## Before the Hutt City Proposed District Plan Hearings Panel

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| Under | the Resource Management Act 1991 (the Act) |
| In the matter of | the Proposed Hutt City District Plan –<br>**Hearing Stream 7 –**<br>**Other Topics**<br>• Earthworks<br>• Financial Contributions<br>• Subdivision |
| Between | **Hutt City District Council**<br>Local authority |
| And | **Transpower New Zealand Limited**<br>Submitter 504 and Further Submitter F12 |

# Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 29 September 2026

## 6 Executive Summary

1.1. As outlined in my Hearing Stream 6 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement for Electricity Networks 2008 ("**NPS-EN**").

1.2. Transpower's submission on the Proposed Lower Hutt District Plan ("**PDP**") was extensive. While the approach adopted in the PDP was broadly supported by Transpower, changes were sought to give effect to the NPS-EN. Transpower's submission will be heard across multiple hearings and therefore Transpower requests the panel refer to the Transpower evidence to Hearing Stream 6 in considering the submission points relevant to this Hearing Stream. For the sake of efficiency, the background and planning contextual information will not be repeated.

1.3. Specific to the topics addressed through Hearing Stream 7 *Other Topics* Transpower's interest is confined to the topics relating to Subdivision, Earthworks and Financial Contributions. The submission points can be summarised as follows:

1.3.1. Specific to Earthworks, Transpower lodged nine submission points covering definitions, the introduction, policies EW-P1, EW-P2 and EW-P15, and National Grid Yard specific rules EW-R1, EW-R16 and EW-S1. The submission sought refinements as opposed to wholesale changes.

1.3.2. Three submission points were lodged to the Subdivision Chapter, Again, the amendments sought were confined and related to the Introduction, and National Grid specific policy SUB-P25 and rule SUB-R24.

1.3.3. Three submission points were also lodged to the Financial Contributions Chapter, with the relief sought confined to the application of offsetting and compensation requirements to the National Grid within the Introduction to the chapter, objective FC-O1 and rule FC-R2.

1.4. I have reviewed the S42A Reports and accept the majority of recommendations. The only amendments I do not support are those relating to rules for subdivision and earthworks in the National Grid Yard. Rather, I recommend that in light of recent announcement of updates to the Resource Management (National Environmental

Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (“NES-ETA’), to be replaced by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 (“NES-ENA”), which comes into effect on 8 October 2026, the PDP defers to regulations in the NES-ENA. This could be achieved by a decision of the panel, through a clause 16 amendments process at the end of the hearings process, or addressed through the proposed and operative district plan integration process. Transpower is more than happy to work with officers in providing an appropriate solution.

1.5. Attached as **Appendix A** to my evidence is a table outlining all the Transpower submission points relevant to Hearing Stream.

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Appendix A - Summary Table - Response to s42A Report Officer Recommendations

## 2. Qualifications and Experience

2.1. My full name is Pauline Mary Whitney. I am a planner with Boffa Miskell Ltd. My evidence is given in support of Transpower's submission on the Hutt City Proposed District Plan ("**PDP**").

2.2. For my qualifications and experience and other introductory comments, please refer to paragraphs 2.1 – 2.6 of my statement of evidence for Hearing Stream 6 ("Hearing 6 Evidence"), dated 4 September 2026.

2.3. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Practice Note (2023), and I agree to comply with it.

## 3. Scope of Evidence

3.1. My evidence will address the following:

- A brief outline of the National Grid Framework and Transpower's interests in Hearing Stream 7 Other Topics; and
- Responses to the officer recommendations.

## 4. The National Grid Policy Framework

4.1. As outlined in my Hearing 6 Evidence, Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement for Electricity Networks 2008 ("**NPS-EN**") (Amended December 2025). This significance applies universally across the country regardless of the nature of the specific National Grid asset.

## 5. Updated National Environmental Standards

5.1. As noted in my hearing 6 appearance, on 8 October the Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 ("NES-ETA'), is to be replaced by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 ("NES-ENA") National Environmental Standards for Electricity Network Activities. Specific to electricity transmission, in

addition to continuing to regulate existing National Grid assets (being those constructed before 2010), the updated NES-ENA will now regulate activities (land use and earthworks) within a defined National Grid Yard and (subdivision) within a defined National Grid Subdivision Corridor. As with the NES-ETA, the NES-ENA will prevail (on the basis of Section 43B of the RMA applies (which states the NES provisions prevail unless otherwise specified in the NES)).

5.2. As commented in paragraph 5.35 of my primary hearing 6 evidence, it would not in my opinion be ideal to have provisions in the PDP which do not exactly reflect, or which duplicate the NES-ENA. Therefore. in my opinion the most pragmatic solution would be to delete National Grid specific 'third party' rules from the PDP and instead rely on the NES-ENA. Section 44A of the RMA allows a local authority to amend its plan to remove or amend provisions that duplicate, overlap with, or conflict with a National Environmental Standard.

5.3. I am conscious of the councils concern that plan users might not be aware of the regulations in the NES-ENA should the PDP rules be removed. I acknowledge the concern but suggest the existence of the NES-ENA could be communicated via a note. The potential confusion by having duplicating (but also differing) rules and standards is a greater risk for all plan users in my opinion.

5.4. Giving effect to the NES-ENA could be achieved through a decision from the panel, or as a clause 16 amendment at the end of the hearings process. I am aware the issue has come up in the Far North with the Clause 16 amendment process used. Another option proposed by the reporting officer at the Infrastructure Hearing is to update provisions through the PDP and ODP integration exercise. I am not opposed to this approach provided it is taken in a timely manner. Transpower is happy to work with council officers to give effect to the NES-ENA.

5.5. Notwithstanding deletion of the rules, I support retention of the relevant policies in the PDP given they will provide the relevant policy context should consent be required under the NES-ENA.

## 6. Summary of Hearing Stream 7 Other Topics: Subdivision, Earthworks and Financial Contributions Submission Points

6.1. Specific to the Hearing Stream 7 topics, Transpower's interest as an original submitter is confined to nine original submission points to the topic of Earthworks, and three points to the topics of Subdivision and Financial Contributions.

6.2. The submission points are summarised as follows:

***Earthworks Chapter***

- The Earthworks Chapter is largely supported. Changes are sought to the National Grid Yard earthworks rule EW-R1, EW-R16 and standard EW-S1 to capture 'Minor earthworks' and amend the default activity status from restricted discretionary to non-complying. The introduction, policies EW-P1 and EW-P2 were supported, with confined changes sought to the National Grid specific policy EW-P15 (to include reference to minor earthworks).

***Subdivision Chapter***

- The Subdivision Chapter is largely supported with minimal changes sought to the Introduction, National Grid specific policy SUB-P25 and rule SUB-R24.

***Financial Contributions Chapter***

- Transpower also raised concerns with how offsetting and financial contributions would be required within the chapter framework, and specifically the Introduction to the chapter, objective FC-O1 and rule FC-R2.

## 7. Response to the Section 42A Report Recommendations

7.1. The following section responds to the S42A Report recommendations on Transpower's submission points. For clarity, attached as Appendix A to my evidence is a table outlining all the submission points relevant to the Hearing Stream, including the relief sought by Transpower, the S42A recommendations, and my response to the recommendations.

7.2. In summary, I accept the majority of the S42A Report recommendations. The only amendments I recommend through this evidence are deletion of the National Grid Yard earthworks rule EW and National Grid Subdivision Corridor subdivision rule SUB-R24 (on the basis these are now addressed in the NES-ENA). The following are suggested amendments but I fully accept a more detailed forensic analysis is required.

***Earthworks Chapter***

7.3. In its submission Transpower supported the Earthworks Chapter with minimal changes sought. The submission supported the definition of Earthworks, Minor Earthworks, the Introduction to the Earthworks Chapter, Policies EW-P1, EW-P2, and Rule EW-R1.

Confined changes were sought to the National Grid Yard specific policy EW-P15, and rule EW-R16 and standard EW-S13, predominantly to capture 'Minor earthworks' and amend the default activity status from restricted discretionary to non-complying.

7.4. I support the S42A Report recommendations on the above definitions, and policies, and rule EW-R1, on the basis they give effect to the relief sought in the Transpower submission.

7.5. In relation EW-R16 and EW-S13, while the relief on these provisions has been accepted and accepted in part respectively, given the very recent amendments to the NES and inclusion of a specific regulation to manage earthworks within the National Grid Yard, I recommend deferring to the NES-ENA and deletion of EW-R16 and EW-S13. In addition to differences in the format of the rule in the PDP and the NES-ENA, there are slight differences between the PDP and NES rules, for example the PDP refers to 'minor earthworks' as opposed to 'land disturbance'; the PDP has no pole setback standards whereas they are included in the NES; the PDP refers to 'vehicle access' whereas the NES just refers to 'access'. While I accept the differences are discrete, they do generate the potential for confusion.

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| ~~*EW-R16*~~<br>~~*Minor earthworks, Earthworks and vertical holes within the National Grid Yard not associated with infrastructure……*~~ |

| |
|---|
| ~~*EW-S13*~~<br>~~*Minor earthworks, Earthworks and vertical holes within the National Grid Yard not associated with infrastructure…..*~~<br>~~……~~ |

***Subdivision Chapter***

7.6. In its submission Transpower supported the Subdivision Chapter with minimal changes sought and the submission confined to the Introduction, Policy SUB-P25 and rule SUB-R24.

7.7. I accept the S42A Report to not amend the Introduction to the Subdivision chapter. I remain supportive of the policy SUB-P25 and support the amendment to give effect to the relief sought in the Transpower submission, as recommended by the S42A Report.

7.8. In relation SUB-R24, given the very recent amendments to the NES and inclusion of a specific regulation to manage subdivision within the National Grid Subdivision Corridor, I recommend deferring to the NES-ENA and deletion of SUB-R24. In addition to differences in the format of the rule in the PDP and the NES-ENA, there are slight differences between the PDP and NES rules, for example the PDP refers to buildings for sensitive activities being located outside the yard whereas the NES-ENA refers to new dwelling; and there is a slight difference in the matters of discretion with the NES-ENA referring to visual and reverse sensitivity effects being located through the location of building platforms. While I accept the differences are discrete, they do generate the potential for confusion.

7.9. Based on the above, I recommend deletion of SUB-R24 as follows (refer blue text below:

~~*SUB-R24 Subdivision of land within the National Grid Subdivision Corridor Overlay*~~

~~*All zones*~~

~~*1. Activity status: Restricted discretionary*~~

~~*.....*~~

***Financial Contributions Chapter***

7.10. Transpower raises concerns with how offsetting and financial contributions would be required within the chapter framework. I accept the officer recommendations (on the Introduction, Objective FC-O1 and rule FC-R2) and consider they address the concerns raised in the Transpower submission. I support the S42A Report recommended amendment to FC-R2 to provide a clear exemption for network utilities.

## 8. Conclusion

8.1. The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.

8.2. The Section 42A reports have comprehensively assessed the submission points of Transpower with the majority of the relief sought accepted or accepted in part.

8.3. I have reviewed the S42A Reports and accept the majority of recommendations. The only amendments I do not support are those relating to rules for subdivision and earthworks in the National Grid Yard. Rather, I recommend that in light of recent announcement of updates to the Resource Management (National Environmental

Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (“NES-ETA’), to be replaced by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 (“NES-ENA”), which comes into effect on 8 October 2026, the PDP defers to regulations in the NES-ENA.

**Pauline Mary Whitney**

29 September 2026

# Appendix A

## Summary Table - Response to s42A Report Officer Recommendations

| Sub point | Summary of Submission | Section 42A Report Recommendation | Response to Section 42A Report |
|---|---|---|---|
| | Definitions | | |
| 504.3 | ***Definition: Earthworks***<br><br>**Relief sought: Support**<br>Retain the definition as notified<br>***Earthworks***<br>*means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock), but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.*<br><br>**Reasoning:**<br>Support definition as it is consistent with the National Planning Standards. | **Earthworks S42A Report Recommendation: Accept**<br><br>**Recommended amendment:**<br>None | Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower (to retain the definition). |
| 504.5a | ***Definition: Minor earthworks***<br><br>**Relief sought: Support**<br>Retain the definition as notified, but ensure the National Grid Yard rules apply.<br>***minor earthworks***<br>*means earthworks for the purposes of piling, trenching, geotechnical investigations, interments within existing cemeteries or urupā, soakpits, stormwater detention tanks, rainwater tanks, wastewater mitigation tanks, and the replacement or removal of underground petroleum storage systems.*<br><br>**Reasoning:**<br>Transpower is not opposed to a definition for minor earthworks, but within the rules it seeks clarification that such earthworks will be subject to the National Grid Yard rules for Earthworks. While the activities prescribed in the definition are likely to be of a minor nature, there is no control or limit on the size or scale of the earthworks or proximity to National Grid assets. It is noted the corresponding rule provides permitted activities which it is anticipated the 'minor earthworks' will be able to comply with. | **Earthworks S42A Report Recommendation: Accept**<br><br>**Recommended amendment:**<br>None | Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower (to retain the definition). |
| | Earthworks | | |
| 504.51 | ***Introduction***<br><br>**Relief sought: Support**<br>Retain the Introductory text as notified.<br>***Other relevant chapters of the District Plan*** *This chapter includes the core objectives, policies, and rules in relation to earthworks, including earthworks provisions for all zones and overlays, with two exceptions:*<br>*1. The provisions of this chapter do not apply to quarrying activities in the Quarry Zone, and*<br>*2. All provisions relating to earthworks for infrastructure are contained in the Infrastructure chapter. However, policies and rules on earthworks within the National Grid Yard and the Gas Transmission Pipeline Corridor that are not related to providing for National Grid and Gas Transmission Pipeline are included in this chapter.*<br><br>**Reasoning:** | **Earthworks S42A Report Recommendation: Accept**<br><br>**Recommended amendment:**<br>None | Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower (to retain the cited introductory text) |

| Sub point | Summary of Submission | Section 42A Report Recommendation | Response to Section 42A Report |
|---|---|---|---|
| | Transpower supports the clarification text within the introduction to the Earthworks chapter that clarifies earthworks associated with infrastructure are addressed in the Infrastructure Chapter, and earthworks within the defined National Grid Yard are addressed in this chapter. | | |
| 504.52 | ***EW-P1 Minor earthworks***<br><br>**Relief sought: Neutral**<br>Retain the policy subject to amendment to rule EW-R16 and standard EW-S13.ply.<br>*Enable minor earthworks where:*<br>*1. The stability and structural integrity of land, infrastructure, and buildings are not compromised,*<br>*2. Erosion, dust, and sedimentation effects on land and water bodies are minimised, and*<br>*3. Effects on visual amenity are insignificant.*<br><br>**Reasoning:**<br>Transpower supports the policy in so far as it provides for minor earthworks but subject to matters including the effects on infrastructure. However, specific to the National Grid, in order to ensure the policy is given effect to, Transpower seeks minor earthworks be subject to the National Grid Yard rule EW-R16 and standard EW-S13. | **Earthworks S42A Report**<br>**Recommendation: Accept**<br><br>**Recommended amendment:**<br>None | Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower (to retain the policy as notified) |
| Not addressed | ***EW-P2 Appropriate earthworks***<br><br>**Relief sought: Support**<br>Retain the policy as notified.<br>***EW-P2 Appropriate earthworks***<br>*Enable earthworks associated with subdivision, land use, and development where:*<br>*1. The earthworks are coordinated and integrated with the associated subdivision, land use, and development to ensure the finished landforms are fit for the future intended purpose, including ensuring future land use and development for development sites is feasible,*<br>*2. The scale of the earthworks is consistent with the scale and form of development anticipated within the underlying zone,*<br>*3. The stability of land is maintained, including the stability of land on adjoining sites,*<br>*4. The structural integrity of infrastructure, buildings, and structures on the site and on adjoining sites is not compromised,*<br>*5. The area, height or depth, location, and slope of the earthworks ensure that:*<br>*a. Adverse effects on visual amenity resulting from cut or fill faces, retaining structures, and alterations of natural landforms and features are minimised, and*<br>*b. Effective measures are adopted to manage the potential for erosion and the movement of dust, silt, and sediment beyond the site,*<br>*6. The transport of earth and cleanfill material to and from any site is undertaken in a way that:*<br>*a. Minimises adverse effects on amenity values,*<br>*b. Minimises the deposition of sediment on footpaths, roads, and into stormwater systems, and*<br>*c. Ensures the safe and efficient operation of the transport network,*<br>*d. The area where earthworks have occurred is reinstated to a condition which minimises adverse effects on land stability, erosion, and the visual amenity in a timely manner.*<br><br>**Reasoning:**<br>While not directly relevant to the National Grid given earthworks for infrastructure is addressed in the Infrastructure chapter, and policy *EW-P15 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure*, Transpower supports the policy and in particular clause 4.. | **Earthworks S42A Report – not specifically addressed**<br>**Recommendation: not specifically addressed but policy is retained as notified.**<br><br>**Recommended amendment:**<br>None | Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower (to retain the policy as notified) |
| 504.54 | ***EW-P15 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure***<br><br>**Relief sought: Amend** | **Earthworks S42A Report**<br>**Recommendation: Accept** | Support the recommendation on the basis the |

<table>
<tr><th>Sub point</th><th>Summary of Submission</th><th>Section 42A Report Recommendation</th><th>Response to Section 42A Report</th></tr>
<tr><td></td><td>Amend the policy as follows:<br>*EW-P15 Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~*<br>*Only allow minor earthworks, earthworks and vertical holes within the National Grid Yard where:*<br>*1. The minor earthworks, earthworks and vertical holes are of a scale and nature that will not compromise the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid, or*<br>*2. It can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid will not be compromised, taking into account:*<br>*a. The extent to which the minor earthworks, earthworks and vertical holes may compromise the safe access to and operation, maintenance and repair, upgrading and development of the National Grid,*<br>*b. The stability of land within and adjacent to the National Grid,*<br>*c. The risk to the structural integrity of the affected National Grid support structures,*<br>*d. Risks to health or public safety, including the risk of property damage, and*<br>*e. Technical advice provided by the owner and operator of the National Grid.*<br><br>**Reasoning:**<br>Transpower supports the policy (and specific rule). The only amendments sought are to include:<br>• 'Minor earthworks' within the policy. While the activities prescribed in the definition are likely to be of a minor nature, there is no control or limit on the size or scale of the earthworks or proximity to National Grid assets, and therefore they could have an impact. On that basis Transpower supports reference to 'minor earthworks' within the policy and associated rule and standard.<br>• Delete the reference to *not associated with infrastructure* from the title as the policy (and associated rule) should apply to infrastructure, noting there is no equivalent policy or rule in the INF Chapter.</td><td>**Recommended amendment:**<br><table><tr><th>EW-P15</th><th>Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~</th></tr><tr><td colspan="2">Only allow minor earthworks, earthworks and vertical holes within the National Grid Yard where:<br>1. The earthworks are of a scale and nature that will not compromise the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid, or<br>2. It can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid will not be compromised, taking into account:<br>a. The extent to which the minor earthworks, earthworks and vertical holes may compromise the safe access to and operation, maintenance and repair, upgrading and development of the National Grid,<br>b. The stability of land within and adjacent to the National Grid,<br>c. The risk to the structural integrity of the affected National Grid support structures,<br>d. Risks to health or public safety, including the risk of property damage, and<br>e. Technical advice provided by the owner and operator of the National Grid.</td></tr></table></td><td>recommended text gives effect to the relief sought by Transpower</td></tr>
<tr><td>504.55</td><td>***Rules***<br>*EW-R1 Minor earthworks*<br>*Activity status: Permitted*<br>**Relief sought: Support**<br>Retain the rule as notified subject to amendment to rule EW-R16 and standard EW-S13.<br><br>**Reasoning:**<br>Transpower supports the rule in so far as it provides for minor earthworks but seeks minor earthworks be subject to the National Grid Yard rule EW-R16 and standard EW-S13 to ensure they are adequately managed in proximity of National Grid asset.</td><td>**Earthworks S42A Report**<br>**Recommendation: Accept**<br><br>**Recommended amendment:**<br><table><tr><th>EW-R1</th><th>Minor earthworks</th></tr><tr><td>All Zones</td><td>1. **Activity status:** Permitted<br>Where:<br>a. Compliance is achieved with EW-S5.</td></tr><tr><td>All Zones</td><td>2. **Activity status:** Restricted discretionary<br>Where:<br>a. Compliance is not achieved with EW-S5.<br>**Matters of discretion are restricted to:**<br>1. The matters of discretion of any infringed standard.<br>2. The matters in EW-P1: Minor Earthworks</td></tr></table></td><td>Support the recommendation on the basis that while the rule is amended, the recommended text gives effect to the relief sought by Transpower</td></tr>
<tr><td>504.56</td><td>***EW-R16 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure***<br><br>**Relief sought: Amend**<br>*EW-R16 Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~*<br>*All zones*<br>*1. **Activity status**: Permitted*<br>*Where:*</td><td>**Earthworks S42A Report**<br>**Recommendation: Accept in part**<br><br>**Recommended amendment:**</td><td>While the relief sought has been accepted, I recommend deletion of the rule and instead deferring to the NES-ENA (to</td></tr>
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| Sub point | Summary of Submission | Section 42A Report Recommendation | Response to Section 42A Report |
|---|---|---|---|
| | *a. Compliance is achieved with EW-S13: Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure.~~*<br>*All zones*<br>*2. **Activity status:** ~~Restricted discretionary~~ Non-complying*<br>*Where:*<br>*a. Compliance is not achieved with EW-R16.1.*<br>*~~Matters of discretion are restricted to:~~*<br>*~~1. The matters of discretion of any infringed standard.~~*<br>*~~2. The matters in EW-P15: Minor earthworks, Earthworks and vertical holes within the National Grid Yard not associated with infrastructure.~~*<br><br>*Notification:*<br>*Public notification is precluded for applications under this rule.*<br>*Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited.*<br><br>**Reasoning:**<br>Notwithstanding its support, amendments are sought to the rule as follows:<br>- Inclusion of reference to 'minor earthworks' as such earthworks can still impact on the National Grid. Should the standards within EW-S13 be complied with, the activity remain a permitted activity.<br>- Amendment to the default activity status from restricted discretionary to non-complying. Transpower considers a restricted discretionary activity would be inconsistent with the firm statutory direction in higher order planning instruments. Policy 10 of the NPSET is very directive in requiring that decision makers "must" manage activities to ensure the "operation, maintenance, upgrading and development of the electricity transmission network is not compromised". Earthworks are an activity that can compromise the National Grid. While the NPSET policy refers to 'manage' it is very directive in that the outcome is to ensure the Grid is not compromised. The rule and policy framework is the way in which activities will be managed. This is achieved by a permitted activity rule which allows for a range of activities, but where the standards are not met, a non-complying rule applies. A non-complying activity status also gives effect to the strong directive wording within EW-P15 that directs to 'only allow' the activity where the Grid is not compromised. Furthermore, the notified restricted discretionary activity status may result in plan users having unrealistic expectations that consent would be approved. Plans that set unrealistic expectations are not efficient or effective. Conversely, non-complying activity status sends a clear signal that a proposed activity is not anticipated and therefore less likely to be consistent with the Plan and to successfully gain resource consent. It is reasonable for non-complying activity status to apply where an activity cannot meet the permitted activity status. The default non complying activity status is also consistent with the approach currently being sought (and secured) by Transpower across NZ. The standards in EW-S13 align with NZECP34 and while Transpower in some circumstances may/can grant a dispensation from the standards (in relation to depth for example) it cannot grant a dispensation (i.e. approval) for matters such as not meeting the ground to conductor clearance distances.<br>- Deletion of the references to *not associated with infrastructure* from the title as the rule (and associated policy) should apply to infrastructure, noting there is no equivalent policy or rule in the INF Chapter. | **EW-R16** — **Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~**<br>All Zones: 1. **Activity status:** Permitted<br>Where:<br>a. Compliance is achieved with EW-S13: Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~.<br>All Zones: 2. **Activity status:** ~~Restricted discretionary~~ Non-complying<br>Where:<br>a. Compliance is not achieved with EW-R16.1.<br>~~**Matters of discretion are restricted to:**~~<br>~~1. The matters of discretion of any infringed standard.~~<br>~~2. The matters in EW-P15: Earthworks and vertical holes within the National Grid Yard not associated with infrastructure.~~<br>**Notification:**<br>Public notification is precluded for applications under this rule.<br>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited. | come into effect 8 October 2026) |
| 504.57 | ***EW-S13 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure***<br><br>**Relief sought: Amend**<br>Amend the standard as follows:<br>*EW-S13 Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~*<br>*1. The depth of minor earthworks, earthworks and vertical holes in the National Grid Yard must be no greater (measured vertically) than:*<br>*a. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support structure, or*<br>*b. 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support structure.*<br>*2. Minor earthworks, Earthworks and vertical holes must not:* | | While the relief sought has been not been accepted in full, I recommend deletion of the rule and instead deferring to the NES-ENA (to come into effect 8 October 2026) |

| Sub point | Summary of Submission | Section 42A Report Recommendation | Response to Section 42A Report |
|---|---|---|---|
| | *a. Result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.*<br>*b. Compromise the stability of any National Grid Support Structure.*<br>*c. Permanently physically impede vehicular access to a National Grid support structure.*<br>*3. The following are exempt from 1.a., and b., and 2.b. and c. above ~~this standard~~:*<br>*a. Minor earthworks, Earthworks and vertical holes that are undertaken by the operator of the National Grid, or excluding mining and quarrying, are undertaken by a network utility operator as defined by the Resource Management Act 1991.*<br>*b. Minor earthworks, Earthworks and vertical holes for the repair, sealing or resealing of a footpath, driveway or farm track.*<br>*c. Minor earthworks, Earthworks and Vertical holes not exceeding 500 millimetres in diameter that:*<br>*~~i. Are more than 1.5 metres from the outer edge of the pole support structure or stay wire, or~~*<br>*ii. ~~Are~~ are a post hole for a farm fence or horticulture structure more than 6 metres from the visible outer edge of a tower or support structure foundation.*<br>*iii. d. ~~Earthworks and vertical holes~~ Minor earthworks, Earthworks and Vertical holes:*<br>*i. S~~s~~ubject to a dispensation from Transpower under the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663; or*<br>*iv. In relation to rule EW-S13.2.c., written approval is provided by Transpower.*<br><br>**Reasoning:**<br>As noted in the reasoning on rule EW-R16, the provision of a rule and standard relating to minor earthworks, earthworks or vertical holes within the National Grid Yard is supported. Notwithstanding the support, amendments are sought as follows:<br>- Inclusion of reference to 'minor earthworks' as such earthworks can still impact on the National Grid. Should the standards within EW-S13 be complied with, the activity remain a permitted activity.<br>- Amendment to the exemption clauses to reflect NZECP34 does not allow for a dispensation from conductor clearance distance requirements.<br>- Amendment to the exemption clauses to provide an exemption from the access clause where Transpower provides its written approval (as the matter is not addressed in NZECP and therefore the dispensation exemption is not applicable).<br>- Deletion of the references to *not associated with infrastructure* from the title as the rule (and associated policy) should apply to infrastructure, noting there is no equivalent policy or rule in the INF Chapter. | **EW-S13** — **Minor earthworks, Earthworks and vertical holes within the National Grid Yard ~~not associated with infrastructure~~**<br>**All Zones**<br>1. The depth of minor earthworks, earthworks and vertical holes in the National Grid Yard must be no greater (measured vertically) than:<br>a. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support structure, or<br>b. 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support structure.<br>2. Minor earthworks, Earthworks and vertical holes must not:<br>a. Result in a reduction in the ground to conductor clearance distances as required in Table 4 of the {File, 50, New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.<br>b. Compromise the stability of any National Grid Support Structure.<br>c. Permanently physically impede vehicular access to a National Grid support structure.<br>3. The following are exempt from this standard:<br>a. Minor earthworks, Earthworks and vertical holes that are undertaken by the operator of the National Grid.<br>b. Minor earthworks, Earthworks and vertical holes for the repair, sealing or resealing of a footpath, driveway or farm track.<br>c. Minor earthworks, Earthworks and Vertical holes not exceeding 500 millimetres in diameter that:<br>i. Are more than 1.5 metres from the outer edge of the pole support structure or stay wire, or<br>ii. Are a post hole for a farm fence or horticulture structure more than 6 metres from the visible outer edge of a tower or support structure foundation.<br>d. Minor Earthworks, Earthworks and vertical holes subject to a dispensation from Transpower under {File, 50, New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.<br>**Matters of discretion if the standard is breached:**<br>1. Impacts on the operation, maintenance, upgrading and development of the National Grid.<br>2. The risk to the structural integrity of the affected National Grid support structures.<br>3. Any impact on the ability of Transpower to access the National Grid.<br>4. The risk of electrical hazards affecting public or individual safety, and the risk of property.<br>5. Technical advice provided by Transpower.<br>6. Any effects on National Grid support structures including the creation of an unstable batter. | |
| | Subdivision | | |
| 504.58 | ***Introduction***<br><br>**Relief sought: Amend**<br>Insert a sentence clarifying subdivision within the National Grid Subdivision Corridor is addressed in this chapter<br>*How this chapter works This chapter includes objectives, policies, and rules that relate to subdivision generally as well as policies and rules that relate to specific types of subdivision and subdivision in specific zones, overlays, and other planning notations.*<br>*The general subdivision policies (SUB-P1 to SUB-P9) and rules (SUB-R1 to SUB-R5) apply to all subdivision applications, including those that affect land subject to overlays and other planning notations. The zone-specific and topic-specific policies (SUB-P10 to SUB-P27) and related rules (SUB-R6 to SUB R25) apply to subdivisions of land subject to the applicable overlay. They apply in addition to the general subdivision provisions. Policies and rules relating to subdivision within the National Grid Subdivision Corridor are contained in this chapter.*<br>*For the avoidance of doubt, subdivision of land subject o an overlay or other planning notation must comply with the relevant general rules as well as the overlay/planning notation specific rules. …….* | **Subdivision S42A Report**<br>**Recommendation: Reject**<br><br>**Recommended amendment:**<br>None | Accept the recommendation. While I consider the sought text would be helpful, I accept the S42A Report reasoning and the generalised nature of the introductory text. |

<table>
<tr><th>Sub point</th><th>Summary of Submission</th><th>Section 42A Report Recommendation</th><th>Response to Section 42A Report</th></tr>
<tr><td></td><td>Reasoning:<br>Transpower supports the Introduction text to the Subdivision Chapter but supports clarification text (similar to that provided within the introduction to the Earthworks chapter) that clarifies subdivision within the defined National Grid Subdivision Chapter is addressed in this chapter.</td><td></td><td></td></tr>
<tr><td>504.59</td><td>SUB-P25 Subdivision of land within the National Grid Subdivision Corridor<br><br>Relief sought: Amend<br>Amend the policy as follows:<br>SUB-P25 Subdivision of land within the National Grid Subdivision Corridor<br>Only allow for subdivision within the National Grid Subdivision Corridor where:<br>1. The National Grid will not be compromised, and<br>2. Any reverse sensitivity effects are avoided and any other adverse effects on and from the National Grid Subdivision Corridor, including public health and safety effects, are avoided, remedied or mitigated, taking into account:<br>a. The impact of subdivision layout and design on the operation and maintenance, and potential upgrade and development of the National Grid including the ability for continued reasonable access to existing transmission assets for maintenance, inspections, and upgrading,<br>b. The ability of any potential future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electrical Safe Distances,<br>c. The extent to which the design and layout of the subdivision demonstrates that suitable building platforms for dwellings can be provided outside of the National Grid Yard for each new lot,<br>d. The risk to the structural integrity of the National Grid Subdivision Corridor, ~~and~~<br>e. The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the National Grid and the potential reverse sensitivity on and amenity and nuisance effects of the National Grid assets.,<br>f. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and<br>g. The outcome of any consultation with, and technical advice from, Transpower.<br><br>Reasoning:<br>Transpower supports the policy. In order to manage subdivision that has the potential to compromise the operation, maintenance, upgrading and development of the National Grid, Transpower supports the provision of a corridor management approach which allows for the reasonable use of land inside the transmission line corridor, with several standards and rules imposed to ensure that any subdivision that might compromise the Grid is either avoided or managed.<br>Notwithstanding the support, an amendment is sought for the insertion of new clauses relating to consultation with Transpower and consideration of vegetation planting.</td><td>Subdivision S42A Report<br>Recommendation: Accept<br><br>Recommended amendment:<br><table><tr><th>SUB-P25</th><th>Subdivision of land within the National Grid Subdivision Corridor</th></tr><tr><td colspan="2">Only allow for subdivision within the National Grid Subdivision Corridor where:<br>1. The National Grid will not be compromised, and<br>2. Any reverse sensitivity ~~effects~~ are avoided and any other adverse effects on and from the National Grid Subdivision Corridor, including public health and safety effects, are avoided, remedied or mitigated, taking into account:</td></tr><tr><td colspan="2">a. The impact of subdivision layout and design on the operation and maintenance, and potential upgrade and development of the National Grid including the ability for continued reasonable access to existing transmission assets for maintenance, inspections, and upgrading,<br>b. The ability of any potential future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electrical Safe Distances,<br>c. The extent to which the design and layout of the subdivision demonstrates that suitable building platforms for dwellings can be provided outside of the National Grid Yard for each new lot,<br>d. The risk to the structural integrity of the National Grid Subdivision Corridor, and<br>e. The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the National Grid and the potential reverse sensitivity on and amenity and nuisance effects of the National Grid assets.<br>f. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and<br>g. The outcome of any consultation with, and technical advice from, Transpower.</td></tr></table></td><td>Support the recommendation on the basis the recommended text gives effect to the relief sought by Transpower.</td></tr>
<tr><td>504.60</td><td>SUB-R24 Subdivision of land within the National Grid Subdivision Corridor Overlay<br><br>Relief sought: Amend<br>Amend the rule as follows:<br>SUB-R24 Subdivision of land within the National Grid Subdivision Corridor Overlay<br>All zones<br>1. Activity status: Restricted discretionary<br>Where:<br>a. All resulting allotments, other than allotments for roads, accessways, or network utilities, can accommodate building platforms for the principal building or sensitive activities that are located entirely outside of the National Grid Yard, and<br>b. Physical access to any National Grid support structures located on the allotments is maintained.<br>Matters of discretion are restricted to:</td><td>Subdivision S42A Report<br>Recommendation: Accept<br><br>Recommended amendment:</td><td>While the relief sought has been accepted, I recommend deletion of the rule and instead deferring to the NES-ENA (to come into effect 8 October 2026)</td></tr>
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| Sub point | Summary of Submission | Section 42A Report Recommendation | Response to Section 42A Report |
|---|---|---|---|
| | *2. The matters in SUB-P25: Subdivision of land within the National Grid Subdivision Corridor.*<br>***Notification provisions:***<br>*Public notification is precluded for applications under this rule.*<br>*Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited.*<br><br>*All zones*<br>*3. **Activity status:** Non-complying*<br>*Where:*<br>*Compliance is not achieved with SUB-R25.1.*<br><br>**Reasoning:**<br>For the reasons outlined in relation to SUB-P25, Transpower largely supports the rule as notified. In particular, Transpower supports the activity status. Notwithstanding the general support, an amendment is to condition a. to reflect that the need to be able to demonstrate there is a building platform outside the National Grid Yard does not only apply to sensitive activities – it also applies to other non complying activities within the National Grid Yard. | **SUB-R24** — **Subdivision of land within the National Grid Subdivision Corridor Overlay**<br><br>All Zones<br>1. **Activity status:** Restricted discretionary<br>Where:<br>a. All resulting allotments, other than allotments for roads, accessways, or network utilities, can accommodate building platforms for the principal building or sensitive activities that are located entirely outside of the National Grid Yard, and<br>b. Physical access to any National Grid support structures located on the allotments is maintained.<br>**Matters of discretion are restricted to:**<br>1. The matters in SUB-P25: Subdivision of land within the National Grid Subdivision Corridor.<br>**Notification provisions:**<br>Public notification is precluded for applications under this rule.<br>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited.<br><br>All Zones<br>2. **Activity status:** Non-complying<br>Where:<br>a. Compliance is not achieved with SUB-R25.1. | |
| | Financial Contributions | | |
| 504.97 | ***Introduction***<br><br>**Relief sought: Amend**<br>Delete the following introductory text as notified<br>*Introduction*<br>~~*A financial contribution may also be required when an applicant proposes to off set or provide compensation for any adverse effects generated by the development or activity.*~~<br><br>**Reasoning:**<br>Notwithstanding Transpower supports text within the introduction that uses terms such as 'may' and 'proposes', it has concerns how offsetting and compensation would be calculated and when they would be applied. It noted that references to offsetting and compensation within the PDP are made in context of Biodiversity, and not in relation to wider effects.<br>Transpower submits that the concepts are best addressed in the Indigenous Biodiversity Chapter. If they are to be retained in the FC Chapter, clarification is required as to what effects they would be applied too. | **Financial Contributions S42A Report**<br>**Recommendation: Reject**<br><br>**Recommended amendment:**<br>None | Accept the recommendation on the basis the recommended exemption within FC-R2 gives effect to the relief sought by Transpower. |
| 504.98 | ***FC-O1 Financial contributions***<br><br>**Relief sought: Amend**<br>Delete the references to offsetting and compensation; or<br>Amend the objective (or provide an explicit policy) to clarify in what circumstances offsetting and compensation would be required or be appropriate.<br>***FC-O1 Financial contributions***<br>*Subdivision, use and development contributes equitably towards the costs of upgrading or providing services, reserves, and infrastructure, as well as avoiding, remedying, mitigating, offsetting, and compensating for any adverse environmental effects.*<br><br>**Reasoning:**<br>Transpower is not opposed in principle to the objective but has concerns in what circumstances offsetting and compensation would be required. Within the current context of the PDP, this occurs only in relation to biodiversity. Transpower would have concerns should the | **Financial Contributions S42A Report**<br>**Recommendation: Accept in part**<br><br>**Recommended amendment:**<br>None | Accept the recommendation on the basis the recommended exemption within FC-R2 gives effect to the relief sought by Transpower. |

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<tr><th>Sub point</th><th>Summary of Submission</th><th>Section 42A Report Recommendation</th><th>Response to Section 42A Report</th></tr>
<tr><td></td><td>requirement be widened in term of its application to the National Grid, and how would be calculated. The reference to ‘any adverse environmental effects’ is also of concern. For example, how would a council calculate the level of offsetting or compensation in relation to landscape values. It is noted there is no corresponding policy framework within the chapter to give effect to the objective.</td><td></td><td></td></tr>
<tr><td>504.99</td><td>
FC-R2 Any land use activity<br>
FC-S4 Amount of financial contributions – Services and infrastructure, and offsetting and compensation<br>
Relief sought: Amend<br>
Either delete the references to offsetting and compensation within FC-R2, FC-S4 and Tale FC-Table 2, or amend the exemptions within FC-R2 to include an exemption for the National Grid.<br><br>
Reasoning:<br>
A financial contribution differs from offsetting and compensation. Transpower has significant concerns with the open nature of the rule and implications for the National Grid. Transpower has concerns how the contribution would be calculated.<br>
While the reference in clause iii. FC-S4: Amount of financial contributions — Services and infrastructure, and offsetting and compensation refers to offsetting and contributions, there is no actual provision in the standard itself S4 as to how to calculate the level of offsetting and contribution. Furthermore, while table FC-Table 1 refers to the reason for the contribution being “The amount of money or land or both needed to offset or compensate for any adverse environmental effects that cannot otherwise be avoided, remedies or mitigated”, there are no matters of consideration to determine the amount or nature of the contribution<br>
FC-Table 1 — Financial Contribution Amount for Services and Infrastructure
<table>
<tr><th>Purpose of financial contribution</th><th>Reasons for financial contribution</th><th>Matters for consideration in determining amount and/or nature of financial contribution</th></tr>
<tr><td>Offsetting and compensation of adverse effects</td><td>• The amount of money or land or both needed to offset or compensate for any adverse environmental effects that cannot otherwise be avoided, remedied or mitigated.</td><td></td></tr>
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</td><td>
Financial Contributions S42A Report<br>
Recommendation: Accept in part<br><br>
Recommended amendment:
<table>
<tr><th>FC-R2</th><th>Any land use activity</th></tr>
<tr><td>All zones</td><td>
1. Activity status: Permitted<br>
Where:<br>
a. A financial contribution is provided in compliance with:<br>
i. FC-S1: Purpose of financial contributions,<br>
ii. FC-S2: Nature and timing of financial contributions,<br>
iii. FC-S3: Amount of financial contributions — Reserves, and<br>
iv. FC-S4: Amount of financial contributions — Services and infrastructure, and offsetting and compensation.<br>
No financial contribution is required for the following:<br>
1. Non-residential activity for which a building consent is required and that either is less than $20,000 exclusive of GST in value or has a GFA of less than 10m$^2$, unless the building consent is for a change of use.<br>
2. In relation to any residential unit, the replacement, development, repair or renovation work generates no additional demand for reserves or infrastructure.<br>
3. Where a contribution for the same purpose has already been made at the time of subdivision creating that lot.<br>
4. Except for a financial contribution for reserves, where a development contribution has been paid under the relevant Development Contribution Policy for planned infrastructure projects that includes a special assessment under the Development Contribution Policy for unplanned infrastructure projects.<br>
5. Where a development agreement between the applicant and Council provides that no financial contribution is required.<br>
6. Where the land use activity is for the purpose of constructing, operating, maintaining, upgrading or developing a network utility operation or part of the transport network.
</td></tr>
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</td><td>Support the recommendation on the basis the recommended exemption gives effect to the relief sought by Transpower.</td></tr>
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