i>	Oppose. The proposed change does not adequately direct parties to the National Grid provisions in proposed section 13.4 of the Plan.

Amendment 76 – Planning Maps			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
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 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.

ADDITIONAL PROVISIONS – NEW POLICY TO CHAPTER 13			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Greater Wellington Regional Council	2.1	Add new policy as follows: <i>"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".</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

			<p>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.</p> <p>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.</p>
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ADDITIONAL PROVISIONS – NEW DEFINITION OF CRITICAL ELECTICITY LINE			
Submitter	Sub. Ref.	Decision/Relief Sought	Reasons
Transpower New Zealand	9.3	<p>Include a definition for Critical Electricity Lines as follows:</p> <p><i>“Critical Electricity Lines means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point to point.</i></p> <p><i>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”.</i></p>	<p>Acknowledges that Council has substantively derived the PC34 definition for Regionally Significant Network Utilities from the RPS’s definition for Regionally Significant Infrastructure. Considers that as the electricity distribution network has been excluded from the regionally significant definition in PC34, there is insufficient recognition of the critical importance that elements of the distribution network (namely the sub-transmission network) in the plan change. This in-turn has consequences in regard to effective protection against adverse effects such as reverse sensitivity, vegetation, and the limited access WELL has in regard to mandatory developer consultation.</p>

ADDRESS FOR SERVICE – PROPOSED PLAN CHANGE 34

Submission No.	Name/Organisation	Address
DPC34/1	New Zealand Transport Agency	Attn: Teresa Minogue NZ Transport Agency PO Box 5085 Wellington 6145
DPC34/2	Greater Wellington Regional Council	Attn: Caroline Ammundsen Policy Advisor, Environmental Policy Greater Wellington Regional Council PO Box 11646 Manners Street Wellington 6142
DPC34/3	KiwiRail Holdings Limited (KiwiRail)	Attn: Rebecca Beals KiwiRail Holdings Limited Wellington Railway Station PO Box 593 Wellington 6140
DPC34/4	Mary Beachen	[REDACTED]
DPC34/5	Warren Thessman	[REDACTED]
DPC34/6	Transpower New Zealand Limited	Attn: Kate Pascall Transpower New Zealand Limited PO Box 1021 Wellington 6140
DPC34/7	Spark New Zealand Trading Limited	Attn: Mary Barton Spark New Zealand Trading Limited c/- Chorus New Zealand Limited PO Box 632 Wellington 6140

DPC34/8	Chorus New Zealand Limited	Attn: Mary Barton Chorus New Zealand Limited PO Box 632 Wellington 6140
DPC34/9	Wellington Electricity Lines Limited	Tim Lester c/- Edison Consulting Group PO Box 4269 Mt Maunganui 3149
DPC34/10	Powerco Limited	Attn: Georgina McPherson Burton Planning Consultants Limited Level 1, 2-8 Northcroft Street PO Box 33-817, Takapuna Auckland 0740
DPC34/11	Julie Sylvester	██████████ ██████████ ██████████