

Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6



Send your submission to districtplan@waitomo.govt.nz or post to :

Attn: Proposed District Plan
Waitomo District Council
15 Queen Street
PO Box 404
Te Kūiti 3941

For office use only

Further Submission No:

Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Transpower New Zealand Limited

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 17215, Greenlane, Auckland 1546

Telephone:

09 590 7072

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Environment.Policy@transpower.co.nz

Contact Person: (Name and designation, if applicable) Rebecca Eng

Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the Proposed Waitomo District Plan:

Refer attached table

I support : **Oppose** (tick one) **the submission of:**

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number

Point-Number

Refer attached table

The reasons for my support / opposition are:

Refer attached table

(continue on a separate sheet if necessary)

I seek that:

the whole :

Refer attached table

or part (describe precisely which part) _____

of the original submission be **allowed**

disallowed

Refer attached table

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

28 July 2023

Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Transpower NZ Ltd is the owner and operator of the National Grid. The need to operate, maintain, develop and upgrade the National Grid is identified as a matter of national significance under the National Policy Statement on Electricity Transmission 2008. Transpower also has an interest as a landowner and occupier.

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

Transpower New Zealand Limited: Further submission in support of, or in opposition to, a submission on the Proposed Waitomo District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed Waitomo District Plan, including the reasons for Transpower's support or opposition in respect of the original submission.

Submitter name, number and point	Plan Provision	Relief Sought	Relief Sought (by original submitter)	Support/ Oppose	The reasons Transpower's support / opposition are:	Decision sought
Chorus NZ Ltd, Connexa Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd 09.02	SD-O30	Support in part	Amend the provision number for SD-O30 and relocate it under the District Wide Matters subheading. Retain the wording of the provision as notified.	Support	Transpower supports the relocation of the strategic objective under the District Wide matters section of the strategic objectives given the matters addressed within SD-O30 are not confined to Urban Form (being the subheading they are currently located under).	Allow
Chorus NZ Ltd, Connexa Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd 09.06	NU-P10	Oppose	Amend Policy NU-P10 as follows or a change of like effect: <i>Ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities as far as practicable, including by:</i> 1. Maintaining required separation distances to ensure reverse sensitivity effects are minimised; and <i>2. Ensuring sites are sufficiently landscaped and screened where appropriate; and</i> 3. Ensuring that industrial buildings to house network utilities are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.	Support	Transpower supports the amendments sought, and specifically amendment to Clause 2. which appropriately recognise that landscaping and screening may not always be appropriate, and deletion of Clause 1. It is not clear from the policy as notified whether it applies to new and/or existing network utilities. The reference to maintaining required separation distance is also not clear in its intent and application.	Allow
Chorus NZ Ltd, Connexa Ltd, Spark NZ	NFL -P1	Oppose	Amend Policy NFL-P1 as follows: <i>2. Ensuring the location, scale, materials, design, colour and grouping of</i>	Support	While the National Grid is specifically addressed within policies NU-P20 – P22, Transpower supports the relief sought in that it provides	Allow

Trading Ltd and Vodafone NZ Ltd 09.28			<i>buildings, and structures and infrastructure avoid adverse effects on the values and character of outstanding natural features and landscapes; and</i> <i>11. Network utilities are managed in accordance with Policies NU-P11 and NU-P12.</i>		clarity in the application of the policies for network utilities generally.	
Waikato Regional Council (WRC) 10.31	NU-R37	Amend	Relocate these rules to the ecosystems and biodiversity chapter	Oppose	The structure of the PDP as notified aligns with the National Planning Standards and is supported. Transpower opposes the relocation of any NEGT or NU provisions in other topic chapters.	Disallow
WRC 10.94	NATC -P1 X	Amend	Add the following clause (or similar) to the policy: <i><u>"Promoting the enhancement, restoration, and rehabilitation of the natural character of wetlands and lakes and rivers and their margins, giving special regard to areas where the natural character of wetlands and lakes and rivers and their margins were compromised."</u></i>	Oppose	While the intent of the policy is not opposed, Transpower does have concerns with its location within the district plan given the regional focus of the rule.	Disallow
WRC 10.95	NATC -P1 X	Amend	Add the following clause (or similar) to the policy: <i><u>"Safeguarding the life-supporting capacity of the freshwater habitats and maintaining or enhancing indigenous biodiversity and the functioning of its ecosystems."</u></i>	Oppose	While the intent of the policy is not opposed, Transpower does have concerns with its location within the district plan given the regional focus of the rule.	Disallow
WRC 10.96	NATC -P2.5	Amend	Amend the wording of this policy to: <i><u>"Ensuring that activities are carried out in a way that maintains or enhances water quality and ecosystems of indigenous biodiversity" or words to similar effect.</u></i>	Oppose	Indigenous biodiversity is addressed within the Ecosystems chapters and therefore it's inclusion as proposed by the submitter within the Natural Character chapter is not supported. It is noted biodiversity is already addressed within NATC-P2.7(iv).	Disallow
WRC 10.98	NFL -P4.5	Amend	Amend the wording to: <i><u>"Minimising Avoiding the removal of indigenous vegetation as far as practicable."</u></i>	Oppose	Transpower opposes the amendment as there is no higher order policy direction to support an 'avoidance' policy directive for indigenous vegetation., noting that Clause 3.16 of the NPS-IB provides for the management of effects on indigenous biodiversity outside SNA's.	Disallow
New Zealand Pork Industry	Earthworks	Support in part	Add definition as follows <i><u>"Ancillary Rural Earthworks"</u></i>	Oppose	While Transpower does not specifically oppose a definition for Ancillary Rural Earthworks, it does have concerns with the wide range and	Disallow

Board (NZPIB) 14.02			<p><i>Means any earthworks or disturbance of soil associated with:</i></p> <p><i>(a) Crop cultivation and associated land preparation (including establishment of sediment and erosion control measures);</i></p> <p><i>(b) Harvesting of agricultural and horticultural crops (farming);</i></p> <p><i>(c) Maintenance and construction of facilities associated with farming activities, including, but not limited to, farm tracks, roads and landings, stock races, silage pits, offal pits, farm drains, farm effluent ponds, feeding pads, fertiliser storage pads, airstrips, helipads, post holes, fencing, drilling bores, stock water pipes, water tanks and troughs, the maintenance of on-farm land drainage networks, and erosion and sediment control measures; and</i></p> <p><i>(d) Burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</i></p>		extensive nature of activities included within the definition (such as airstrips), and how the definition would be applied to the National Grid Yard specific rule NEG-T-R1 relating to Earthworks, Vertical holes or land disturbance within the National Grid Yard. Should the definition be inserted as sought, it needs to be inserted into NEG-T-R1 to ensure that the effects can be managed near National Grid.	
The Lines Company (TLC) 25.12	NU-O3	Neutral	No specific decision sought, although submitter suggests Objective NU-O3 be removed from Chapter 19 Network Utility as the objective is already contained within Chapter 18.	Oppose	While the National Grid is addressed in Chapter 18, that chapter relates to the effects of other activities <u>on</u> the National Grid whereas Chapter 19 relates to activities associated with the operation, maintenance, upgrade and development <u>of</u> the National Grid. As such the chapters capture different effects associated with the National Grid and NU-O3 is supported, and the submission point opposed.	Disallow
Horticulture NZ (Hort NZ) 27.09	Agricultural, pastoral and horticultural activities	Support with amendment	Amend the definition of 'National grid yard' to read: <u>The area located within:</u> <ul style="list-style-type: none"> • <u>12m in any direction from the visible outer edge of a National Grid tower; or</u> • <u>10m in any direction from a National Grid single pole or pi-pole; or</u> • <u>The area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or</u> • <u>The area located within 12m either side of the centre line of any overhead National Grid line on towers.</u> 	Oppose	The definition of National Grid Yard provides setbacks from the support structures, and also setbacks along the conductors (i.e., for the linear length of the line) As noted in the Transpower submission, within Waitomo District the majority of the transmission line support structures are towers. However, there are two single poles and eight pi poles on the ARI-ONG A line in the north of the district. Given the very limited number of single poles in the district, a 12m setback from support structures as outlined in the proposed	Disallow

				<p>definition was supported in the Transpower submission.</p> <p>However, Transpower acknowledges the relief sought in the Horticulture NZ submission and notwithstanding there are only two single poles in the district, Transpower therefore agrees with insertion of reference to a 10m setback from the centreline on an overhead line on single poles (but does not agree with the application to pi-poles) (bullet point 3 in the submitter relief sought).</p> <p>However, Transpower opposes a 10m setback in any direction from a National Grid single pole or pi-pole, and the notified version requires a 12m setback from support structures regardless of support structure type (bullet point 2 in the submitter relief sought).</p> <p>The “National Grid Yard” setback is based on the position of the conductors in normal everyday wind conditions, as well as space to allow the support structures and conductors to be accessed and provide sufficient space for most (but not all) maintenance activities. A 12m setback around each support structure is also sought for access, maintenance and safety purposes. For these reasons the setback around the support structure does not differ depending on whether it is a pole or a tower.</p> <p>The approach proposed within the Proposed District Plan reflects the nationwide transmission corridor approach.</p>	
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					<p>Transpower therefore supports an amended definition as shown below:</p> <p><i>Means:</i></p> <ul style="list-style-type: none"> - <i>the area located 12 metres in any direction from the outer edge of a national grid support structure (including where towers are replaced with tubular steel monopoles), and</i> - <i>the area located 12 metres either side of the centreline of any overhead national grid line <u>on towers or pi-poles; and</u></i> - <i><u>the area located 10 metres either side of the centreline of an overhead national grid line on single poles.</u></i> <p><i>The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated. <u>The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span</u></i></p>	
Hort NZ 27.17	Ancillary rural earthworks	New	<p>Add a new definition for ‘ancillary rural earthworks’ as follows:</p> <p><u><i>Ancillary rural earthworks is the disturbance of soil, earth or substrate land surfaces ancillary to primary production that includes:</i></u></p> <ul style="list-style-type: none"> • <u><i>Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming)</i></u> • <u><i>Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993</i></u> 	Oppose	<p>While Transpower does not specifically oppose a definition for Ancillary Rural Earthworks, it does have concerns with the wide range and extensive nature of activities included within the definition with no parameters around size of scale or depth of the disturbance, and how the definition would be applied to the National Grid Yard specific rule NEG-T-R1 relating to Earthworks, Vertical holes or land disturbance within the National Grid Yard. Should the</p>	Disallow

			<ul style="list-style-type: none"> • <u>Irrigation and land drainage</u> • <u>Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.</u> <p>And Provide for the activity in the General Rural Zone.</p>		definition be inserted as sought, it needs to be inserted into NEG-T-R1 so that effects on the National Grid Yard are able to be managed.	
Hort NZ 27.28	NEG-T-O1	Oppose	<p>Amend NEG-T-O1 as follows:</p> <p><i>The national significant and benefits of the national grid are recognized and provided for and the national grid is protected from other activities and other activities are managed to ensure that the national grid is not compromised.</i></p>	Oppose	The objective as notified is supported.	Disallow
Hort NZ 27.30	NEG-T-P1	Support with amendment	<p>Amend NEG-T-P1 as follows:</p> <p>1. Protect <u>Provide for the national significance of the national grid</u></p>	Oppose	In context of the policy (which relates to effects of activities on the National Grid) Transpower supports the retention of the word ‘protect’. Transpower notes the word ‘provide’ is used within the NPSET within Policy 1 and relates to benefits as opposed to the effects of other activities on the National Grid which is the focus of PDP policy P1.	Disallow
Hort NZ 27.31	NEG-T-P2	Support with amendment	<p>Amend NEG-T-P2 (5) as follows:</p> <p><i>Avoid, <u>to the extent reasonably possible</u>, the potential for reverse sensitivity effects on the National Grid.</i></p>	Oppose	<p>Specific to policy 10 of the NPSET and reverse sensitivity effects, NPSET policy 10 recognises that new activities alongside nationally significant infrastructure can create conflicts and compromise the ability of the infrastructure to be operated, maintained and upgraded for the benefit of the district, region and country as a whole.</p> <p>Transpower considers the management required by NPSET Policy 10 “to the extent reasonably possible” sets a high bar and reduces the discretion that might appear to be available to a decision-maker - the test is not whether the Council would like to manage activities or even whether it is reasonably practicable. The Council is required to manage</p>	Disallow

					<p>activities to the extent reasonably possible. Within the PDP, it is “reasonably possible” for the Council to manage activities (buildings, subdivision, earthworks and sensitive activities) using district plan rules. The permitted National Grid Yard rules within the PDP provide a range of activities (including buildings and structures) that are not inappropriate. This rule framework gives effect to the “extent reasonably possible” component of Policy 10 and therefore makes it appropriate for all other activities which trigger resource consent to have the ‘avoid’ directive. Given the largely uncompromised nature of the existing National Grid Yard within the Waitomo District and the rule framework which provides for a range of permitted activities, Transpower does not envisage circumstance in which it is not possible to manage the activities. As such, the sought additional wording is superfluous within the Waitomo context. Furthermore, the NPSET is to be read as a whole. Given the national significance of the National Grid (NPSET Objective 1) and the clear directive within the NPS to recognise and provide for the benefits of the Grid (Policy 1), and ensure its effective operation, maintenance, upgrading and development (Policy 2), a strong ‘avoid’ directive within the above proposed National Grid policy is appropriate.</p>	
<p>Hort NZ 27.35</p>	<p>NEGT-R1</p>	<p>Oppose with amendment</p>	<p>Amend NEG-T-R1 activity status where compliance not achieved to restricted discretionary. And Delete from NEG-T-R1 (2 i) <i>‘other than for the reticulation and storage of water for irrigation purposes’</i></p>	<p>Oppose and support in part</p>	<p>Transpower opposes the sought change in activity status on the basis a restricted discretionary activity would not give effect to NPSET, specifically the directive wording within policies 10 and 11.</p>	<p>Allow and Disallow in part.</p>

					Transpower supports the deletion of clause (2 i).	
Hort NZ 27.36	NEGT-R2	Support with amendment	Delete from NEG-T-R2 (1 iv) 'other than for the reticulation and storage of water for irrigation purposes' And Add to NEG-T-R2 (1) <u>vi: a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</u>	Support	Transpower supports the deletion of clause (1 iv) as sought by the submitter, and the inclusion of a written approval clause vi.	Allow
King Country Energy (KCE) 33.44	ECO-P2	Oppose	Amend ECO-P2 as follows: <u>While providing for those activities explicitly referenced within ECO- P2, recognize, protect, and enhance the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas by:</u> ... <u>3. Avoiding indigenous vegetation clearance in locations that are of significance to mana whenua, to the maximum extent practicable, while providing for the maintenance, repair and minor upgrading of existing nationally and regionally significant infrastructure;</u> And Amend the planning maps so that R17028 and R17UP035 are not overlaid on any parts of the Mokauiti Scheme.	Support	While the National Grid is addressed within Chapter 18 National Electricity and Gas Transmission and Chapter 19 Network Utilities, it is noted Infrastructure is referenced within NFL-P1.2 and NFL-P4.2. Given the lack of clarity between the chapters, should ECO-P2 apply to the National Grid, Transpower supports the amendments sought by the submitter.	Allow
KCE 33.45	ECO-P3	Support with amendment	Amend ECO-P3 as follows: <u>Provide for permitted activities and for the continued operation, repair, maintenance and upgrading of lawfully established activities in and adjacent to significant natural areas by enabling the removal of indigenous vegetation for:</u> <u>7. Indigenous vegetation removal for nationally or regionally significant infrastructure,</u> <u>8. Limited indigenous vegetation removal for small scale renewable energy electricity generation.</u>	Support	While the National Grid is addressed within Chapter 18 National Electricity and Gas Transmission and Chapter 19 Network Utilities, it is noted Infrastructure is referenced within NFL-P1.2 and NFL-P4.2. Given the lack of clarity between the chapters, should ECO-P2 apply to the National Grid, Transpower supports the amendments sought by the submitter.	Allow
KCE	ECO-P13	Support with	Add a new clause to ECO-P13 as follows:	Support	While the National Grid is addressed within Chapter 18 National Electricity and Gas	Allow

33.48		amendment	<u>8. The need for the activity to provide for nationally or regionally significant infrastructure or for renewable electricity generation.</u>		Transmission and Chapter 19 Network Utilities, it is noted Infrastructure is referenced within NFL-P1.2 and NFL-P4.2. Given the lack of clarity between the chapters, should ECO-P2 apply to the National Grid, Transpower supports the amendments sought by the submitter.	
Kāinga Ora 36.18	SUB-R10	Oppose with amendment	Amend SUB-R10 as follows: <i>Activity Status <u>Restricted Discretionary</u></i> And any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	Oppose	In its submission Transpower sought significant amendment to SUB-R10, including separation of the activities. Clear reasoning was provided in the submission. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission and no supporting reasoning is provided by Kāinga Ora for the relief sought.	Disallow
Firstgas 39.53	SUB -P31	Support	Retain SUB -P31 as notified.	Oppose	In its submission Transpower sought significant amendment to SUB-P31, including separation of the activities and a new National Grid specific policy. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission, noting Transpower has no interest in gas transmission activities or provisions.	Disallow
Federated Farmers of NZ (FF) 46.01	Provisions in respect of public access over private property	Oppose with amendment	Amend the plan in respect of public access across private property in all sections to identify: (a) that no public access across private property is allowed without the permission of the landowner (b) where public access or limited access by other specified parties is sought and is required to meet RMA legislated obligations, the Council will engage with the relevant landowners to reach an acceptable agreement about the terms of the access; and (c) that all public access agreements reached are formalized between the Council and the landowner and any other relevant parties; and (d) and issues in respect of health and safety related to people using public access or access tracks across private property are comprehensively addressed so that there is no liability for the	Oppose	Public access provisions as sought by the submitter (noting the specific relief sought in the submission point has not been provided) are not appropriately managed within the district plan framework. The submission point is opposed.	Disallow

			landowner of the land across which the public access/access occurs and (e) any other consequential Amendments required as a result of the relief sought (a) to (c) above.			
FF 46.12	New objective	New	Add to Chapter 16 Strategic Direction a new objective as follows: <u><i>SD-OX – Rural industry and rural environments are recognised for the important role they play in the district’s economy and are protected from any negative effects from sensitive or incompatible activities that seek to establish adjacent to them</i></u> And any consequential amendments required as a result of the relief sought.	Oppose	Transpower opposes the absolute nature, application and directive nature of the wording sought. The wording fails to recognise the appropriateness of some activities within the rural environment.	Disallow
FF 46.19	Entire chapter	Support	Retain chapter 18 National Electricity and Gas Transmission – NEGТ as notified	Oppose in part	In its submission Transpower sought significant amendment to Chapter 18. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission.	Disallow in part
FF 46.22	NU-P22.3	Oppose with amendment	Amend NU-P22.3 to include a clause that specifically refers to avoiding adverse effects on rural activities lawfully established in the rural environment. And any consequential amendments required as a result of the relief sought.	Oppose	In its submission Transpower sought significant amendment to P22. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission. The NPSET does not provide any higher order policy direction to avoid adverse effects on rural activities lawfully established in the rural environment.	Disallow
FF 46.23	NU rules	Support with amendment	Amend the rules for Network Utilities to reconsider the permitted activity classification for rules which allow network utility activities to occur which will adversely impact on existing rural activities and operations. And Add a new matter of discretion for restricted discretionary and discretionary activities in the Network Utilities chapter that reads (or with wording to similar effect): <u><i>the potential adverse effects on the operation of existing farming and</i></u>	Oppose	The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission.	Disallow

			<p><u>rural activities located in the general rural and rural production zones</u></p> <p>And any consequential amendments required as a result of the relief sought.</p>			
Forest & Bird (F&B) 47.05	New Vegetation clearance or removal	New	<p>Add a new definition for 'Vegetation clearance or removal' as follows:</p> <p><u>Vegetation clearance or removal means the clearing or removal or destruction of indigenous or exotic vegetation by any means, including cutting, crushing, smothering, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning.</u></p> <p><u>Indigenous vegetation clearance has the same meaning as applies to native vegetation</u></p> <p>And any consequential changes or alternative relief to achieve the relief sought.</p>	Oppose	While Transpower does not oppose the provision of definitions, it is opposed to definitions that will result in rules to restrict all vegetation clearance in SNAs.	Disallow
F&B 47.41	General	Support with amendment	Retain the scope of chapter 18 National Electricity and Gas Transmission to address the effects of other land use activities on these networks.	Oppose in part	In its submission Transpower sought significant amendment to Chapter 18. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission.	Disallow in part
F&B 47.42	General	Support with amendment	Amend Chapter 18 National Electricity and Gas Transmission to clarify that the NEGT rules apply to other activities within the National Grid yard and adjacent to the gas transmission network; that is activities other than those associated with the operation, maintenance etc. of those networks. And any consequential changes or alternative relief to achieve the relief sought.	Support in part	Transpower supports the submission point in so far as it seeks clarification of the application and relationship of the various chapters to the National Grid (being the national electricity transmission network).	Allow in part
F&B 47.43	General	Support with amendment	Add a statement at the start of the rules that chapters 17 ENGY and 19 NU include specific provisions for these networks and that other Part 2 chapters also apply. And any consequential changes or alternative relief to achieve the relief sought.	Support in part	Transpower supports the submission point in so far as it seeks clarification of the application and relationship of the various chapters to the National Grid (being the national electricity transmission network).	Allow in part
F&B 47.44	General	Support with amendment	Add to chapter 19 Network Utilities objectives and policies that explicitly refer to climate change mitigation and adaptation. And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower supports the provision of objectives and policies that recognise climate change and adaptation. However, in the absence of sought specific wording, Transpower has reservations about the insertion of any provisions that are not able to be submitted on as part of the PDP	Disallow

					process and potentially, could be substantive in nature and have wide implications. As such Transpower submits such provisions should be proposed as a variation to the PDP.	
F&B 47.45	NU-P7	Support with amendment	Amend NU-P7 as follows: <i>Enable earthworks where they maintain the stability of land, are setback from caves, sinkholes and water bodies and minimise avoid:...</i> And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower opposes the avoid directive sought within the policy, noting the directive does not reflect the enabling purpose of the policy relating to earthworks and stability of land and setbacks.	Disallow
F&B 47.48	NEW	NEW	Add the following new policy in the Adverse Effects section of the Network Utilities chapter: <u><i>NU-PX Ensure the location, scale and operation of RSI and network utilities and their ancillary activities protect the significant habitat of indigenous species.</i></u> And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower opposes the application of the policy as it applies to the National Grid in that the directive nature of the sought policy does not give effect to the NPSET and the NESETA.	Disallow
F&B 47.49	NU-P11	Support with amendment	Amend NU-P11 as follows: <i>Ensure consideration the protection of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.</i> And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower opposes the application of the policy as it applies to the National Grid in that the directive nature of the sought policy does not give effect to the NPSET and the NESETA.	Disallow
F&B 47.52	NU-P21	Oppose with amendment	Amend NU-P21 to clarify that the considerations in this policy are in addition to other policies above. And any consequential changes or alternative relief to achieve the relief sought.	Oppose	In order to give effect to the NPSET, Transpower supports the provision of National Grid specific policies. The application of other policies, and in particular strong avoid policy directives do not give effect to the NPSET.	Disallow
F&B 47.53	NU-P22	Oppose with	Amend NU-P22 as follows: <i>Provide for the development of the national grid: ...</i>	Oppose in part	In its submission Transpower sought significant amendment to Policy P22. The relief sought by the submitter is opposed in so far as it is	Disallow in part

		amendm en	<p>2. <i>Outside the coastal environment, seek to avoid the adverse effects of the national grid within overlays, scheduled sites and features and otherwise manage adverse effects in accordance with ECO provisions; and</i></p> <p>3. <i>In the coastal environment where the national grid has a functional need or operational need to locate within the coastal environment, in accordance with specific overlay provisions and CE chapter provisions; manage adverse effects by: ... extent practicable; and</i></p> <p>And Retain NU-P22(4)</p> <p>And Retain NU-P22(5) subject to Amendments to policies 21 and 22 sought above.</p> <p>And any consequential changes or alternative relief to achieve the relief sought.</p>		inconsistent with the relief sought in the Transpower submission.	
F&B 47.73	ECO overview	Oppose with amendm ent	Amend the overview and provisions in the Ecosystems and Indigenous Biodiversity chapter to include rules and policy for the maintenance of indigenous biodiversity which includes SNAs. And any consequential changes or alternative relief to achieve the relief sought.	Oppose in part	Transpower opposes the relief sought as it relates to the National Grid. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	Disallow in part
F&B 47.74	ECO overview	Oppose with amendm ent	Amend the overview in the Ecosystems and Indigenous Biodiversity chapter to clarify that maintenance of indigenous biodiversity is not limited to areas not classified as SNA. And any consequential changes or alternative relief to achieve the relief sought.	Oppose in part	Transpower opposes the relief sought as it relates to the National Grid. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	Disallow in part
F&B 47.75	ECO overview	Oppose with amendm ent	Amend the overview in the Ecosystems and Indigenous Biodiversity chapter to explain that areas meeting the significance criteria are identified in Schedule 6 and on the planning maps, and that further areas may be identified on a case-by-case basis through resource consent processes. And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower supports the identification and mapping of SNA's. The identification of further areas through the resource consent process is not supported unless such areas are further identified and mapped in the PDP by a plan change process. Such identification and mapping will provide certainty for plan users.	Disallow

F&B 47.79	ECO-01	Oppose	Delete ECO-01 and replace with new text to read: <u><i>Indigenous biodiversity including significant indigenous vegetation and the significant habitat of indigenous fauna is protected.</i></u> And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower opposes the 'protect' directive within the sought policy applying to all indigenous biodiversity, noting it does not reflect the directive in the NPS-IB. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	Disallow
F&B 47.81	ECO-04	Support with amendment	Amend ECO-04 as follows: Maintain, or enhance and where practicable possible restore district-wide indigenous biodiversity outside of significant natural areas. And any consequential changes or alternative relief to achieve the relief sought.	Oppose	Transpower opposes the directive within the policy to maintain, enhance and restore where 'possible' 'indigenous biodiversity. The language does not reflect that within Policy 13 of the NPS-IB. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	Disallow
F&B 47.82	ECO-05	Support with amendment	Amend ECO-05 as follows: Within the coastal environment overlay protect areas of indigenous biodiversity, including significant natural areas. And any consequential changes or alternative relief to achieve the relief sought.	Oppose	The Coastal Environment is identified in the PDP through the overlay.	Disallow
F&B 47.84	General comments on policies	Amend	Amend ECO policies to: <ul style="list-style-type: none"> • Provide for protection of s6(c) matters through provisions to protect Schedule 6 SNAs and other areas meeting the significance criteria set out in the RPS. • Maintain indigenous biodiversity. • Set out an effects management hierarchy that requires avoidance in accordance with Policy 11 of the NZCPS in the coastal environment. • Requires the avoidance of significant adverse effects on significant indigenous vegetation and the significant habitats of indigenous fauna, unless the activity is for the National Grid or renewable energy, in which case those activities should seek to avoid adverse effects. • Require that all other activities avoid adverse effects on indigenous biodiversity to the extent practicable. 	Support in part	Transpower supports the general relief sought in so far as the submission point relates to the National Grid. Specifically Transpower supports the relief sought that "Requires the avoidance of significant adverse effects on significant indigenous vegetation and the significant habitats of indigenous fauna, unless the activity is for the National Grid or renewable energy, in which case those activities should seek to avoid adverse effects." However Transpower is cognizant the NPS-IB does not apply to the electricity transmission	Allow in part

			<ul style="list-style-type: none"> Recognize that it may not be practicable to avoid adverse effects to achieve protection as required by s6(c). Where it is not practicable to be able to avoid adverse effects, adverse effects are remedied, where adverse effects cannot be remedied, they are mitigated. Where residual adverse effects remain after the steps to avoid, remedy and mitigate set out above, consideration may be given to whether it is appropriate to offset residual effects in accordance with the criteria in Appendix 4. Where residual adverse effects remain after offsetting, or it is not appropriate to offset residual adverse effects the activity should be declined. And any consequential changes or alternative relief to achieve the relief sought fauna, unless the activity is for the National 		network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	
F&B 47.154	CE-O1	Oppose with amendment	Amend CE-O1 to set out that natural character will be protected. And any consequential changes or alternative relief to achieve the relief sought.	Oppose in part	Transpower is not opposed to amendment to O1 to give effect to the NZCPS Policy 13, however should the objective be amended, seeks amendment to also refer to 'inappropriate subdivision, use and development'.	Disallow in part
Director-General of Conservation (D-G) 53.11	New Definition: Significant Natural Area	New definition	<p>Insert the following definition or relief to like effect:</p> <p><u>Means:</u></p> <p>(a) <u>identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in SCHED 6 and shown on the Planning Maps; or</u></p> <p>(b) <u>areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in WRPS APP5</u></p>	Oppose	Transpower supports the identification and mapping of SNA's. Such identification assists with plan interpretation and application. The relief sought by the submitter is therefore opposed.	Disallow
D-G 53.19	Indigenous Vegetation NU-P8	Oppose in part	<p>I seek the following or relief to like effect:</p> <p><i>Indigenous vegetation NU-P8.</i></p> <p>Enable the effects of clearance of Indigenous vegetation clearance outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins is managed by applying the effects management hierarchy.</p>	Oppose	Transpower opposes the relief sought in so far as it infers no permitted activity status (in that the effects management hierarchy would be applied) for indigenous vegetation clearance outside identified areas and features.	Disallow
D-G	NU -P12	Oppose in part	I seek the following or relief to like effect:	Oppose	Notwithstanding the National Grid specific policies NU-P20, P21 and P22, Transpower	Disallow

53.21			<p>Provide for <u>Avoid the adverse effects of regionally significant infrastructure within overlays, scheduled sites and features where unless:</u></p> <ol style="list-style-type: none"> 1. <i>There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and</i> 2. <i>It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to alternative options; and</i> 3. <i>It is managed by applying the effects management hierarchy.</i> 		supported NU-P12. As applied to the National Grid, the amendments sought by the submitter are opposed on the basis they do not give effect to the NPSET. When applied to all regionally significant infrastructure, it is also not clear how the effect management hierarchy would be applied to overlays, and scheduled sites and features beyond SNA's.	
D-G 53.22	NU -P21	Support in part	<p>I seek the following or relief to like effect:</p> <p><u>Provide for the upgrading of the national grid by:</u></p> <ol style="list-style-type: none"> 1. Seeking to a <u>Avoiding</u> adverse effects on areas identified in SCHED1 - heritage buildings and structures, SCHED2 - significant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori, SCHED6 - significant natural areas, and SCHED8 - outstanding natural features; and SCHEDx bat protection area; and SCHEDx light sensitive areas. 2. <i>When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and</i> 3. <i>Recognising the constraints arising from the operational needs and functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects; and</i> 4. <i>Recognising the potential benefits of upgrades to the national grid to people and communities; and</i> 5. <i>Where appropriate, substantial upgrades should be used as an opportunity to reduce existing effects of the national grid.</i> 	Oppose	<p>In its submission Transpower largely supported P21 (with amendment). The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission.</p> <p>In particular Transpower opposes the removal of reference to “Seeking to avoid” on the basis it does not give effect to the NPSET, specifically Policy 8. The directive does also not recognise that the policy relates to the upgrade of the national grid, and the removal of the ‘and’ from the end of clause 1 has significant implications for how the policy works and is applied.</p> <p>In relation to the proposed Schedule x relating to bat protection areas, without knowing the potential extent of such areas, Transpower has concerns with inclusion within the policy as sought by the submitter.</p> <p>While light sensitive areas are defined, (which includes land in the following areas:</p> <ol style="list-style-type: none"> a. Significant Areas Overlay b. Outstanding Natural Landscapes Overlay c. the Natural Open Space Zone. d. Bat Protection Areas Overlay) <p>Transpower has concerns with the extent of the areas given</p>	Disallow

					the list is not exhaustive and includes Natural Open Space which is extensive across the district.	
D-G 53.23	NU -P22	Oppose in part	<p>I seek the following or relief to like effect:</p> <ol style="list-style-type: none"> 1. <i>In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the commercial zone, areas of high recreational or amenity value and existing sensitive activities; and</i> 2. Seek to a<i>Avoid the adverse effects of the national grid within overlays, scheduled sites and features; and</i> 3. <i>Where the national grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:</i> <ol style="list-style-type: none"> (i) Seeking to a<i>Avoiding</i> <u>adverse effects on areas identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 – areas of outstanding natural character; and SCHEDx bat protection areas; SCHEDx light sensitive areas; and any indigenous biodiversity values that meet the criteria in Policy 11(a) of the NZCPS 2010; and</u> (ii) <i>Where it is not practicable to avoid adverse effects on the values of the areas in identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 – areas of outstanding natural character because of the functional needs or operational needs of the national grid, remedy or mitigate adverse effects on those values; and</i> (iii) Seeking to a<i>Avoid</i> significant adverse effects on: <ol style="list-style-type: none"> i. <i>SCHED11 – areas of high/very high natural character, SCHED9 – landscapes of high amenity value and SCHED12 – karst overlay; and</i> ii. <i>SCHED1 - heritage buildings and structures, SCHED2 - significant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori; and</i> iii. <i>indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</i> iv. <i>Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</i> 	Oppose	<p>In its submission Transpower largely supported P22 (with amendment). The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission.</p> <p>In particular Transpower opposes the removal of reference to “Seeking to avoid” on the basis it does not give effect to the NPSET, specifically Policy 8.</p> <p>In relation to the proposed Schedule x relating to bat protection areas, without knowing the potential extent of such areas, Transpower has concerns with inclusion within the policy as sought by the submitter.</p> <p>While light sensitive areas are defined, (which includes land in the following areas: a. Significant Areas Overlay b. Outstanding Natural Landscapes Overlay c. the Natural Open Space Zone. d. Bat Protection Areas Overlay) Transpower has concerns with the extent of the areas given the list is not exclusive and includes National Open Space which is extensive across the district.</p> <p>Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.</p>	Disallow

			<p>4. When considering the adverse effects in respect of NU-P22.1 - NU-P22.3 above;</p> <p>(i) Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and</p> <p>(ii) Consider the constraints arising from the operational needs and or functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects.</p> <p>5. Other than policies relating to the coastal environment, in the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.</p>			
D-G 53.24	NU-R4, NU-R12, NU- R15, NU- R16, NU- R20, NU-R23, NU-R37 Matters of discretion	Support with amendment	<p>I seek the following words or relief to like effect</p> <p>Extend the matters of discretion for RDIS activities under rules NU-R4, NU-R12, NU-R15, NU-R16, NU-R20, NU-R23, NU-R37 to:</p> <p><u>Any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures and the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy.</u></p>	Oppose	Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.	Disallow
D-G 53.26	NU-R37	Oppose in part	<p>I seek the following or relief to like effect:</p> <p><i>NU-37 Removal of indigenous vegetation PER activities must (except for SNA):</i></p> <p><i>Note: There are no rules in this plan that control the removal of exotic vegetation other than in relation to plantation forestry. PER: Significant Natural Area</i></p> <p><i>PER activities in an SNA must:</i></p> <p><i>2. Not exceed 50m² 150 per holding, per calendar year or 250m² of clearance per holding in any five-year period AND</i></p> <p><i>3. Be required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or</i></p> <p><i>4. Be undertaken because indigenous vegetation is threatening or damaging a network utility; or</i></p>	Oppose	Transpower opposes any restrictions within the PDP for rule relating to the removal of exotic vegetation. Transpower's position on Bat protection areas is outlined in further submission points.	Disallow

			5. Be for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures. <i>PER activities in SNA that do not comply are DIS activities</i>			
D-G 53.30	New	New	Insert the following or words to like effect: <i>ECO -Px Identify Significant Natural Areas by:</i> 1. <i>assessing and continuing to identify new areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in WRPS APP5 -Criteria for Identifying Significant Natural Areas; and</i> 2. <i>including Significant Natural Areas on the Planning Maps and in SCHED7 – Schedule of Significant Natural Areas.</i>	Support	Transpower supports the identification and mapping of significant natural areas.	Allow
D-G 53.31	New	New	Insert the following or words to like effect: <u><i>Protect and restore SNAs and those other areas that meet the criteria set out in WRPS APP5 by:</i></u> 1. <u><i>avoiding adverse effects on SNAs including:</i></u> a. <u><i>loss of ecosystem representation and extent;</i></u> b. <u><i>disruption to sequences, mosaics, or ecosystems within an SNA;</i></u> c. <u><i>fragmentation of SNAs or the loss of buffers or connection to other important habitats or ecosystems;</i></u> d. <u><i>a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems;</i></u> e. <u><i>a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</i></u> 2. <u><i>avoiding the clearance of indigenous vegetation and earthworks within SNAs unless these activities:</i></u> a. <u><i>can be undertaken in a way that protects identified ecological values; and</i></u> b. <u><i>are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with the effects management hierarchy.</i></u> 3. <u><i>promoting the restoration and enhancement of significant indigenous vegetation and habitats; and</i></u> 4. <u><i>supporting and promoting the use of covenants, reserves, management plans and community initiatives.</i></u>	Oppose	Transpower opposes the relief sought as it relates to the National Grid. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption. PDP policies NU-P21 and NU-P22 provides the policy approach to address the effects of the upgrading and development of the National Grid on SNA's	Disallow

<p>D-G 53.34</p>	<p>New Policy ECO -Px Protection for bats</p>	<p>New policy</p>	<p>Insert a new policy with the following or words to like effect: <u>ECO - Px Protection for bats</u> <u>Protect native bats by:</u> <u>1. Identifying important habitat for native bats as a Bat Protection Area overlay on the Planning Maps; and</u> <u>2. Protecting, the bats and their habitat within this overlay.</u></p>	<p>Support in part</p>	<p>Should bat areas be included in the district plan, Transpower supports their identification on the planning maps. However the bat areas have not been identified or mapped in the PDP and therefore their extent is not known, Transpower has concerns with the ‘protect’ directive within the proposed policy. Transpower is cognizant the NPS-IB does not apply to the electricity transmission network and activities and therefore any application of the NPS-IB to the PDP needs to reflect the exemption.</p>	<p>Allow in part</p>
<p>D-G 53.44</p>	<p>New Rule</p>	<p>New</p>	<p><u>ECO-Rx Clearance of trees in the Bat Protection Area Activity Status:</u> <u>PER</u> <u>Where:</u> <u>It does not exceed:</u> <u>1. a diameter of 150mm when measured at 1.4m in height above ground level.</u> <u>Activity Status where compliance not achieved: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <u>1. whether, upon specialist assessment by a suitably qualified ecologist (class x), tree/s proposed to be removed is habitat for long-tailed bats; and</u> <u>2. the extent to which the removal of tree/s would impact on the ability of the long-tailed bat protection area to provide for the habitat needs of the bats</u> <u>3. the reasons for removal of the tree and any alternatives considered;</u> <u>and</u> <u>4. If the ecologist report determines the vegetation is being used as bat habitat, submission of a Bat Management Plan which will assess any measures to avoid, remedy or mitigate the adverse effects.</u></p>	<p>Oppose</p>	<p>Transpower has concerns about the rule, in particular the application of the rule given the unknown extent of the bat protection areas and that it would apply to all vegetation.</p>	<p>Disallow</p>