

Further Submission by Transpower New Zealand Limited

Far North Proposed District Plan

4 September 2023

Keeping the energy flowing



TRANSPOWER



Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To Far North District Council (“the Council”)

Name of person making further submission: Transpower New Zealand Limited (“Transpower”)

This is a further submission in support of, and in opposition to, submissions on:

- **the proposed Far North District Plan (“Proposed District Plan”)**

Transpower has an interest in the Proposed District Plan that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 (“NPSET”) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”). The Proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the Proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

Transpower’s further submissions

In respect of the Proposed District Plan, Transpower’s support of, or opposition to, a particular submission including the reason for Transpower’s support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

General reasons and decisions sought in respect of submissions supported by Transpower

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Regional Policy Statement for Northland 2016 (“RPSN”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

General reasons and decisions sought in respect of submissions opposed by Transpower.

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

Transpower wishes to be heard in support of its further submissions.

Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.



Technical Lead - Policy, Transpower

Signature of person authorised to sign on behalf of Transpower New Zealand Limited

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Appendix A - Transpower New Zealand Limited: Further Submission on Submissions Made on the Proposed Far North District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed District Plan, including the reasons for Transpower's support or opposition in respect of the original submission. The Proposed District Plan text is shown without underlining; the relief sought in primary submission is shown in red underlined and ~~strikethrough~~.

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
Horticulture New Zealand				
S159.035	<p>Submission: Rule I-R11 Seeks that there is specific provision for artificial crop protection structures in the National Grid Yard which Transpower has accepted in other plans.</p> <p>There may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard. The key issue is that the activity does not impede access to the National Grid infrastructure</p> <p>Relief sought: Amend PER-2 of Rule I-R11 as follows:</p> <p>Under the National Grid Conductors (wires) the following can occur:</p> <ol style="list-style-type: none"> 1. a fence less than 2.5m in height; 2. an extension to existing buildings used for sensitive activities that do not increase the building envelope; 3. non habitable buildings ancillary to a farming activity, such as milking sheds, piggeries, poultry sheds, greenhouses and <u>artificial crop protection structures</u> protective canopies. <p>Clarify that 'reticulation and storage of water for irrigation purposes carried out by a network utility operator' is provided as a permitted activity within the National Grid Yard</p>	Support	Transpower supports the relief sought by Horticulture New Zealand. When managed, artificial crop protection structures and reticulation and storage of water for irrigation purposes will not compromise the National Grid. As such, the relief gives effect to Policy 10 of the NPSET.	Allow the submission. FS78.001
S159.038	<p>Submission: The reticulation and storage of water for irrigation purposes within the National Grid Yard is a non-complying activity. Such an approach is not effects based. The main issue is preventing access to the National Grid.</p> <p>Relief sought: Amend Rule I-R21 to provide for irrigation and water storage where access to the National Grid is not impeded.</p>	Support	Transpower supports the relief sought by Horticulture New Zealand. When managed, reticulation and storage of water for irrigation purposes will not compromise the National Grid.	Allow the submission. FS78.002
Chorus New Zealand Limited, Spark New Zealand Limited, Spark Tower Co Limited, Vodafone New Zealand Limited				
S282.016	<p>Submission: Infrastructure – Policy I-P3 While it is considered the current working of this policy will allow for certain infrastructure activities to be located in areas of historic/cultural values, significant natural areas and outstanding natural features or landscapes, clause (d) appears to be overly restrictive in considering infrastructure activities (in particular telecommunications activities) noting that this clause appears to capture all adverse effects. These forms of infrastructure tend to be of a smaller footprint when compared to the likes of electricity distribution or pipeline networks and as such, environmental compensation or offsetting on top of restrictions within these areas may not be entirely appropriate noting the scale of such activities and the benefit they provide to the district. It is considered that clauses (a) – (c) appropriately manage effects outside the coastal environment within areas of historical/cultural values, significant natural areas, and outstanding natural features or landscapes. IB-P4 is considered a more suitable method when addressing the likes of environmental offsetting or compensation and is consistent with the draft National Policy Statement for Indigenous Biodiversity.</p> <p>Relief sought: Amend I-P3 by removing clause (d)</p> <p>Outside the coastal environment, manage the effects of the development, operation maintenance and upgrading of infrastructure activities by:</p> <ol style="list-style-type: none"> a. Avoiding effects on historical and cultural values, significant natural areas and outstanding natural features or landscapes to the extent practicable; b. Minimising or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided; c. Recognising the technical, operational and functional needs and constraints of infrastructure activities; and d. Having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated. 	Support	Transpower supports this submission for the reasons set out by the telecommunications companies.	Allow the submission. FS78.003

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
S282.026	<p>Submission: EW-R10 While the intent of the rule is supported in allowing for earthworks associated with walkways and cycle tracks, it is considered appropriate to also extend the scope to cover access tracks for infrastructure activities.</p> <p>Relief sought: Amend EW-R10 to include access tracks for infrastructure activities.</p>	Support	Transpower, considers it would be helpful if earthworks for access tracks for infrastructure was a permitted activity.	Allow the submission. FS78.004
S282.029	<p>Infrastructure Section</p> <p>Submission: The general intent of the submission is supported in enabling and protecting infrastructure to serve the district while managing adverse effects through the design and location of such. The section does however require amending to ensure that infrastructure can be delivered in areas where it is required and as currently drafted there is limited scope to deliver infrastructure, for example within urban areas where is currently no scope to deliver new overhead lines or telecommunications infrastructure as permitted.</p> <p>Relief sought: Retain enabling provisions of infrastructure however increase scope to allow for infrastructure activities in areas where there is currently no provision.</p>	Support	Transpower has supported a number of enabling provisions in the infrastructure section of the FNDC and as the owner of the National Grid has an interest in ensuring the development, operation upgrade, repair and maintenance of that critical infrastructure is able to occur as efficiently as possible.	Allow the submission. FS78.005
Ministry of Education				
S331.002	<p>Submission: The Ministry requests the inclusion of a new definition: 'additional infrastructure' to the Far North Proposed District Plan. The definition is derived from the National Policy Statement on Urban Development 2020 (NPS-UD). Educational facilities are included within the definition of 'additional infrastructure'. The use of the broad definition of 'additional infrastructure' in addition to educational facilities will enable a wider category of infrastructure to be captured by inclusions of the definition within the provisions of the plan. It will allow for activities that provide broadly for communities' social, economic, and cultural well-being and for their health and safety, to be captured within specific policies and objectives and will be consistent with the NPS-UD wording.</p> <p>Relief sought: <u>Additional infrastructure means:</u> a. <u>Public open space.</u> b. <u>Community infrastructure as defined in section 197 of the Local Government Act 2002.</u> c. <u>Land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities.</u> d. <u>Social infrastructure, such as schools and healthcare facilities.</u> e. <u>A network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001).</u> f. <u>A network operated for the purpose of transmitting or distributing electricity or gas.</u></p>	Oppose	Transpower is not opposed to the treatment of educational facilities as infrastructure within the Proposed District Plan, however the proposed definition of additional infrastructure includes a network operated for the purpose of transmitting or distributing electricity. As a result, the National Grid would be identified as Regionally Significant Infrastructure, Infrastructure and Additional Infrastructure. This is likely to create confusion in interpreting the Proposed District Plan.	Disallow the submission. FS78.006
S331.009	<p>Submission: The definition of 'development infrastructure' does not include additional infrastructure such as educational facilities. Educational facilities are a crucial form of additional infrastructure that is needed to support development. Coordinating educational facilities with the delivery of development will help meet the needs and demand of the local communities. The Ministry wishes to highlight that Council has an obligation under the NPS-UD to ensure sufficient additional infrastructure (such as educational facilities) is provided with development, and local authorities must be satisfied that additional infrastructure to service the development capacity is likely to be available (see Policy 10 and 3.5 of Subpart 1 of Part 3: Implementation, in particular). The Ministry request additional amendments to SD-UFD-03 to focus on community development and employment activities.</p> <p>Relief sought: SD-UFD-03 <u>There is adequate development infrastructure (including additional infrastructure) in place or planned to meet the anticipated demands for community development including the provision of housing and business employment activities.</u></p>	Oppose	For the reason set out in relation to S331.002, Transpower opposes this submission.	Disallow the submission. FS78.007

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
S331.012- S331.016	<p>Submission: The definition of 'infrastructure' does not include additional infrastructure (which includes educational facilities). Educational facilities are a crucial form of additional infrastructure that is needed to support development. Coordinating educational facilities with the delivery of development will help meet the needs and demand of the local communities. The Ministry wishes to highlight that Council has an obligation under the NPS-UD to ensure sufficient additional infrastructure (which includes social infrastructure such as educational facilities) is provided with development, and local authorities must be satisfied that additional infrastructure to service the development capacity is likely to be available (see Policy 10 and 3.5 of Subpart 1 of Part 3: Implementation, in particular).</p> <p>The Ministry recommends the inclusion of 'additional infrastructure' into the overview section and the specified objectives and policies and that it is added to the definitions chapter.</p> <p>Relief sought: Amend 1-O1, I-O2, I-P1, I-P4 and I-P5 to add "and additional infrastructure" or "(including additional infrastructure)" after "infrastructure"</p>	Oppose	For the reason set out in relation to S331.002, Transpower opposes these submissions.	<p>Disallow the submission.</p> <p>FS78.008, FS78.009, FS78.0010, FS78.011, FS78.012</p>
S331.033	<p>Submission: NH-P2 The Ministry acknowledges the risk which natural hazards can pose on people, property and the environment. However, at times the Ministry also have an operational need to provide educational facilities to existing communities in environments susceptible to the growing pressures of natural hazard risk and climate change. Consider the inclusion of the relief sought.</p> <p>Relief sought: Manage land use and subdivision so that natural hazard risk is not increased or is mitigated, giving consideration to the following:</p> <ol style="list-style-type: none"> the nature, frequency and scale of the natural hazard; not increasing natural hazard risk to other people, property, infrastructure and the environment beyond the site; the location of building platforms and vehicle access; the use of the site, including by vulnerable activities; the location and types of buildings or structures, their design to mitigate the effects and risks of natural hazards, and the ability to adapt to long term changes in natural hazards; earthworks, including excavation and fill; location and design of infrastructure; activities that involve the use and storage of hazardous substances; aligning with emergency management approaches and requirements; whether mitigation results in transference of natural hazard risk to other locations or exacerbates the natural hazard; and reduction of risk relating to existing activities; <u>and</u> <u>the operational need for the activity to be located near, or within, an area identified as being affected by a natural hazard.</u> 	Support	Transpower considers this addition to the policy gives effect to Policy 3 of the NPSET.	<p>Allow the submission.</p> <p>FS78.013</p>
S331.047	<p>Submission: NATC-R1 The Ministry may have an operational need to locate educational facilities on wetland, lake and river margins to provide for existing communities. Given the proposed policy NATC-P4 provides for the establishment of new buildings and extensions to existing buildings where there is an operational need to be located on wetland, lake and river margins, the Ministry recommends inclusion of activities which have an operational need to be located in the area (including educational facilities) to be included in the list of permitted activities to ensure consistency across the policies and rules.</p> <p>Relief sought: PER-2 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:</p> <ol style="list-style-type: none"> restoration and enhancement purposes; or natural hazard mitigation undertaken by, or on behalf of, the local authority; or park management activity in the Open Space or Sport and active recreation zone; or a post and wire fence for the purpose of protection from farm stock. 	Support	Transpower considers this addition to the policy gives effect to Policy 3 of the NPSET and assists to give effect to Policy 5.3.3 (c) of the RPSN.	<p>Allow the submission.</p> <p>FS78.014</p>

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	5. river crossings, including but not limited to, fords, bridges, stock crossings and culvert 6. crossings. 7. activities related to the construction of river crossings. 8. pumphouses utilised for the drawing of water provided they cover less than 25m2 in area. 9. <u>an activity which has an operational need to be located in the area.</u>			
S331.065	Submission: RPROZ-O2 The Ministry supports this objective as it considers educational facilities to be compatible with the activities in this zone however they also have an operational need to be in the rural environment. Relief sought: The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional <u>or operational</u> need to be in a rural environment.	Support	The proposed amendment recognises that at times some non-rural activities, such as specified infrastructure as defined in the NPS – Highly Productive Land (NPSHPL) need to be located in the Rural Production Zone, which is consistent with Section 3.9(2)(j) of the NPSHPL and Policy 3 of the NPSET.	Allow the submission. FS78.015
Waka Kotahi				
S356.030	Submission: I-P2 Clarity is sought that new infrastructure is included, and for avoidance of significant adverse effects to apply to areas of high natural character. Relief sought: Suggest amending as follows: In the coastal environment, manage the effects of <u>the-new</u> development, operation, maintenance and upgrading of infrastructure activities by: <ol style="list-style-type: none"> avoiding adverse effects on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character; avoiding significant adverse effects on other natural features and landscapes, and areas of <u>high</u> natural character; recognising the technical, operational and functional needs and constraints of infrastructure activities; and having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated. 	Support	Transpower considers the plan should be as clear as possible.	Allow the submission. FS78.016
S356.031	Submission: I-P3 Waka Kotahi considers that this policy should be amended to be consistent with Policy I-P2 to focus on the qualities and characteristics of significant natural areas and outstanding natural features or landscapes. It should also be recognised that positive effects should not be avoided, and that this should only relate to adverse effects. As above, clarity is also sought, that new infrastructure is included. Relief sought: Outside the coastal environment, manage the effects of <u>the-new</u> development, operation, maintenance and upgrading of infrastructure activities by: <ol style="list-style-type: none"> avoiding <u>adverse</u> effects on historical and cultural values, <u>qualities and characteristics of</u> significant natural areas, and outstanding natural features or landscapes to the extent practicable; minimising or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided; recognising the technical, operational and functional needs and constraints of infrastructure activities; and having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated. 	Support	Transpower supports this amendment for the reasons set out by Waka Kotahi.	Allow the submission. FS78.017
S356.065	Submission: Natural Character It is not clear why only the natural character of wetlands, lake and river margins are relevant to this chapter, particularly in the context of APP1 and assessment of Outstanding and High Natural Character areas. It is suggested that the policy framework considers all aspects of natural character in a tiered approach.	Support	Transpower has sought a stand-alone policy for the National Grid to give effect to the NPSET. If that relief is not accepted by Council the Natural Character section of the Proposed District Plan will apply to the National Grid and it does not appear to give effect to either the NPSET or the NPS – Freshwater Management.	Allow the submission. FS78.01*

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	<p>Relief sought: Consider redrafting this section to account for all areas of Natural Character and implement a tiered approach to Outstanding and High Natural Character areas as identified through APP1.</p>			
S356.066	<p>Submission: NATC-P1 The policy is considered too onerous to apply to all wetland, lake and river margins, and should only apply to Outstanding Natural Character Areas.</p> <p>Relief sought: Amend to refer to only Outstanding Natural Character areas.</p>	Support	Transpower has sought a stand-alone policy for the National Grid to give effect to the NPSET. If that relief is not accepted by Council this policy will apply to the National Grid and it does not appear to give effect to either the NPSET or the NPS – Freshwater Management.	Allow the submission. FS78.01+
S356.069	<p>Submission: NATC-R1 The rule structure is too onerous to apply to all wetland, lake and river margins. It is also unclear how it is to be assessed.</p> <p>Relief sought: For the rule to apply only to Outstanding or High Natural Character Areas. Clarification is also sought as to how the rule applies to infrastructure provision.</p>	Support	Transpower agrees that the rule structure is too onerous. In particular, Transpower is opposed to a default activity status of Non-Complying if PER-1 is not met.	Allow the submission. FS78.0S'
Ricky Faesen Kloet				
S405.003	<p>Submission: NFL-R1 The submitter considers that the proposed standards that apply to activities located within the ONL overlay would limit the reasonable development of land to an extent that is unnecessarily onerous and inconsistent with the purpose of the Act. These include limitations on the height and area, and defining the colours and reflectivity.</p> <p>Relief sought: Delete Rule NFL-R1 (inferred by Council).</p>	Support	The proposed Rule does not provide for infrastructure such as the National Grid to be located within these areas where there is a functional or operational need to locate such infrastructure there and there is no other practicable location. This does not appropriately give effect to policies 2, 3, 4 and 8 of the NPSET.	Allow the submission. FS78.0S#
S405.006	<p>Submission: NFL-R1 The submitter considers that the proposed standards that apply to activities located within the ONL overlay would limit the reasonable development of land to an extent that is unnecessarily onerous and inconsistent with the purpose of the Act. Delete all provisions in the plan that require activities located within an identified ONL to be assessed as non-complying activities.</p> <p>Relief sought: Delete the non-complying activity status applying to PER-2 of Rule NFL-R1.</p>	Support	Transpower considers that non-complying activity status for infrastructure such as the National Grid located in an ONL or ONF is too onerous.	Allow the submission. FS78.0SS
KiwiRail				
S416.008	<p>Submission: KiwiRail proposed that the Plan include a definition for reverse sensitivity effects. It is important to recognise the vulnerability of existing, lawfully established activities, such as the rail network, to noise sensitive activities being located nearby. The definition needs to recognise that rail activities are more than operation of the railway, also encompassing development, upgrading and maintenance of the railway network.</p> <p>Relief sought: Add a definition as follows : <u>Reverse sensitivity means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity.</u></p> <p>Or any such alternative relief to ensure that all elements likely to be affected are covered by this definition.</p>	Support	Transpower agrees that it is important to recognise the vulnerability of existing lawfully established activities to sensitive activities being located nearby. A definition of reverse sensitivity will assist plan users in understanding this issue and ensure that Policy 10 of the NPSET is clearly given effect to within the District Plan.	Allow the submission. FS78.0S3

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
Northland Federated Farmers of New Zealand				
S421.019	<p>Submission: Overview Federated Farmers recognises the importance for essential infrastructure to be able to be delivered safely and efficiently. However, it is important that the overview to the infrastructure chapter tells the whole story. The provision of essential infrastructure can create conflict between the infrastructure provider and the landowner whose property the infrastructure is going on or over.</p> <p>Relief sought: Insert the following in the Overview:</p> <p><u>It is recognised that the provision of essential infrastructure can, at times, create conflict between the infrastructure provider and the landowner. Council is willing to provide support through facilitation as necessary where this occurs.</u></p> <p>or wording with similar intent.</p>	Oppose	It is not clear what this relief will require of the Far North District Council and it appears to go beyond the requirements of the RMA.	Disallow the submission. FS78.0\$4
S421.024	<p>Submission: Objective I-O3 through its absolute protection of infrastructure will cause significant complications to our members, rural landowners, primary producers along with their everyday activities.</p> <p>Relief sought: Delete Objective I-O3</p>	Oppose	Infrastructure such as the National Grid is critical for enabling people and communities to provide for their economic, social and cultural wellbeing. This is recognised through the objective and policies of the NPSET which requires (amongst other things) the management of activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. These objectives must be given effect to in the Proposed District Plan, therefore the deletion of Objective I-O3 is inappropriate.	Disallow the submission. FS78.0\$5
S421.039	<p>Submission: Federated Farmers has concerns over policies that seek to restrict certain activities and farm practices on private property. Care needs to be taken when developing policies for district plans that the rights of private landowners to carry out lawful activities are not unnecessarily restricted or prohibited through the Council seeking to protect other land uses such as regionally significant infrastructure.</p> <p>Policies in the proposed district plan should be consistent with the policies contained in national policy instruments and national environment standards. The Council also needs to recognise that for infrastructure that goes across or is on private property, the infrastructure provider will have entered into discussions with the private landowner and the appropriate easements would normally have been registered on the relevant certificate/s of title. The easements provide the necessary level of protection needed for infrastructure to be operated and maintained on private property.</p> <p>As written, the proposed policy has the potential to create reverse sensitivity issues for private property where there is infrastructure located. The policy as drafted does not recognise the role that private property instruments such as easements play in ensuring that infrastructure is able to continue to be accessed and operated and be repaired, maintained, and upgraded.</p> <p>Proposed policy I-P7 also needs to recognise that every national gas network line has its own easement recorded on the appropriate Certificate/s of Title which legally defines the required setbacks and property specific restrictions.</p> <p>Relief sought: Amend Policy I-P7 as follows (inferred):</p> <p>Protect <u>local</u>, regionally <u>and nationally</u> significant infrastructure from the effects of incompatible land use and subdivision, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by:</p> <p>a - d ...</p> <p>e. <u>where there is no evidence of an appropriate easement on the relevant Certificate/s of Title</u>, managing landuse and subdivision activities in proximity to Critical Electricity Lines to...</p> <p>f. <u>where there is no evidence of an appropriate easement on the relevant Certificate/s of Title</u>, managing land disturbance and activities sensitive to gas transmission to avoid, or mitigate potential adverse effects on, gas transmission pipelines; and</p>	Oppose	<p>If I-P7 is to apply, or is intended to apply, to the National Grid, the proposed amendment does not give effect to Policies 10 and 11 of the NPSET, which state:</p> <p><i>Policy 10: In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."</i></p> <p><i>Policy 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent..."</i></p>	Disallow the submission. FS78.0\$6

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	<p>g. <u>where required</u>, managing other activities, <u>through the use of setbacks set-backs</u> and <u>appropriate</u> design controls <u>where necessary</u>, to achieve the <u>appropriate</u> protection of local, regional and nationally significant infrastructure.</p> <p>or wording with similar intent</p>			
S421.041	<p>Submission: Rule I-R11 Federated Farmers has concerns that where any new buildings, structures, and extensions to existing buildings or structures, in the National Grid Yard do not comply with the defined performance standards have been classified as non-complying activities.</p> <p>The rule requires compliance with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances as well as the planting requirements from the Electricity (Hazards from Trees) Regulations 2003. The compliance requirements with the Code of Practice and the Regulations should be enough to ensure that any structures that do not meet the performance standards are safe and do not interfere with the operation of the National Grid. It is unrealistic and creating unwarranted barriers and unnecessary costs for an activity to go directly to being non-complying from permitted.</p> <p>The Resource Management Act 1991 requires that activities avoid, remedy, or mitigate any effects on the environment. The proposed activity status appears to have assumed that activities which do not meet the permitted activity standards produce such severe effects that can only be dealt with through a non-complying resource consent process. This is inappropriate and contrary to Part 2 of the Resource Management Act 1991.</p> <p>Federated Farmers seeks that the activity status be reclassified from non-complying to restricted discretionary. This would make the rule consistent with Rule I-R12</p>	Oppose	The proposed relief does not give effect to the NPSET. The District Plan needs to give a clear signal that it does not contemplate buildings and structures have the potential to give rise to reverse sensitivity effects, compromise the National Grid or are sensitive activities in the National Grid Yard.	Disallow the submission.
Top Energy Limited				
S483.001- S483.003	<p>Submission: While the PDP includes activity based rules which manage the establishment and operation of activities within zones and sites, some of the rules include activities that do not have definitions. There are also various inconsistencies between the activities and terms utilised within the zone provisions and resource overlay chapters.</p> <p>Relief sought: Review all definitions, address any overlaps, and/or create definitions for terms which are not currently defined (see submission points below). Review and amend rules as necessary to refer only to defined terms used in activity- based rules. Introduce nesting tables to clearly group activities into categories.</p>	Support	Transpower considers that the consistent use of terminology will assist with effective plan interpretation and implementation.	Allow the submission.
S483.021	<p>Submission: The term ‘upgrading’ is used throughout the PDP, in particular in the Infrastructure chapter. For the provision of Top Energy’s infrastructure, this is a key term, and Top Energy would prefer the inclusion of a definition to avoid confusion and improve consistency in application, noting that the Whangārei District Plan and Draft Kaipara District Plan have definitions for ‘Minor Upgrading’</p> <p>Relief sought: Include a definition for ‘upgrading’ as follows (or to the same effect): <u>means an increase in the capacity, efficiency or security of existing infrastructure.</u></p>	Support	Transpower considers including the definition would be helpful for plan users.	Allow the submission.
S483.023 S483.024 S483.025 S483.189- S483.194	<p>Submission: As noted in Section 2.0 Top Energy considers that there is a lack of clarity throughout the PDP in terms of how the Chapters interact with each other, and some consistency. The How the Plan Works Chapter is key in terms of providing the necessary clarity for plan users.</p> <p>The Overlay chapters are one example and are inconsistent with respect to referencing rules for “activities not otherwise listed”. The How the Plan Works chapter includes a statement that indicates <u>some overlays</u> will automatically default to a permitted activity, however resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone).</p>	Support	Transpower support this submission because it will improve the clarity of the proposed plan.	Allow the submission.

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	<p>Some Chapters include notes which provide some clarity in this regard (e.g. Heritage Overlay) however this isn't consistently applied through the overlays or the District Wide Chapters generally.</p> <p>Some overlays include a catch all 'activities not otherwise specified' activity status (e.g. Treaty Settlement Land Overlay). Some overlays don't.</p> <p>This lack of consistency (coupled with inconsistent terminology) will cause confusion for Plan users and ultimately, impact the integrity of the plan. This is particularly relevant in the Overlay chapters where each Overlay chapter has a different approach to activity status default rules.</p> <p>With specific regard to the permitted activity default, it is noted that this could lead to unintentional consequences, for example:</p> <p>The Coastal Environment is silent with respect to farm quarries. In the absence of a discretionary default for all activities not specified, it is assumed that this activity within this overlay defaults to a permitted activity under How the Plan Works. Rule RPROZ-R12 Farm Quarry provides for this activity as a permitted activity.</p> <p>The lack of clarity around integration between chapters is also apparent in the District Wide Chapters. As an example, in the Infrastructure Chapter:</p> <ul style="list-style-type: none"> The Notes indicate that the rules only relate to network utility operators, but the Chapter includes setbacks for land use activities; The Chapter does not provide guidance around Part 3 Area Specific Matters. <p>Relief sought:</p> <ul style="list-style-type: none"> Amend the "Applications Subject to Multiple Provisions" section of the How the Plan Works Chapter to provide clarity in terms of how the chapters within the plan interact. Amend all relevant overlay chapters as necessary to insert rules for "Activities not otherwise listed in this chapter", consistent with zone chapters. Review all implementation advice notes across the plan to ensure consistency 			
S483.026	<p>Submission: Strategic Direction Infrastructure and Electricity Policies</p> <p>Top Energy note that the Strategic Direction chapter only contains objectives for each topic, and not policies. In Top Energy's view, the objectives need policies to demonstrate how they are going to be achieved in the plan. It is also important at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction (e.g., for instance between the necessary provision of infrastructure, alongside the protection of the natural environment).</p> <p>Relief sought: Add policies to the Strategic Direction Chapter for the objectives, noting Top Energy's submission below on specific objectives relating to the provision of infrastructure, electricity and renewable energy generation activities.</p>	Oppose in part	Transpower considers that the submission point does not provide sufficient detail to be able to identify the content of the proposed policies and whether they would give effect to the NPSET.	Disallow the submission in part.

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
S483.031	<p>Submission: While Top Energy supports the inclusion of objectives referencing infrastructure broadly, it notes that the Strategic Direction Chapter is silent on objectives and policies for Regionally Significant Infrastructure. Top Energy consider that it is important that strategic direction is provided at this level for Regional Significant Infrastructure, and note that other District Plans in Northland have specifically included strategic direction in this regard. Such an approach is required to give effect to the provisions of the Northland RPS relating to Regionally Significant Infrastructure</p> <p>Relief sought: Add new objectives as follows for Regionally Significant Infrastructure.</p> <p><u>Regionally Significant Infrastructure is identified and protected. The benefits of Regionally Significant Infrastructure are recognised and provided for. Avoid, remedy, mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.</u></p>	Oppose in part	While Transpower considers that it may be helpful to include the new objectives in the Strategic Direction Chapter of the Proposed District Plan, care is necessary to ensure the new objectives appropriately give effect to the NPSET.	Disallow the submission in part.
S483.053 S483.054	<p>Submission: Infrastructure Note 1 & Note 5</p> <p>Clarity is needed within the Chapter in terms of what happens where there is overlap between chapters and how the chapter interacts with the Part 3 – Area Specific Matters. With regards to the sensitive environment overlays, the How the Plan Works Chapter indicates that if not specified, the activity is permitted unless otherwise stated. However, this is not made clear in the Chapter, and given the importance of this (and for consistency), to assist Plan users, Note 1 should be extended to re-iterate this (see sub# S483.189-S483.194). Top Energy also highlight that Note 5 means that I-R11, I-R12, and I-R13 would only apply to network utility operators, and have commented on this in the submission points below.</p> <p>Relief sought: Specify that this chapter supersedes/takes precedence over Part 3 – Area Specific Matters. Specify that overlays only manage infrastructure building and structures and that the activities in the Infrastructure Chapter are permitted in the overlays except where more stringent building and structure controls apply subject to amendments sought in the overlays.</p>	Support	Transpower supports this submission because it will improve the clarity of the proposed plan.	Allow the submission.
S483.068	<p>Submission: Top Energy considers that Transpower are best placed to comment of provisions relating to the national grid, but given the electricity distribution and transmission networks in the Far North are interdependent, Top Energy supports the protection of these assets. Top Energy also supports the explicit exemption from this rule for any part of electricity infrastructure that connects to the national grid.</p> <p>However, Top Energy notes that as per its comment above in regards to Note 5, these provisions would only apply to work undertaken to by network utility operators and consider that this rule also needs to be replicated within the Zones.</p> <p>Relief sought: Amend I-R11 to exempt work undertaken by the electricity network utility.</p> <p>Review Plan and amend as necessary to ensure that the rule applies to all plan users, not just network utility providers.</p>	Support	Transpower supports this submission because it will improve the clarity of the proposed plan.	Allow the submission.
S483.069	<p>Submission: Top Energy generally supports the inclusion of provisions relating to the Critical Electricity Lines Overlay but seeks that:</p> <ul style="list-style-type: none"> wording is Included to exempt works with the CEL undertaken by the electricity network utility provider; that this rule should be applied to all plan users, not just network utility providers (the preference is that provisions that relate to CELS are contained within an overlay chapter for ease of reference); and 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District Council’s approach which specified the corridor width of 10m either side <p>Relief sought: Amend Rule I-R12 to exempt works with the CEL undertaken by the electricity network utility provider.</p>	Support	<p>Transpower supports this submission on the basis that it would allow it to undertake works on the National Grid where these occur in proximity to Critical Electricity Lines.</p> <p>Transpower also considers it would improve plan clarity if a definition of Critical Electricity Lines were included in the proposed plan, in light of the use of the phrase “Critical Infrastructure” and associated terms proposed in the Emergency Management Bill.</p>	Allow the submission.

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	Review Plan and amend as necessary to ensure the rule applies to all plan users, not just network utility providers.			
S483.070	<p>Submission: Top Energy supports the inclusion of provisions relating to the Critical Electricity Lines Overlay (noting early comments regarding extent) but seek that: - wording is Included to exempt works with the CEL undertaken by the electricity network utility provider, - as per the above comments re Note 5, this rule should be applied to all plan users, not just network utility providers. The preference is that provisions that relate to CELs are contained within an overlay chapter for ease of reference), - wording is Included to exempt works with the CEL undertaken by the network utility provider. - 10m either side of the CEL is specified, or a figure is included (similar to Whangārei District Councils approach which specified the corridor width of 10m either side. Top Energy also notes that the Electricity (Hazard from Trees) Regulation 2003 is not linked. As per the above comments in regards to Note 5, seek that this rule be replicated in the Zones.</p> <p>Relief sought: Amend Rule I-R13 to exempt work undertaken by the electricity network utility provider.</p> <p>Review Plan and amend as necessary to ensure the rule applies to all Plan users, not just network utility providers.</p> <p>Include reference to Electricity (Hazard from Trees) Regulations 2003.</p>	Support	<p>Transpower supports this submission on the basis that it would allow it to undertake works on the National Grid where these occur in proximity to Critical Electricity Lines.</p> <p>Transpower also considers it would improve plan clarity if a definition of Critical Electricity Lines were included in the proposed plan, in light of the use of the phrase “Critical Infrastructure” and associated terms proposed in the Emergency Management Bill.</p>	Allow the submission.
S483.076	<p>Submission: Top Energy seeks clear direction within the infrastructure that the chapter super In general, Top Energy supports the outcomes sought within this chapter. The nature of this chapter is unique to others in that it seeks to manage a specific activity on a district wide basis. It is not clear how this Chapter interacts with Part 3 - Area Specific Matters. It is assumed that the standards within Part 3 would apply (except where more permissive standards are provided in the REG chapter). However, without specific direction within the chapter confirming that this is the case, this could generate confusion for plan users. The How the Plan works Chapter gives specific direction as to how Part 2: District - Wide Matters interacts with the Sensitive Environment Overlays, but not how this chapter should be treated.</p> <p>Relief sought: Amend the Plan to provide clarity around integration of this chapter with other Chapters in the Plan so that the provisions of the REG chapter have precedence.</p>	Support	Transpower supports this submission as it will improve the clarity of the plan.	Allow the submission
Radio New Zealand				
S489.017	<p>I-P7 Submission: RNZ support a policy to protect regionally significant infrastructure from incompatible land use. However, at present the policy does not recognise infrastructure associated with network utilities.</p> <p>Relief sought: RNZ consider the following should be added: Protect regionally significant infrastructure from the effects of incompatible land use and subdivision, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by: ...</p> <p><u>f. managing land use and subdivision activities in proximity to network utilities, including radiocommunication transmitter sites, to:</u> <u>i. retain the ability for network utility operator to access, operate, maintain, repair and upgrade the infrastructure;</u> <u>ii. ensure that future buildings do not compromise the effective operation of the network utility.</u></p> <p><u>f.g. managing land disturbance and activities sensitive to gas transmission to avoid, or mitigate potential adverse effects on, gas transmission pipelines; and</u></p>	Support	Transpower considers these are helpful additions to the policy.	Allow the submission

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	g-h. managing other activities, through set-backs and design controls where necessary, to achieve appropriate protection of local, regional and nationally significant infrastructure.			
Royal Forest & Bird Protection Society of New Zealand				
S511.037	<p>Submission: Infrastructure Chapter This chapter is confusing because it appears to use RSI and infrastructure in the objectives and policies interchangeably. In many instances under the RPS only RSI gains access to the mitigation hierarchy, not all infrastructure in general. The definition of RSI is already broad and bringing in all of infrastructure is not warranted.</p> <p>Relief sought: Insert objectives that separate out infrastructure from RSI.</p>	Support	Transpower agrees that the chapter uses a number of related but different terms interchangeably. It would assist with implementation of the proposed plan if the use of different terms was clarified.	Allow the submission.
S511.038	<p>Submission: Infrastructure Chapter This chapter is confusing because it appears to use RSI and infrastructure in the objectives and policies interchangeably. In many instances under the RPS only RSI gains access to the mitigation hierarchy, not all infrastructure in general. The definition of RSI is already broad and bringing in all of infrastructure is not warranted.</p> <p>Relief sought: Insert policies that separate out infrastructure from RSI.</p>	Support	Transpower agrees that the chapter uses a number of related but different terms interchangeably. It would assist with implementation of the proposed plan if the use of different terms was clarified.	Allow the submission.
S511.042	<p>Submission: The policy does not give effect to the RPS, policies 5.3.3, 4.4.1(3) and 4.6.1.</p> <p>Relief sought: Insert two new policies for Regionally Significant Infrastructure:</p> <p><u>Outside the coastal environment manage the effects of new and the re-consenting of existing Regionally Significant Infrastructure by:</u></p> <p><u>g. avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</u></p> <p><u>h. minimising mitigating or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided;</u></p> <p><u>i. recognising the technical, operational and functional needs and constraints of infrastructure activities;</u></p> <p><u>j. Biodiversity offsetting more than minor residual adverse effects that cannot be avoided, remedied or mitigated; and</u></p>	Oppose	Transpower opposes the inclusion of this policy because the definition of Regionally Significant Infrastructure in the RPSN includes the National Grid and this policy could therefore apply to the National Grid in the Far North, however the policy does not give effect to the NPSET. Transpower would prefer a standalone policy that relates to the National Grid.	Disallow the submission

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow
	<p><u>k. If more than minor residual adverse effects remain after biodiversity offsetting then consider Environmental biodiversity compensation measures to ensure that any residual adverse effect is no more than minor.</u></p> <p>And then add a new policy to address maintenance, operation and upgrading of RSI</p> <p><u>Outside the coastal environment manage the effects of operation, maintenance and upgrading of existing Regionally Significant Infrastructure by:</u></p> <p><u>a. Avoiding significant adverse effects and the adverse effects after the conclusion of the maintenance or upgrading or operation are the same or similar to before the activity being undertaken; and</u></p> <p><u>b. Then consider offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.</u></p>			
S511.044	<p>Relief sought: Amend I -P10 to reflect that there may be instances in the Coastal Environment where avoidance of indigenous biodiversity may be required</p>	Oppose	Policy 1-P10 relates to existing National Grid assets in the Far North. There are no existing National Grid assets in the coastal environment in the Far North so the relief requested is not relevant or necessary.	Disallow the submission.