BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearings Panel – Stream 6 – Infrastructure

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Lower Hutt District Plan

JOINT WITNESS STATEMENT

Planning

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16 October 2026

1.0 INTRODUCTION

1.1 This joint witness statement provides advice with regard to resolving duplication or conflicts between provisions of the Proposed Lower Hutt District Plan ('Proposed Plan' or 'PDP') and National Environmental Standards for Electricity Network Activities (NESENA) 2026. This statement responds to directions from the Hearing Panel contained in items 27 to 30 of Minute #18 dated 30 September 2026.

1.2 The expert conferencing was held online on 13 October 2026. The sessions were self-facilitated.

1.3 The expert attendees at the conference were:

1.3.1 Pauline Whitney for Transpower New Zealand Ltd (504, F12)

1.3.2 Peter McDonald for Hutt City Council (reporting officer for Infrastructure)

1.4 The NESENA includes regulations for both electricity transmission and electricity distribution networks. The expert advice of Ms Whitney in this conferencing is confined to the NESENA provisions which regulate electricity transmission activities (and those PDP provisions which duplicate or conflict with these regulations).

1.5 Mr McDonald provides expert advice on duplication or conflict regarding electricity transmission activities in conference with Ms Whitney. Mr McDonald also provides advice with respect to duplication or conflict with regard to electricity distribution activities.

2.0 CODE OF CONDUCT

2.1 This joint witness statement is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.

2.2 We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it. The experts confirm that the issues addressed in this joint witness statement are within our area of expertise, unless stated otherwise.

3.0 PURPOSE AND SCOPE OF CONFERENCING

3.1 Minute #18 issued by the Hearing Panel directs the conferencing parties to:

> *… evaluate and identify the amendments to the PDP that would be necessary to remove duplication and conflict with the NESENA.*

3.2 The Hearing Panel request a brief memo be provided including:

> *… agreed recommendations for amendments to the provisions to remove duplication and conflict between the PDP and the NESENA, supported by a technical explanation setting out why each recommended amendment falls under section 44A of the RMA, and setting out any other agreed changes that would not fall under section 44A of the RMA and therefore would remain under the Schedule 1 PDP process.*

4.0 PRIMARY DATA RELIED ON

4.1 The primary data on which the opinions are based is:

- The Proposed Lower Hutt District Plan (PDP)
- The Section 42A report for Infrastructure (dated 24 August 2026) and Rebuttal Evidence (dated 15 September 2026) of Peter McDonald
- Transpower New Zealand Ltd submission (PDP/422)
- Statement of Evidence (dated 4 September 2026) and hearing speaking notes (dated 22 September 2026) of Pauline Whitney

- Telecommunications Companies submission (PDP/311)

5.0 MATTERS DISCUSSED

5.1 Attachment A sets out recommendations of Ms Whitney and Mr McDonald for amendments to resolve duplication or conflict of PDP provisions with provisions of the NESENA which regulate electricity transmission activities. This attachment includes a technical evaluation which sets out why each amendment is in accordance with Section 44A of the RMA.

5.2 Attachment B sets out recommendations of Mr McDonald to resolve duplication or conflict of PDP provisions with provisions of the NESENA which regulate electricity distribution activities. This attachment includes a technical evaluation which sets out why each amendment is in accordance with Section 44A of the RMA.

5.3 Attachment C sets out recommendations of Ms Whitney and Mr McDonald for additional changes to PDP provisions which regulate electricity transmission activities. These are changes which are considered appropriate within the revised regulatory context, albeit which are not strictly necessary to resolve a duplication or conflict under Section 44A. Attachment C sets out the reasons for the change, the submissions which provide scope for the change and a Section 32AA evaluation.

5.4 Attachment D sets out recommendations of Mr McDonald for additional changes to PDP provisions which regulate electricity distribution and telecommunication facilities. These are changes which are considered appropriate within the revised regulatory context, albeit which are not strictly necessary to resolve a duplication or conflict under Section 44A. Attachment D sets out the reasons for the change, the submissions which provide scope for the change and a Section 32AA evaluation.

5.5 Recommendations in each of the attachments is set out using the following format:

5.5.1 Section 42A Report and rebuttal evidence recommendations: in red underlined or ~~strike through~~

5.5.2 Further amendments agreed in this conferencing are shown in blue underline or ~~strike through~~.

6.0 AGREED POSITION AND RECOMMENDATION OF MS WHITNEY AND MR MCDONALD

6.1 That in accordance with section 44A of the RMA, amendments to the PDP are made as set out in Attachment A to this statement.

6.2 That decisions on submissions are made and the PDP is amended, in accordance with Schedule 1 of the RMA, as set out in Attachment C to this statement.

7.0 ADDITIONAL RECOMMENDATION OF MR MCDONALD

7.1 That in accordance with section 44A of the RMA, amendments to the PDP are made as set out in Attachment B to this statement.

7.2 That decisions on submissions are made and the PDP is amended, in accordance with Schedule 1 of the RMA, as set out in Attachment D to this statement.

Date: 16 October 2026



Pauline Whitney



Peter McDonald

ATTACHMENT A: AGREED S44A AMENDMENTS TO PROVISIONS – NATIONAL GRID

PDP – Plan Provision – Recommended Amendment	Technical Evaluation
Definitions	
activity sensitive to the national grid ~~means a:~~ ~~1. residential activity, or~~ ~~2. retirement village, or~~ ~~3. supported residential care facility, or~~ ~~4. marae, or~~ ~~5. healthcare activity, or~~ ~~6. education activity, or~~ ~~7. community facility, or~~ ~~8. commercial activity, or~~ ~~9. custodial corrections facility, or~~ ~~10. visitor accommodation, or~~ ~~11. place of assembly.~~ has the same meaning as that of sensitive activity as defined in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 (as set out below): (a) residential activity, including activity in visitor accommodation or retirement accommodation: (b) educational activity: (c) health care activity: (d) congregation within any place of worship: (e) activity at custodial or supervised accommodation where residents are detained on site: (f) activity at a marae or papakāinga	The term is defined in Section 3 of the NESENA and the PDP definition is slightly different. The term is used in PDP provisions which seek to protect the national grid from incompatible activities. It is recommended that rules and standards which use this term are removed due to duplication with sub-part 6 of the NESENA. However, policy direction should remain in the plan to guide the assessment of activities regulated by the NES. Therefore, the term which is used in these policies should remain, with the necessary amendment to align with the NESENA.

National Grid Subdivision Corridor ~~means, as depicted in Diagram 1,~~ ~~……~~ has the same meaning as that of National Grid Subdivision Corridor as defined in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 (as set out below): (a) comprises the following areas either side of the centre line of overhead existing transmission lines: (i) 14 metres for 66 kV transmission lines on single poles: (ii) 16 metres for 66 kV transmission lines on pi poles: (iii) 32 metres for 66 kV transmission lines on towers (including steel monopoles that replace steel-lattice towers): (iv) 14 metres for 110 kV transmission lines on single poles: (v) 16 metres for 110 kV transmission lines on pi poles: (vi) 32 metres for 110 kV transmission lines on towers (including steel monopoles that replace steel-lattice towers): (vii) 37 metres for 220 kV transmission lines: (viii) 39 metres for 350 kV transmission lines: (ix) 16 metres for the Benmore-Bog Roy A, Te Hikowhenua-Deviation A and South Makara-Oteranga Bay A transmission lines; but (b) does not include those parts of the electricity transmission network that are covered by a designation under Part 8 of the Act.	The term is used in PDP provisions which seek to protect the national grid from incompatible subdivision. It is recommended that rules and standards which use this term are removed due to duplication with sub-part 6 of the NESENA. However, policy direction should remain in the plan to guide the assessment of activities regulated by the NES. Therefore, the term which is used in these policies should remain, with the necessary amendment to align with the NESENA.
National Grid Yard ~~means as depicted in Diagram 1:~~ ~~……~~ has the same meaning as that of National Grid Yard as defined in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 (as set out below): (a) comprises the following areas: (i) 10 metres either side of the centre line of 110 kV overhead existing transmission lines on single poles:	The term is used in PDP provisions which seek to protect the national grid from incompatible activities. It is recommended that rules and standards which use this term are removed due to duplication with sub-part 6 of the NESENA. However, policy direction should remain in the plan to guide the assessment of activities regulated by the NES. Therefore, the term which is used in these policies should remain, with the necessary amendment to align with the NESENA.

(ii) 10 metres either side of the centre line of 66 kV overhead existing transmission lines on single poles: (iii) 10 metres either side of the centre line of 66 kV overhead existing transmission lines on pi poles: (iv) 10 metres either side of the centre line of 66 kV overhead existing transmission lines on towers (including steel monopoles that replace steel-lattice towers): (v) 12 metres either side of the centre line of 110 kV overhead existing transmission lines on pi poles: (vi) 12 metres either side of the centre line of 110 kV overhead existing transmission lines on towers (including steel monopoles that replace steel-lattice towers): (vii) 12 metres either side of the centre line of 220 kV overhead existing transmission lines on pi poles: (viii) 12 metres either side of the centre line of 220 kV overhead existing transmission lines on towers (including steel monopoles that replace steel-lattice towers): (ix) 12 metres either side of the centre line of 350 kV overhead existing transmission lines on pi poles: (x) 12 metres either side of the centre line of 350 kV overhead existing transmission lines on towers (including steel monopoles that replace steel-lattice towers): (xi) 12 metres either side of the centre line of the Benmore-Bog Roy A and Te Hikowhenua-Deviation A existing transmission lines: (xii) 10 metres either side of the centre line of the South Makara-Oteranga Bay A existing transmission line: (xiii) 12 metres in any direction from the outer visible edge of an existing transmission line support structure; but (b) does not include those parts of the electricity transmission network that are covered by a designation under Part 8 of the Act.	
transmission line has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Network ~~Transmission and Electric Vehicle Charging Infrastructure~~ Activities) Regulations ~~2009 (Amended~~ 2026~~)~~ (as set out below~~)~~: (a) means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and	This is a term used in the definitions used in the terms 'National Grid Subdivision Corridor' and 'National Grid Yard' as set out above. Likewise, 'transmission line' needs to be updated to support the implementation of regulations in the NESENA.

(b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but (c) does not include an electricity substation.	
Abbreviations	
~~**NESETA**~~ **NESENA** National Environmental Standards for Electricity ~~Transmission~~ Network Activities 2026	Corrects reference to updated name of the regulation.
INF - Infrastructure	
[Introduction to Infrastructure chapter] … **Other regulatory requirements** Additional regulatory requirements, which are separate to the District Plan or Regional Council planning documents, but are relevant to infrastructure include: • The Resource Management (National Environmental Standards for Electricity Network ~~Transmission and Electric Vehicle Charging Infrastructure~~ Activities) Regulations ~~2009~~ 2026 (~~NESETA~~ NESENA), ….	Corrects reference to updated name of the regulation.
[Introduction to Infrastructure chapter] **Relationship with other chapters** … The Infrastructure chapter does not include provisions which address the following: … • Protection of infrastructure from adverse effects of land use and development, including:	Protection of the National Grid is regulated by sub-part 6 of the NESENA, and conflicting/duplicating provisions in the PDP will be removed. The removal of references in the introductory text (to the removed provisions) will avoid confusion for plan users.

• Protection of gas transmission infrastructure ~~and the National Grid~~ from activities and buildings and structures (Protection of Infrastructure chapter), • ~~Earthworks within the National Grid Yard (Earthworks chapter),~~ • Subdivision within the Gas Transmission Pipeline Corridor ~~and the National Grid Subdivision Corridor~~ (Subdivision chapter), and • Activities sensitive to noise within the Highway and Railway Noise Overlay (Noise chapter).	
[Introduction to Rules of Infrastructure chapter] Operating, maintaining, repairing, upgrading, developing and decommissioning of infrastructure is excluded from all ~~provisions~~ rules in area-specific and other district-wide chapter, except for: … d. Provisions for Noise, including for infrastructure activities not otherwise regulated by a national environmental standard (located in the Noise chapter), and …	Addresses conflict or duplication with regulations 10A, 37 and 38 of the NESENA. The NESENA allows district plans to be more lenient than regulations 37 and 38. The PDP (through provisions in the NOISE chapter) either duplicates or includes more stringent requirements than these regulations.
INF-R1 Operation of infrastructure involving radiofrequency fields and electric and magnetic fields (not regulated by the NESENA)	Duplicates regulations 69 to 71.
INF-R2 Operation, maintenance, repair, and decommissioning of infrastructure (not regulated by the NESENA)	Conflicts with regulations 5, 7, 8, 9, 11, 14 and 19-21 which regulate electricity transmission activities.
INF-R5 Temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure (not regulated by the NESENA)	Conflicts with regulations 17 and 18.
INF-R6 Signs associated with operating, maintaining, and repairing, or developing, upgrading and decommissioning of infrastructure (not regulated by the NESENA)	Conflicts with regulation 23.

	The NES allows for a district plan to have more lenient provisions than this regulation, however the requirements of the PDP are more strict.
PINF - Protection of Infrastructure	
[Introduction to PINF – Protection of Infrastructure] This chapter includes provisions which are intended to protect the Gas Transmission Network ~~and the~~ National Grid from adverse effects arising from land use and development. Other chapters of the District Plan also play a role in managing adverse effects on infrastructure. In particular: • The Earthworks chapter, which controls earthworks near gas transmission infrastructure ~~and the National Grid~~, • The Hazardous Substances chapter, which includes provisions to protect gas and petroleum infrastructure, • The Noise chapter, which includes provisions to control activities sensitive to noise near state highways and rail corridors, and • The Subdivision chapter, which controls subdivision near gas transmission infrastructure ~~and the National Grid~~.	Protection of the National Grid is regulated by the NESENA (sub-part 6), and conflicting/duplicating provisions in the PDP will be removed. The removal of references in the introductory text (to the removed provisions) will avoid confusion for plan users.
(Introduction to PINF – Protection of Infrastructure) **Other regulatory requirements** Activities within the National Grid Yard and National Grid Subdivision Corridor are regulated by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.	Provides a reference to the NESENA for information purposes within the introductory text of the Chapter. The inclusion of this reference is useful clarification for plan users as rules for the protection of the National Grid are removed from the chapter, however policy direction will remain.
Rules This chapter includes provisions for the protection of infrastructure from the adverse effects of land use and development. The rules of this chapter address:	Protection of the National Grid is regulated by sub-part 6 of the NESENA, and conflicting/duplicating provisions in the PDP will be removed. The removal of references in the introductory text (to the removed provisions) will avoid confusion for plan users.

• Buildings, structures and activities located within the Gas Transmission Pipeline Corridor, and • Buildings, structures and activities located within the National Grid Yard. The chapter does not include the following: • Provisions controlling activities sensitive to noise in the Highway and Railway Noise Overlay (located in the Noise chapter), • Provisions controlling subdivision within the Gas Transmission Pipeline Corridor (located in the Subdivision chapter), • ~~Provisions controlling subdivision within the National Grid Subdivision Corridor (located in the Subdivision chapter),~~ • Provisions controlling activities sensitive to hazardous substance risks within the risk management overlay or within 250m of an existing significant hazardous facility (located in the Hazardous Substances chapter. The facilities protected by these provisions include gas and petroleum infrastructure), or • Provisions controlling earthworks within the ~~National Grid Yard or within the~~ Gas Transmission Pipeline Corridor (located in the Earthworks chapter).	
~~PINF-R3 Activities in the National Grid Yard~~	Activities in the National Grid Yard are regulated by Regulations 74 to 80 of the NESENA. The deletion of PINF-R3 will remove conflicting/duplicating provisions from the PDP.
~~PINF-R4 Buildings and structures, including additions and alterations to existing buildings and structures, in the National Grid Yard~~	Activities in the National Grid Yard are regulated by Regulations 74 to 80 of the NESENA. The deletion of PINF-R4 will remove conflicting/duplicating provisions from the PDP.
~~PINF-S1 Setbacks and separation distances for buildings and structures located within the National Grid Yard~~	Activities in the National Grid Yard are regulated by Regulations 74 to 80 of the NESENA. The deletion of

	PINF-S1 will remove conflicting/duplicating provisions from the PDP.
Subdivision	
(Introduction to SUB – Subdivision) **Other regulatory requirements** Subdivision within the National Grid Subdivision Corridor is regulated by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.	Provides a reference to the NESENA for information purposes within the introductory text of the Chapter. The inclusion of this reference is useful clarification for plan users as rules for the protection of the National Grid are removed from the chapter, however policy direction will remain.
~~SUB-R24 Subdivision of land within the National Grid Subdivision Corridor Overlay~~	Subdivision in the National Grid Subdivision Yard is regulated by Regulations 83 to 84 of the NESENA. The deletion of SUB-R24 will remove conflicting/duplicating provisions from the PDP.
EW- Earthworks	
(Introduction to EW - Earthworks) **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: 1. The provisions of this chapter do not apply to quarrying activities in the Quarry Zone, and 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~~ the Gas Transmission Pipeline are included in this chapter.	Protection of the National Grid is regulated by the NESENA, and conflicting/duplicating provisions in the PDP will be removed. The removal of references in the introductory text (to the removed provisions) will avoid confusion for plan users.
(Introduction to EW - Earthworks) **Other regulatory requirements** Earthworks, Minor Earthworks, Land Disturbance and Vertical holes within the National Grid Yard are regulated by the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.	Provides a reference to the NESENA for information purposes within the introductory text of the Chapter. The inclusion of this reference is useful clarification for plan users as rules for the protection of the National Grid are removed from the chapter, however policy direction will remain.
~~EW-R16 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure~~	Earthworks, Land disturbance and Vertical holes in the National Grid Yard are regulated by Regulations 81 to 82

	of the NESENA. The deletion of EW-R15 will remove conflicting/duplicating provisions from the PDP.
~~EW-S13 Earthworks and vertical holes within the National Grid Yard not associated with infrastructure~~	Earthworks, Land disturbance and Vertical holes in the National Grid Yard are regulated by Regulations 81 to 82 of the NESENA. The deletion of EW-S13 will remove conflicting/duplicating provisions from the PDP.

ATTACHMENT B: ADDITIONAL S44A RECOMMENDATIONS OF MR MCDONALD – ELECTRICITY DISTRIBUTION AND ELECTRIC VEHICLE CHARGING

PDP – Plan Provision – Recommended Amendment	Technical Evaluation
Definitions	
cabinet means a structure that houses radio and telecommunication equipment, traffic operations and monitoring equipment, gas distribution enclosures and electrical equipment associated with the operation of infrastructure, which includes single transformers and associated switching gear distributing electricity at a voltage up to and including 110kV~~, and electric vehicle charging stations where located within the road reserve~~. For telecommunication equipment only, has the meaning defined in Section 4 of the NES for Telecommunication Facilities (as set out below) means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following: a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line: b) casing that is wholly underground: c) casing that is inside a building: d) building.	Conflicts with sub-part 4 of the NESENA which regulates EV charging infrastructure. PDP (through rules for cabinets) includes more stringent requirements than the NESENA.
INF - Infrastructure	
[Introduction to Rules of Infrastructure chapter]	The change recommended to this section in Attachment A, with reference to electricity transmission, will also

Refer to amendment recommended in Attachment A	address conflicts with regulations 37, 38 and 54 which regulate electricity distribution activities. The NESENA allows district plans to be more lenient than regulations 37, 38 and 54. The PDP (through provisions in the NOISE chapter) either duplicates or includes more stringent requirements than these regulations.
INF-R1 *Refer to amendment recommended in Attachment A*	Duplicates regulations 69 to 71.
INF-R2 *Refer to amendment recommended in Attachment A*	Conflicts with regulations 46, 49, 56-57. The NESENA provides for district plans to be more lenient that these regulations. The rule is not more lenient.
INF-R3 Upgrading of infrastructure (not regulated by the NESENA), excluding transport network infrastructure, ~~electricity transmission infrastructure over 110kV~~ and gas ~~and~~ transmission pipelines ~~over 110kV~~	Conflicts with regulations 49, 56-57 and 64-65. The NESENA provides for district plans to be more lenient that these regulations. The rule is not more lenient.
INF-R5 *Refer to amendment recommended in Attachment A*	Conflicts with regulations 47 and 48 The NESENA provides for district plans to be more lenient that these regulations. The rule is not more lenient.
INF-R6 *Refer to amendment recommended in Attachment A*	Conflicts with regulation 23. The NES allows for a district plan to have more lenient provisions than this regulation, however the requirements of the PDP are more strict.
INF-R7 New cabinets (not regulated by the NESENA or NESTF)	Conflicts with regulation 53. The NES allows for a district plan to have more lenient provisions than this regulation, however the requirements of the PDP are more strict.

INF-R9 New underground pipelines, including ~~electricity and~~ gas distribution and three waters, excluding electricity networks and gas transmission	Conflicts with regulations 66-68. The PDP requirements are more strict.
INF-R11 New antennas or aboveground mounted equipment attached to existing support structure or buildings (not regulated by the NESENA or NESTF)	Conflicts with regulations 50-51. The PDP requirements are more strict.
INF-R12 New antennas or aboveground mounted equipment attached to existing support structure or buildings (not regulated by the NESENA or NESTF)	Conflicts with regulations 49, 50 and 59-63. The PDP requirements are more strict.

ATTACHMENT C: ADDITIONAL RECOMMENDATIONS OF MS WHITNEY AND MR MCDONALD IN RESPONSE TO SUBMISSIONS

1.0 Upgrading of the electricity transmission lines – recommendations of Ms Whitney and Mr McDonald

Facts and assumptions

1.1 The NESENA regulates the upgrading of 'existing transmission lines', which is defined in the regulations (including as recently amended) as meaning a transmission line which was operational, or able to be operated, as at 14 January 2010.

1.2 The upgrading of any other transmission lines are regulated by district plans. That is, a new transmission line which is established, and then subsequently upgraded.

1.3 There are no transmission lines which have become operational in Lower Hutt after 14 January 2010. That is, all transmission lines in Lower Hutt are considered 'existing transmission lines' under the NESENA.

1.4 The PDP as notified includes rule INF-R17 and standard INF-S21, which are specific to the upgrading of transmission lines (where not otherwise regulated by the NESENA).

1.5 The Transpower submission (504.39, 504.43) sought the removal of this rule and standard.

1.6 The Section 42A report recommended that submission points 504.39 and 504.43 be rejected, and INF-R17 and INF-S21 be retained as notified.

Assessment

1.7 Ms Whitney and Mr McDonald agree that the probability of the District Plan needing to regulate the upgrading of transmission lines is very marginal.

1.8 Given the small need for regulation in PDP, the inclusion of a specific rule and standard is not the most efficient and effective approach.

1.9 Modifying INF-R3, as recommended in Attachment B, will ensure that the rule does not conflict with activities regulated by the NESENA, while also ensuring that there remains within the PDP rule framework, provision for upgrading for electricity transmission or distribution activity, which is not otherwise regulated by the NESENA. Ms Whitney notes her agreement is conditional on the default activity status within INF-R3 being restricted discretionary (as recommended in the S42A Repot) as opposed to non-complying as notified. A restricted discretionary activity status given effect to the National Policy Statement for Electricity Networks 2008 (NPS-EN).

Recommendations

1.10 That the submission points of Transpower (504.39, 504.43) be accepted.

1.11 That rule INF-R17 and standard INF-S21 are deleted.

1.12 That rule INF-R3 is amended as follows:

INF-R3	**Upgrading of infrastructure (not regulated by the NESENA), excluding transport network infrastructure, ~~electricity transmission infrastructure over 110kV~~ ~~and~~ gas and transmission pipelines ~~over 110kV~~**
…	

Section 32AA evaluation

1.13 The need for the PDP to regulate electricity transmission lines is very marginal, as outlined in the above assessment. Providing for upgrading of electricity networks through the general rule for upgrading (INF-R3) is adequate for addressing the effect of these activities should the need arise, and is a more efficient approach than specific provisions for upgrading the electricity transmission network.

ATTACHMENT D: ADDITIONAL RECOMMENDATIONS OF MR MCDONALD IN RESPONSE TO SUBMISSIONS

1.0 Aboveground mounted equipment – recommendations of Mr McDonald

Facts and assumptions

1.1 Provisions in the PDP Infrastructure chapter for aboveground mounted equipment primarily address telecommunications and electricity distribution equipment.

1.2 Provisions for aboveground mounted equipment, so far as they regulate electricity distribution, conflict with regulation 51 of the NESENA. To address this conflict, modifications would need to be made to rule INF-R11 and INF-S9.

1.3 The submission of the Telecommunication Companies (311.51a, 311.66) sought the modification of INF-R11 and INF-S9 to remove provisions for aboveground mounted equipment. The Telecommunications Companies (311.1, 311.8) also to sought to delete the defined terms ‘aboveground mounted equipment’ and ‘mount’.

Assessment

1.4 I do not consider that requirements within standard INF-S9, so far as they relate to telecommunications ancillary equipment, to be appropriate or workable in regulating these activities. I support their deletion as requested in the submission of the Telecommunications companies.

1.5 As identified above, I consider that the provisions in the PDP for aboveground mounted equipment, so far as it relates to electricity distribution activities, to conflict with the NESENA.

1.6 Therefore, I support the overall deletion of provisions for aboveground mounted equipment from the PDP. This includes deletion of the defined terms ‘aboveground mounted equipment’ and ‘mount’. The latter term is only used in the PDP in relation to ‘aboveground mounted equipment’.

1.7 Scope for these changes is provided by the Telecommunications Companies submission.

Recommendations

1.8 That submission points 311.1, 311.8 and 311.66 of the Telecommunications Companies be accepted, and submission point 311.51a be accepted in part.

1.9 That the PDP be amended as follows:

Definitions	
Term	**Definitions**
~~aboveground mounted equipment~~	~~means equipment which are located above ground level on a support structure, and includes transformers, switches, capacitors, battery banks, small cell units and similar devices, and supporting equipment for antennas.~~ ~~Does not include:~~ ~~a) antennas,~~ ~~b) aerials, or~~ ~~c) lighting devices.~~
~~mount~~	~~means equipment used to attached –~~ ~~a) an antenna to a building; or~~ ~~b) an antenna to a pole without a headframe; or~~ ~~c) an antenna to a headframe; or~~ ~~d) a headframe to a pole.~~
Infrastructure chapter	
INF-R11	**New antennas ~~or aboveground mounted equipment~~ attached to existing support structure or buildings (not regulated by the NESTF)**
…	
INF-S9	**Size — Antennas and aboveground mounted equipment**
All Zones	1. A panel antenna: a. Must not exceed a front face width of 0.7m, and b. When in a road reserve, must fit within an envelope of 3.5m in length and 0.7m in width. 2. A dish antenna must not exceed a diameter of 1.2m. 3. Omni directional 'whip' or dipole antenna must not exceed: a. 1.6m in vertical length, b. 60mm in diameter, and c. 1.5m in horizontal length. 4. A headframe must not exceed: a. 2.5m in diameter in Residential Zones (except when located in a road), or b. 6m in diameter in all other zones.

	~~5. In residential zones, aboveground mounted equipment associated with antennas must be located within the antenna mounts.~~ ~~6. Aboveground mounted equipment must not exceed 1m in length.~~ ~~7. The area when measured in plan view of aboveground mounted equipment not associated with antennas must not exceed: a. 0.5m2 if unenclosed, and b. 1.0m2 if enclosed in a three-dimensional casing.~~ **Matters of discretion if the standard is breached:** …

S32AA evaluation

1.10 The notified provisions, particularly the requirement that aboveground equipment must be located within antenna mounts (INF-S9.5), is not practicable within the typical design of telecommunication facilities. I understand ancillary equipment for telecommunications antenna support their signal strength and reduces the need for additional telecommunications poles. The visual adverse effects of mounted ancillary equipment would be typically marginal.

1.11 Due to the revised NESENA, there is no need for the PDP to include provisions which regulate aboveground mounted equipment associated with electricity distribution activities.

1.12 For the above reasons, I do not consider the notified provisions for aboveground mounted equipment are the most efficient or effective means for implementing the Infrastructure objectives and policies.