



## SECTION 42A REPORT

### Infrastructure

---

<b>1</b>	<b>Executive summary.....</b>	<b>4</b>
<b>2</b>	<b>Introduction .....</b>	<b>5</b>
	2.1 Author and qualifications .....	5
	2.2 Code of Conduct .....	6
<b>3</b>	<b>Scope/Purpose of Report.....</b>	<b>6</b>
<b>4</b>	<b>Statutory Requirements .....</b>	<b>6</b>
	4.1 Statutory documents .....	6
	4.1.1 Resource Management Act.....	7
	4.1.2 National Policy Statements .....	7
	4.1.3 National Planning Standards.....	8
	4.1.4 Treaty Settlements .....	8
	4.1.5 Iwi Management Plans - Update .....	8
	4.2 Section 32AA evaluation .....	9
	4.3 Procedural matters.....	10
<b>5</b>	<b>Consideration of submissions received.....</b>	<b>10</b>
	5.1 Overview of submissions received.....	10
	5.2 Officer Recommendations .....	12
	5.2.1 Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters.....	12
	5.2.2 Key Issue 2: General submissions on Infrastructure Chapter .....	18
	5.2.3 Key Issue 3: Overview to the Infrastructure Chapter .....	23
	5.2.4 Key Issue 4: Objectives .....	24
	5.2.5 Key Issue 5: Policies.....	33
	5.2.6 Key Issue 6: General submissions on Infrastructure rules .....	50
	5.2.7 Key Issue 7: Rules I-R1 to I-R-10 .....	53
	5.2.8 Key Issue 8: Rules I-R11 to I-R13, I, R18, I-R20, I-R21 - National Grid Yard and Critical Electricity Lines .....	60
	5.2.9 Key Issue 9: Other Infrastructure rules .....	68
	5.2.10 Key Issue 10: SUB-R9 and SUB-R10.....	72
	5.2.11 Key Issue 11: Infrastructure standards.....	74
	5.2.12 Key Issue 12: Definitions .....	75



**6 Conclusion ..... 81**

**Appendix 1.1: Recommended amendments to the Infrastructure Chapter**

**Appendix 1.2: Recommended amendments to the Interpretation Chapter**

**Appendix 1.3: Recommended amendments to the Subdivision Chapter**

**Appendix 2: Recommended decisions on submissions on the Infrastructure Chapter**



## List of Abbreviations

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

<b>Submitter Number</b>	<b>Abbreviation</b>	<b>Full Name of Submitter</b>
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S512	FENZ	Fire and Emergency New Zealand
S368	FNDC	Far North District Council
S159	HortNZ	Horticulture New Zealand
S331	MOE	Ministry of Education
S359	NRC	Northland Regional Council
S282	Telco Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited
S483	Top Energy	Top Energy Limited
S454	Transpower	Transpower New Zealand Limited

**Table 2: Other abbreviations**

<b>Abbreviation</b>	<b>Full Term</b>
CMA	Coastal Marine Area
FNDC	Far North District Council
NES-ETA	Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009
NES-F	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NES-TF	Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement for Electricity Transmission 2008
NPS-UD	National Policy Statement for Urban Development 2020
NRP	Proposed Northland Regional Plan
NZCPS	New Zealand Coastal Policy Statement 2010
NZCEP 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances NZCEP34:2001
ODP	Operative District Plan
PDP	Proposed District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for Northland 2016
RSI	Regionally Significant Infrastructure
Tree Regulations	Electricity (Hazards from Trees) Regulations 2003



## 1 Executive summary

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. The Infrastructure Chapter is located in the District-Wide Matters section of the PDP under the Infrastructure, Energy and Transport heading.
2. There were 333 original submission points and 1129 further submission points received on the Infrastructure Chapter. The submissions received on the Infrastructure Chapter can largely be categorised into several key themes as follows:
  - a. Requests for clarification on how the Infrastructure Chapter is to be read alongside the other PDP chapters in Part 2 (District-wide matters) and Part 3 (Area-specific matters) with a number of requests for the Infrastructure Chapter to prevail
  - b. Concerns that the effects management policies do not appropriately give effect to higher order direction
  - c. Requests to amend provisions to better recognise and provide for the operational need, functional need and technical requirements of infrastructure
  - d. Concerns that the infrastructure rules are incomplete
  - e. Requests for the Infrastructure Chapter to include specific provisions relating to “additional infrastructure”<sup>1</sup> or include more specific provisions on different types of infrastructure.
3. The key changes recommended in this report are:
  - a. Amendments to clarify the relationship between the Infrastructure Chapter and other PDP chapters in Part 2 (District-wide matters) and Part 3 (Area-specific matters)
  - b. Amendments to objectives and policies to ensure these do not duplicate or conflict with key effects management policies in the Part 2 of the PDP
  - c. Clearer policy direction to recognise and provide for the operational need, functional need and technical requirements of infrastructure
  - d. Inserting new policies specific to the National Grid to give effect to the NPS-ET

---

<sup>1</sup> As defined in the National Policy Statement for Urban Development 2020 (NPS-UD).



- e. Amendments to rules to address gaps and better enable the delivery of essential infrastructure (electricity, telecommunication etc.) in the Far North District
- f. Clarifying the rules relating to the National Grid Yard and Critical Electricity Lines
- g. A range of amendments to objectives, policies and rules to improve clarify and workability without changing the underlying intent.

## **2 Introduction**

### **2.1 Author and qualifications**

- 4. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
- 5. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
- 6. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues, including earthworks.
- 7. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, indigenous biodiversity, climate change, plantation forestry and telecommunication facilities. Of particular relevance, I am currently working with central government on new national direction on infrastructure and amendments to existing national direction for renewable electricity generation and electricity transmission.
- 8. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity and earthworks topics considered in Hearings 2 to 7. I have had some involvement in the preparation of the Infrastructure Chapter in the PDP helping to respond to feedback on the Infrastructure Chapter in the draft district plan.



## 2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners (Hearings Panel).

## 3 Scope/Purpose of Report

11. This report has been prepared in accordance with section 42A of the RMA to:
  - a) Assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP; and
  - b) Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by reporting officers prior to the hearing.
12. This report responds to submissions on the Infrastructure Chapter.
13. Separate to the section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification<sup>2</sup>. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to Infrastructure Chapter are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underlined in **Appendix 1**.

## 4 Statutory Requirements

### 4.1 Statutory documents

14. The section 32 evaluation report for the Infrastructure Chapter provides a summary of the relevant statutory considerations applicable to this topic, including key provisions in the RMA, the NPS-ET, the NPS-UD, the RPS, NES-TF and NES-ETA. As such, it is not necessary to repeat that statutory assessment here. However, it is important to highlight the higher order documents which have been gazetted or amended following notification of the PDP.

---

<sup>2</sup> [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://www.fndc.govt.nz/Clause-16-Amendments).



#### 4.1.1 Resource Management Act

15. The Government has indicated that the RMA will be replaced, with work on replacement legislation to begin in 2024. The Government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until if, or when, any potential new replacement legislation is passed.

#### 4.1.2 National Policy Statements

##### 4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

16. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to the Earthworks Chapter, that have been gazetted since notification of the PDP. As District Plans must be "*prepared in accordance with*"<sup>3</sup> and "*give effect to*"<sup>4</sup> a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
17. The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on 4 August 2023 after the PDP was notified (27 July 2022). The NPS-IB is a comprehensive NPS with an overarching objective to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity from the commencement date. The NPS-IB was considered in detail as part of the Ecosystems and Indigenous Biodiversity topic (Hearing 4) where, as reporting officer, I make a number of recommendations in relation to how the NPS-IB should be given effect to through that chapter. I note that there is an exception for electricity transmission in the NPS-IB under clause 1.3 (3), which states that nothing in the NPS-IB applies to the development, operation, maintenance, or upgrade of electricity transmission network assets and activities. The exemption in the NPS-IB for electricity transmission activities does not limit the obligations for these activities to be managed in a way that meets the requirements in section 6(c) and 31(1)(b)(iii) of RMA and gives effect to the relevant requirements in the NZCPS and RPS relating to indigenous biodiversity.
18. The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. The NPS-HPL has a single objective: "*Highly productive land is protected for use in land-based primary production, both now and for future generations*". must do to give effect to the objective and policies of the NPS-HPL. I note that the NPS-HPL will be primarily given effect to through the suite of Rural Zones in the PDP and the Subdivision chapter, which have or are being considered in

---

<sup>3</sup> Section 74(1)(a) of the RMA.

<sup>4</sup> Section 75(3)(a) of the RMA.



Hearing 9 and 17 respectively. As such, the NPS-HPL is not considered further in this report.

#### 4.1.3 National Planning Standards

19. The National Planning Standards 2019 provide standards for the format, structure and content of district plans. In relation to the infrastructure Chapter, the National Planning Standards state that "*Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading*".
20. The approach of the PDP is to locate general provisions relating to infrastructure in the Infrastructure Chapter with provisions specific to renewable electricity generation and transport located in those chapters.

#### 4.1.4 Treaty Settlements

21. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### 4.1.5 Iwi Management Plans – Update

22. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
  - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
  - b. Ahipara Takiwā Environmental Management Plan
23. A summary of the key issues, objectives and policies that are relevant to infrastructure in these two hapū/iwi management planning documents is below.

##### Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine

24. Key issues, objectives and policies relevant to infrastructure in this iwi management plan include:

*Objective 2 - The establishment of infrastructure for Ngāti Hine use and management of our customary resources*

*Policy 3 - . Ngāti Hine supports planning initiatives which will ensure that development of urban centres is in a manner and at a rate which*





*ensures adequate infrastructure is in place before development occurs. Ongoing meaningful discussion and consultation with Ngāti Hine from any groups, entities throughout any processes of development is a requirement Ngāti Hine has.*

#### Ahipara Takiwā Environmental Management Plan

25. Key issues, objectives and policies relevant to infrastructure in this iwi management plan include:

*Policy 4.2 - Ngā Hapū o Ahipara supports planning initiatives which will ensure that development of residential areas is in a manner and at a rate which ensures adequate infrastructure is in place before development occurs. Ongoing meaningful discussion and consultation with Ngā Marae o Ahipara from any groups, entities throughout any processed f development is a requirement Ngā Hapū o Ahipara has*

*HPI4: In addition access to infrastructure for our people who need training and vocational guidance to be able to establish new ventures e.g. skipper's tickets, passenger licenses, small business skills.*

*HPI5: Developing an understanding potential ventures already identified include accommodation, guiding, cultural tours (including on waka), commercial charters, aquaculture (mussels, shellfish, seaweed), dive shop and school. Many of these require provision of significant infrastructure such as wharves, launching areas, parking spaces, fuel and services outlets.*

26. These updated iwi management plans are considered through this report, to the extent relevant and within the scope of submissions on relevant provisions.

#### **4.2 Section 32AA evaluation**

27. This report uses "key issues" to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where amendments to the provisions of the PDP are recommended, these are evaluated in accordance with section 32AA of the RMA.
28. Where applicable, the section 32AA further evaluation for each key issue considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - The reasonably practicable options for achieving those objectives.
  - The environmental, social, economic and cultural benefits and costs of the amended provisions.



- d. The efficiency and effectiveness of the provisions for achieving the objectives.
  - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
29. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the recommended amendments. Recommendations that relate to editorial, minor and consequential changes without changing the policy intent are not evaluated under section 32AA of the RMA in this report.

### 4.3 Procedural matters

30. In accordance with Minute 13 from the Hearing Panel, pre-hearing meetings on the Infrastructure Chapter took place on the 10th and 11th December 2024 with follow up correspondence taking place in January and February 2024. The pre-hearing meetings involved the following submitters, noting that some submitters attended in part: Department of Corrections, KiwiRail, Telco Companies, Top Energy and Transpower New Zealand Limited.
31. The outcomes from the pre-hearing meetings were provided in a memo I prepared on behalf of Council to the Hearing Panel which was published on the website with notice subsequently provided to all submitters<sup>5</sup>. This summary memo was supported by two attachments: Appendix 1: Infrastructure Chapter – *'Pre-Hearing Meeting Working Draft'*, and Appendix 2: Pre-hearing meeting minutes.
32. In summary, the pre-hearing meetings were productive with progress made on a number of key issues, including the relationship with other PDP chapters and amendments to specific provisions to address key submission points from the infrastructure providers. I make reference to key outcomes and amendments agreed or discussed at pre-hearing meetings where relevant in the analysis of submissions below, noting that these discussions were held on a "without-prejudice" basis and this report considers all relevant submissions.

## 5 Consideration of submissions received

### 5.1 Overview of submissions received.

33. A total of 333 original submissions and 1129 further submissions were received on the Infrastructure Chapter.
34. The main submissions on the Infrastructure Chapter are from:

---

<sup>5</sup> Refer: [Infrastructure-Pre-Hearing-Meetings-Summary.pdf](#)



- a. Infrastructure providers, including Transpower (S454), Top Energy (S483), the Telco Companies (S282), KiwiRail (S416) and Waka Kotahi - NZTA (S356)
  - b. Central and local government organisations, including Northland Regional Council (S359), DOC (S364), MOE (S331) and Department of Corrections (S158)
  - c. Environmental organisations, including Forest and Bird (S511), Kapiro Conservation Trust (S446), Carbon Neutral Trust (S529), Vision Kerikeri (S524)
  - d. Primary sector submitters, including Federated Farmers (S421) and HortNZ (S159)
  - e. Iwi submitters, including Haititaimarangai Marae Kaitiaki Trust (S394) and Te Rūnanga o Ngāti Rēhia (S559).
35. The key issues identified in this report to respond to submissions on the Infrastructure Chapter are:
- a. Key Issue 1: Relationship between Infrastructure Chapter and other PDP chapters
  - b. Key Issue 2: General submissions on the Infrastructure Chapter
  - c. Key Issue 3: Objectives
  - d. Key Issue 4: General submissions on policies
  - e. Key Issue 5: Policies I-P1 to I-P14
  - f. Key Issue 6: General comments on rules
  - g. Key Issue 7: Rules I-R1 to I-R10
  - h. Key Issue 8: Rules I-R11 to I-R13, I, R18, I-R20, I-R21 – National Grid Yard and Critical Electricity Lines
  - i. Key Issue 9: Other infrastructure rules
  - j. Key Issue 10: SUB-R9 and SUB-R10
  - k. Key Issue 11: Infrastructure standards
  - l. Key Issue 12: Definitions.
36. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, it is not efficient to respond to each individual submission point



raised in the submissions. Instead, this part of the report groups similar submission points together under the key issues sections outlined above. This thematic response assists in providing a more concise response to, and recommended decisions on the submission points on the Infrastructure Chapter.

## 5.2 Officer Recommendations

37. A copy of the recommended amendments to Infrastructure Chapter is provided in **Appendix 1 – Recommended provisions** to this report.
38. A full list of submissions and further submissions on the Infrastructure Chapter and my recommended decisions on those submissions is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.

### 5.2.1 Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters

#### Overview

Provision(s)	Officer Recommendation(s)
Multiple	<p>Clarify that other Part 2 Chapters in the PDP apply to infrastructure activities where relevant.</p> <p>Delete policies that conflict with other Part 2 Chapters in the PDP relating to natural environment values, historical and cultural values, and the coastal environment.</p> <p>Clarify that the infrastructure rules apply across the District and the zone rules in Part 3 of the PDP do not apply to infrastructure activities unless otherwise specified in the Infrastructure Chapter</p>

#### Analysis of Submissions on Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters

##### Matters raised in submissions

39. There are a number of submission points relating to the relationship between the Infrastructure Chapter and other chapters in Part 2 (District-wide matters) and Part 3 (Area-specific matters) of the PDP. This includes:
  - a. Top Energy (S483.032) requests clear direction that the Infrastructure Chapter takes precedence over other PDP chapters.
  - b. Transpower (S454.032) requests that the Infrastructure Chapter is retained but amended to ensure that all provisions relating to infrastructure, including the National Grid, are contained within this chapter and that cross references within all other chapters of the



PDP make it clear that the infrastructure provisions apply, or have primacy where necessary.

40. There are also submission points that request clarification on the relationship between the Infrastructure Chapter and other PDP chapters through amendments to the advice notes before the rule table. These submission points include:
  - a. Top Energy (S483.053, S483.032) who consider that clarity is needed within the Infrastructure Chapter when there is overlap with the rules in Part 3 of the PDP. To address this concern, Top Energy request that the advice notes are amended to specify that the Infrastructure Chapter takes precedence over the rules in Part 3 of the PDP.
  - b. Top Energy (S483.054) who requests that the advice notes are amended to specify that the overlay chapters (i.e. certain chapters in Part 2 of the PDP) only manage infrastructure buildings and structures and the activities within the Infrastructure Chapter are permitted in the overlay chapters except where more stringent building and structure rules apply. Top Energy also highlight an issue with Advice Note 5 in that it implies that all infrastructure rules (including I-R11, I-R12 and I-R13) only apply to network utility operators which is not the intent of those rules.
  - c. Forest and Bird (S511.046) and Kapiro Conservation Trust (442.065) note that Advice Note 1 only refers to other provisions in Part 2 of the PDP as potentially applying to infrastructure activities. The submitters request that Advice Note 1 is amended to state that the provisions in Part 3 of the PDP may also apply to infrastructure activities.
  - d. The Telco Companies (S282.004) generally support the advice notes but are concerned that there is no mention that the Infrastructure Chapter rules override the zone provisions in Part 3 of the PDP. This submission point from the Telco Companies also raises a concern that Advice Note 3 does not correctly advise users of the NES-TF applicability in terms of when the PDP applies and request amendments to address this issue.

### **Analysis**

41. As outlined above under section 4.3, pre-hearing meetings were held with a number of infrastructure providers in late 2024 to discuss key issues in submissions relating to the Infrastructure Chapter. The first key issue discussed during these pre-hearing meetings was the relationship between the Infrastructure Chapter and other PDP chapters which the submission points above all seek to clarify.



42. Firstly, I note that there is often a general desire from infrastructure providers for the Infrastructure Chapter in district plans to function as a 'one-stop-shop' so that all the relevant provisions are located in this chapter so there is no (or very limited) need to refer to the provisions in other chapters. This is anticipated under the National Planning Standards to some degree, and I am also aware of recent district plans that have adopted this approach, which generally requires detailed provisions to manage the effects of infrastructure in more sensitive environments/overlays<sup>6</sup>.
43. However, the Infrastructure Chapter in the PDP was not developed in this way and submitters have raised genuine concerns that the relationship with other PDP chapters is not sufficiently unclear. In my view, there are three related issues to resolve:
  - a. A lack of clarity on how the Infrastructure Chapter is to be read with the more stringent rules and key effects management policies in Part 2 of the PDP, in particular those relating to more sensitive environments/overlays.
  - b. The key effects management policies in the Infrastructure Chapter which apply within and outside the coastal environment (I-P2 and I-P3) overlap and, in some cases, conflict with key effects management policies in other chapters in Part 2 of the PDP. This includes conflicting direction with policies relating to natural environment values<sup>7</sup> and the coastal environment that were considered in Hearing 4 (e.g. policies to "*avoid adverse effects*" and "*avoid significant adverse effects*" on outstanding and other natural character and landscape values in the Coastal Environment and Natural Features and Landscapes chapters).
  - c. A lack of clarity on how the Infrastructure Chapter is to be read with the zone rules for buildings and structures in Part 3 of the PDP which has potential to negate the enabling direction of the Infrastructure Chapter.
44. My recommended approach to address this issue, which was discussed and broadly supported by the infrastructure submitters involved in pre-hearing meetings, is to:
  - a. Amend I-O4 and replace I-P2 and I-P3 to ensure these do not duplicate or conflict with key effects management policies in Part 2

---

<sup>6</sup> For example, the Infrastructure Chapter in the Porirua Proposed District Plan functions as a one-stop-shop with specific provisions for infrastructure in overlays, including significant natural areas, special amenity landscapes, outstanding natural features and landscapes etc.

<sup>7</sup> The chapters located under the Natural Environment Values heading in the PDP include the Ecosystems and Indigenous Biodiversity, Natural Character and Natural Features and Landscapes chapters (as also the Public Access chapter considered in Hearing 5).



of the PDP (specific amendments discussed further under Key Issue 3 and 4 below).

- b. Make it clear that:
  - i. The provisions (policies and rules) in Part 2 of the PDP **apply to** infrastructure activities where relevant, including those provisions relating to the protection of overlays with identified historical, cultural or natural environment values. I recommend that this is achieved through a new statement in the overview section of the Infrastructure Chapter that makes this clear to all parties. I also recommend an amendment to notified Advice Note 1 to be more specific on the relevant Part 2 PDP chapters with more stringent rules that apply to infrastructure activities.
  - ii. The infrastructure rules apply across district or within specific zones and the zone rules for buildings and structures in Part 3 of the PDP **do not apply** to infrastructure activities. I recommend that this is achieved through a new advice note to make this clear to all parties.
- c. Include new policies specific to the National Grid to respond to submissions from Transpower and give effect to the NPS-ET, including how to reconcile potential conflict with other PDP policies (discussed further under Key Issue 5).

45. In my view, this approach will improve clarity, address potential conflict between PDP provisions, while also ensuring that the PDP gives effect to higher order instruments, in particular the NZCPS, NPS-ET and RPS. This also directly responds to a number of submission points above which I recommend are accepted or accepted in part.

46. I agree with Top Energy that the statement in Advice Note 5 that the Infrastructure Chapter rules only apply to network utility operators is inaccurate as there are rules that apply to other activities within the National Grid Yard and near Critical Electricity Lines (discussed below as Key Issue 8). This issue was also raised by Transpower during pre-hearing meetings in relation to a similar statement in the overview section. I recommend amendments to both the overview section and Advice Note 5 to address this issue.

47. In relation to the submission from the Telco Companies on Advice Note 3, I agree that it is important to clarify when the PDP or NES-TF apply to telecommunication facilities. I am also aware that, in addition to the subpart 5 regulations in the NES-TF, the PDP will apply to telecommunication facilities when these do not meet the permitted activity conditions in the NES-TF.. I consider that this issue can be addressed through a minor amendment to notified Advice Note 3 as follows: "*No rules in this District Plan apply to activities regulated by the NES-ET except where these do not comply with the permitted activity standards in the*





*regulation or when the regulated activity is located in an area subject to subpart 5...”.*

48. Through pre-hearing meetings, it was also agreed with the Telco Companies that there is unnecessary duplication on the NES-TF in the overview section and notified Advice Note 3. I therefore recommend that the overview section is amended to remove this duplication and also for the NES-ETA for consistency and simplicity.

### **Recommendation**

49. For the above reasons, I recommend the relationship between the Infrastructure Chapter and other PDP chapters is clarified by:
  - a. Adding the following statement to the overview section *“In addition to the provisions in this Chapter, there are provisions in other Part 2: District Wide Matters that may be relevant for infrastructure, including the Historic Heritage, Ecosystems and Indigenous Biodiversity, Natural Character, Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters.”*
  - b. Amending I-O4 and replacing I-P2 and I-P3 to ensure these do not duplicate or conflict with key effects management policies in the Part 2 chapters (discussed further under Key Issue 3 and 4 below).
  - c. Inserting new policies specific to the National Grid (discussed further under Key Issue 5).
  - d. Inserting new Advice Note 1 as follows: *“The rules in this Chapter apply across the District either in all zones or within specified zone as set out in the relevant rule. The zone rules in Part 3 – Area Specific Matters do not apply to infrastructure unless otherwise specified in this Chapter.”*
  - e. Amending existing Advice Note 1 as follows: *There may be rules in ~~the following other-District-Wide Matters chapters that apply to infrastructure and that apply to a proposed activity, in addition to the rules in this chapter. These other rules that apply to infrastructure activities and may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment.~~*
50. I also recommend the following amendments to the overview section and existing Advice Note 3 and 4 to clarify the scope of the Infrastructure Chapter and relationship with NES-ET and NES-ETA:

*~~The provisions in this chapter are therefore specific to network utilities undertaken by a network utility operator (as defined in the RMA). The chapter also addresses amateur radio facilities as their activities involve~~*





~~radio communication and amateur radio configurations that involve masts, aerials and supporting structures similar to other types of network utilities;~~

~~The National Environmental Standards for Telecommunication Facilities 2016 (NES-TF) and National Environmental Standards on Electricity Transmission Activities 2009 (NES-ETA) provide a suite of nationally consistent rules specific to telecommunication facilities and electricity transmission activities. The District Plan does not apply to activities regulated under the NES-TF and NES-ETA but it does apply to any telecommunication facility and electricity transmission activity not regulated by these environmental standards (e.g. new transmission lines, new telecommunication poles and antennas not in rural zone or road reserve). The District Plan also applies to telecommunication facilities located in areas subject to regulations 44-51 of the NES-TF (e.g. historic heritage, visual amenity landscapes).~~

3. The installation and operation of telecommunications facilities (such as cabinets, antennas, poles, small cell-units and telecommunications lines) undertaken by a facility operator are controlled by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF). No rules in the District Plan apply to activities regulated by the NES-TF, except where these do not comply with the permitted standards in the regulations or when the regulated activity is located in an area subject to subpart 5 of the regulations (including areas with historic heritage values, visual amenity landscapes, significant natural areas). The District Plan also applies to telecommunication facilities not regulated under the NES-TF (e.g. new poles outside the road reserve and in rural zones).

4. The ~~rules se-provisions in this Chapter are primarily~~ are specific to network utility operations undertaken by a network utility operators except as the rules provisions that relate to Amateur radio operators (I-R14) and the provisions managing buildings, structures and vegetation planting within the National Grid Yard and Critical Electricity Lines Overlay (I-R11, I-R12, I-R13).

### **Section 32AA evaluation**

51. The recommended amendments above are primarily to the overview section and advice notes therefore no further evaluation is required under section 32AA of the RMA. My recommended amendments to I-O4, I-P2 and I-P3 are evaluated under Key Issue 4 and 5 below.



## 5.2.2 Key Issue 2: General submissions on Infrastructure Chapter

### Overview

Provision(s)	Officer Recommendation(s)
Multiple	No recommended amendments

### Analysis of Submissions on Key Issue 2: General submissions on Infrastructure Chapter

#### Matters raised in submissions

52. Te Rūnanga o Ngāti Rēhia (S559.012) support the Infrastructure Chapter in part but raise concern that their whenua is rural and, in most cases, lack a reticulated water supply network. The submitter is concerned that the growth of Kerikeri and surrounding areas is placing more pressure is being put on groundwater systems and coastal systems. To address this concern, Te Rūnanga o Ngāti Rēhia requests amendments so that high density development is not enabled in any zone without ensuring that it can be adequately serviced by infrastructure or that adequate on-site water storage can be provided to cater for extended dry periods.
53. NRC (S359.011, S359.014) raise similar concerns that water resilience is a particular concern for the Far North District and note the importance of ensuring that the Far North's infrastructure is resilient. NRC request the same relief as Te Rūnanga o Ngāti Rēhia and also to retain zoning for more intensive development when three waters infrastructure is provided.
54. Twin Coast Cycle Trail (S425.066) supports the provision for the function and operational need for regionally significant infrastructure in the Coastal Environment but seeks amendments to the Coastal Environment provisions to ensure that minor upgrades are adequately provided for. The submitter (S415.009) also requests that the Pou Herenga Twin Coast Cycle Trail is included in the PDP as an overlay and an associated Chapter that provides for and enables maintenance, operation and upgrade activities on the Trail.
55. Ngā Tai Ora – Public Health Northland (S516.030) raise concern that the Infrastructure Chapter does not apply to three waters (wastewater, stormwater, water supply) infrastructure. As such, they seek that a separate Three Waters chapter is established, or policy direction and provisions are inserted into the Infrastructure Chapter to address three waters infrastructure. They consider that this is necessary to ensure the sustainable and safe provisions of three waters in the Far North District. Further, Ngā Tai Ora – Public Health Northland (S516.081) consider that it is important to identify and protect critical infrastructure (e.g., wastewater treatment plant locations) in the PDP. To provide for this relief, Ngā Tai Ora – Public Health Northland request a separate three waters chapter or, alternatively, the Infrastructure Chapter is amended to



include provisions specific to three waters infrastructure in the Far North District.

56. Arvida Group (S165.005, S165.006, S165.007, S165.008) supports I-O1, I-O2, I-P1, and I-P2 in part but considers that the 'statement of intent' in the provisions needs to be linked to the FNDC Long Term Plan and other funding and delivery mechanisms. The submitter requests that the PDP is amended through amendments to numerous provisions to identify the measures that FNDC will take to lead and provide for infrastructure in a timely manner that will support and enable growth.
57. A number of submitters such as Leah and Sean Frieling (S358.024, S358.025, S358.026, S358.027, S357.024), LJ King Limited (S547.030, S547.038, S464.042, S543.038, S464.032, S543.030, S547.028, S464.030, S543.028, S547.029, S464.031, S543.029), Michael Foy (S472.025, S472.026, S472.027, S472.028, S472.024), Elbury Holdings (S519.029, S519.030, S541.027, S519.026, S485.047, S541.028, S541.029, S485.030, S519.031, S519.032), and Te Hiku Community Board (S257.023) request the same or similar relief that the Infrastructure Chapter be amended to include maps and provisions relating to drainage areas and channels as defined in the Draft Management Plans and Far North District Council Land Drainage Bylaw 2019 and the draft management plan 2017. The submitters are generally concerned that the current bylaws are not being enforced for the drainage districts. Some of these submitters also request that overland flow paths in urban areas be included in the PDP.
58. Vision Kerikeri (S521.010, S522.032, S527.036), Carbon Neutral NZ (S529.237, S529.010, S529.240, S529.009), Kapiro Conservation Trust (S449.011, S428.007, S449.010), Kapiro Residents Association (S428.007) and Our Kerikeri Community Charitable Trust (S338.010, S338.009) raise a number of issues that they request be addressed through amendments to the policies and rules in the Infrastructure Chapter. The issues and requested amendments by these submitters, include:
  - a. That the PDP should include water sensitive and low impact stormwater design as standard requirement.
  - b. Amendments to provisions to emphasise the requirement for developers to provide infrastructure to service private land use and subdivision to ensure that necessary infrastructure is in place prior to development occurring.
  - c. Amendments to provisions to encourage and progressively require disposal-to-land wastewater treatment methods to reduce disposal of wastewater from sewage treatment plants into sensitive environments (such as wetlands).



59. MOE (S331.014, S331.011, S331.012, S331.013, S331.016) supports a range of provisions in part, including the Overview, I-P1, I-O1 and I-O2, and I-P4 and I-P5. However, MOE raise a similar concern across all of their submission points the definition of infrastructure does not include "*additional infrastructure*" as defined in the NPS-UD. To address this concern, MOE request that the provisions are amended to also refer to "*including additional infrastructure*" and that a new permitted activity rule is included for additional infrastructure.

### **Analysis**

60. Firstly, in relation to the general submission points relating to requirements for adequate infrastructure to service new development and more intensive zones, I note that this is a broader issue for the PDP and not a matter for the Infrastructure Chapter to specifically address in my view.
61. In particular, the use of zones in the PDP and where these are located in the PDP has considered the capacity of existing infrastructure and infrastructure servicing requirements for new development. The Subdivision Chapter in the PDP also includes specific requirements and standards for infrastructure servicing for new development and the Mixed-Use Zone chapter sets out opportunities and requirements for more intensive development. These issues, including the adequacy of infrastructure to support rezoning requests and the integration of urban development with infrastructure planning and funding as directed by Objective 6 in the NPS-UD, will be considered in more detail through upcoming hearings on the PDP relating to urban zones, rezoning and subdivision (Hearings 14 to 16).
62. I agree with NRC that resilient infrastructure is a critically important issue for the Far North District, particularly for three waters infrastructure but also for other infrastructure services, including electricity distribution. I note that I-O1 seeks to ensure the Far North District has resilient infrastructure and I-P8 directs that resilient infrastructure should be provided for- which is aligned with this submission point from NRC.
63. There are two submission points from the Twin Coast Cycle Trail to respond to:
  - a. The first request relates to ensuring minor upgrades of Regionally Significant Infrastructure (RSI) in the Coastal Environment is adequately provided for. This is an issue that was considered through Hearing 4 where I recommended some amendments to provide for the minor upgrading of existing infrastructure in the Coastal Environment. I also note that the policies in the Coastal Environment will allow for the upgrading of infrastructure provided that this does not exceed the thresholds of adverse effects in CE-P2 and CE-P3. No amendments are required to the Infrastructure Chapter to respond to this submission point in my view.



- b. The second request the Twin Coast Cycle Trail for a new Pou Herenga Twin Coast Cycle Trail overlay in the PDP is unnecessary and inappropriate in my view. I consider that the requested overlay would be overly permissive for the development and operation of the trail and is overly detailed/disproportionate for the scale and significance of the issues to be addressed. The request for an overlay for the Trail is also inconsistent with intended use and purpose of overlays in the National Planning Standards in my view which are typically used to spatially identify distinctive values that require a different management approach. The relief sought is also generally inconsistent with my recommendations above under Key Issue 1 in relation to the relationship between Infrastructure Chapter and other chapters in Part 2 of the PDP. I note that request has also been considered by the reporting officer for the Transport Chapter who reaches the same conclusion.
64. For similar reasons, I consider that a separate three waters infrastructure chapter is unnecessary and would involve a level of detail that is disproportionate to the issues sought to be addressed. The intent of the Infrastructure Chapter is generally to apply to all infrastructure (as defined in the RMA) with provisions specific to certain types of infrastructure and RIS where appropriate. The RMA definition of infrastructure includes water supply and wastewater and there are numerous provisions in the PDP relating to stormwater management (e.g. when impermeable surface thresholds are exceeded within the zone chapters). Ngā Tai Ora – Public Health Northland has also not provided sufficient information on the specific three waters infrastructure provisions they are seeking. I therefore do not recommend any amendments to the Infrastructure Chapter in response to this submission point from Ngā Tai Ora – Public Health Northland.
65. I do not consider that any amendments are required to the provisions in the Infrastructure Chapter to identify how FNDC will fund infrastructure in a timely manner as requested by Arvida Group. In my view, the Infrastructure Chapter provisions appropriately focus on ensuring the provision and delivery of infrastructure is integrated and coordinated with land use and development. However, the funding of specific infrastructure it not a matter the PDP can address and is more appropriately addressed through the Long Term Plan and other strategic planning documents in my view.
66. For similar reasons, I do not recommend that the Infrastructure Chapter is amended to include specific provisions relating to drainage areas and channels which are addressed in bylaws and other plans prepared by Council. These matters are more appropriately addressed through these existing plans and bylaws rather than the PDP in my view.
67. It is also not practicable at this point of the process for the PDP to include overland flow paths in urban areas, and this would require more detailed



technical and mapping work and there would be numerous issues in including such mapping as a statutory layer in the PDP in my view. This includes keeping the overland flow path mapping up to date as I understand that these flow pathways can change regularly (e.g. in response to earthworks or stormwater upgrades). In my view, this information is more appropriately in GIS layers that sit outside the PDP but are publicly accessible and regularly updated.

68. I consider that the issues raised by Vision Kerikeri and others relating to infrastructure requirements for new development have been addressed above. The requests for requirements for water sensitive design and low impact stormwater design are also broader than the Infrastructure Chapter to address. In particular, I note that zone chapters include specific consideration of stormwater management through the rules relating to impermeable coverage with the matters of discretion generally referring to "low impact design principles"<sup>8</sup>. The Subdivision Chapter includes specific stormwater management standards (SUB-S4) which will be considered in more detail in Hearing 16.
69. In terms of the request from MOE for the Infrastructure Chapter to also refer to "additional infrastructure", I have already outlined the general intent of the Infrastructure Chapter is to apply to all infrastructure (as defined in the RMA) with provisions specific to certain types of infrastructure and RSI where appropriate. "Additional infrastructure" is used and defined in the NPS-UD and includes some infrastructure included in the RMA definition of infrastructure (e.g. telecommunication facilities, electricity networks) along with other social infrastructure (e.g. schools, healthcare facilities, community infrastructure, public open space). The purpose of defining "additional infrastructure" in the NPS-UD is to make this clearly distinct from "development infrastructure" (i.e. local authority three waters and land transport infrastructure) which is needed to provide sufficient development capacity while directing that local authorities consider the availability of additional infrastructure to service development capacity.
70. Given that "additional infrastructure" is an NPS-UD specific definition used in a specific way, I do not consider that it is appropriate to amend the Infrastructure Chapter to refer to this term in the manner requested by MOE. I also note that the PDP includes specific provisions for social infrastructure through a range of chapters (e.g. the Hospital Special Purpose Zones, Open Space Zone, zone rules for education facilities). As such, the permitted activity rule for additional infrastructure requested by MOE could directly conflict with or undermine these provisions.

---

<sup>8</sup> I understand that there are submissions on the use of terms "low impact design principles" and "water sensitive design" which is a broader issue for the PDP which will be considered through Hearing 17.



**Recommendation**

- 71. For the above reasons, I do not recommend any specific amendments to the Infrastructure Chapter in response to the general submissions above.

**Section 32AA evaluation**

- 72. I am not recommending any amendments in response to the general submissions above therefore no further evaluation is required under section 32AA of the RMA.

**5.2.3 Key Issue 3: Overview to the Infrastructure Chapter**

**Overview**

Provision(s)	Officer Recommendation(s)
Overview	Amend to recognise that infrastructure can also have adverse effects on other land uses and activities

**Analysis of Submissions on Key Issue 3: Overview to the Infrastructure Chapter**

**Matters raised in submissions**

- 73. Federated Farmers (S421.019, S421.044) support the overview section in part and recognise the importance for essential infrastructure to be able to be delivered safely and efficiently. However, Federated Farmers consider that it is important to acknowledge in the Overview section that essential infrastructure can create conflict between the infrastructure provider and the landowner and request an amendment to recognise this.
- 74. Transpower (S454.035) generally supports the overview section but recommends some minor changes to ensure nationally significant infrastructure such as the National Grid is also referenced, grammar is correct, and that it is clearly articulated what is included as infrastructure. Transpower also support the reference to the NES-ETA but request that direct reference also be made to NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003.

**Analysis**

- 75. I consider that the relief sought by Federated Farmers can be better achieved through an amendment to the second sentence in the overview section of the Infrastructure Chapter to recognise that infrastructure can also have adverse effects "*on other land uses and activities*". This is aligned with my recommended amendments to I-P13 below and is an appropriate amendment in my view that recognises the potential for conflict with landowners in a more neutral way.
- 76. I do not recommend any amendments to the overview section of the Infrastructure Chapter in response to the above submission point from Transpower. Both NZECP and the Tree Regulations are referenced in





notified Advice Note 4 above the rule table which is sufficient in my view. My preference is also to keep the overview section concise and remove unnecessary duplication consistent with my recommendations to the overview section above in relation to the NES-TF and NES-TF discussed under Key Issue 1.

**Recommendation**

- 77. For the above reasons, I recommend a minor amendment to the second sentence in the overview section to recognise that infrastructure can also have adverse effects “*on other land uses and activities*”.

**Section 32AA evaluation**

- 78. My recommended amendments to the overview section of the Infrastructure Chapter do not require a section 32AA evaluation of the RMA as this is only required for amendments to objectives and provisions.

**5.2.4 Key Issue 4: Objectives**

**Overview**

Provision(s)	Officer Recommendation(s)
I-01, I-05	Retain as notified
I-02	Amend to be clearer on outcome sought
I-03 and I-05	Retain with minor amendments
I-04	Amend to address identified issues

**Analysis of Submissions on Key Issue 4: Objectives**

**Matters raised in submissions**

General submissions on objectives

- 79. Waka Kotahi - NZTA (S356.020) and FENZ (S512.012) support the objectives in the Infrastructure Chapter and request that these be retained as notified. FENZ note that the objectives support its functions and effective water supply is essential to respond to fire risk.
- 80. The Telco Companies (S282.003, S282.017) support the objectives for infrastructure, risk and resilience and consider that these set appropriate overall direction for important infrastructure in the Far North District.
- 81. Kapiro Conservation Trust (S442.057) and Forest and Bird (S511.037) request the inclusion of objectives that separate out infrastructure from RSI to reduce confusion in how the chapter applies as the terms appear to be used interchangeably. The submitters also note that the RPS includes specific recognition of RSI and this is broadly defined, therefore applying the objectives to all infrastructure is not warranted.





82. Top Energy (S483.106) request a new objective to recognise and provide for the operation, maintenance, repair and upgrading of infrastructure, including electricity and telecommunications infrastructure within the transport network, in particular the roading corridor.

#### I-01

83. Kāinga Ora (S561.019), KiwiRail (S416.011), Federated Farmers (S421.020), Transpower (S454.036), Waiaua Bay Farm (S463.011), Top Energy (S483.033) and Radio New Zealand (S489.011) all support I-01 as notified and request it be retained as notified. Reasons I-01 is supported by these submitters include:

- a. Kāinga Ora note that I-01 provides the framework for ensuring infrastructure is in the right place, at the right time, to manage urban growth.
- b. KiwiRail supports provision for operation, maintenance, repair, removal of, and upgrades to infrastructure, as well as provision for new infrastructure.

84. Ngā Tai Ora – Public Health Northland (S516.032) supports the provision of sustainable and safe three waters systems as they are essential for the health and wellbeing of the Far North population. Ngā Tai Ora – Public Health Northland request a minor amendment to the objective to add sustainable as follows: “*The District has sustainable, safe, efficient and resilient infrastructure...*”

#### I-02

85. Federated Farmers (S421.021), Ara Poutama Department of Corrections (S158.007), KiwiRail (S416.012), Transpower (S454.037), and Radio New Zealand (S489.012) support I-02 and request it be retained as notified.

86. Top Energy (S483.034) support the acknowledgement of the benefits of infrastructure but request amendments to capture the full range of benefits in alignment with the Strategic Direction Chapter, as follows:

*The economic, cultural, environmental and social benefits of infrastructure and regionally significant infrastructure are recognised and provided for. ~~including the benefits of regionally significant infrastructure to enhance economic, cultural, environmental and social wellbeing in the district.~~*

#### I-03

87. Radio New Zealand (S489.013) and Transpower (S454.038) support I-03 and request that it be retained as notified.



88. HortNZ (S159.031), Top Energy (S483.035), and KiwiRail (S416.013) support I-O3 in part, but all request amendments as follows:
- HortNZ oppose an objective of 'protection' for infrastructure on the basis that it is inconsistent with higher order documents, including RPS and NPS-ET. To address this concern, HortNZ request that I-O3 be amended as follows: *~~Infrastructure is protected from~~ Ensure that infrastructure is not compromised by incompatible land use ...*
  - Top Energy and KiwiRail both request the addition of 'repair' to the objective. KiwiRail considers that repair is an essential activity for functioning of infrastructure networks and the addition of the word to the objective is important for consistency with other plan provisions.
89. Federated Farmers (S421.024) oppose I-O3 on the basis that its absolute protection of infrastructure will cause complications to their members, rural landowners and primary producers. Accordingly, Federated Farmers request that I-O3 is deleted.

#### I-O4

90. Transpower (S454.039) support I-O4 and request that it be retained as notified.
91. Top Energy (S483.036), Waiaua Bay Farm (S463.012), Federated Farmers (S421.025), Forest and Bird (S511.039) and Kapiro Conservation Trust (S442.059), Haititaimarangai Marae Kaitiaki Trust (S394.013) all support I-O4 in part, subject to a range of requested amendments as outlined below.
92. Top Energy consider that it is important that the operational and functional need of infrastructure to locate in areas with historical and cultural values, natural environment values, and coastal values is recognised and provided for. Accordingly, Top Energy request the addition of the following words at the end of I-O4: *'...while recognising and providing for the operational and functional need of infrastructure to locate in these areas.'*
93. Waiaua Bay Farm consider that I-O4 should be amended to provide for the 'management' rather than avoidance of potential adverse effects given that the operational need and functional need of infrastructure can preclude avoidance of adverse effects. Waiaua Bay Farm also consider that the objective is repetitive and request the following amendments to address the perceived issues:

*~~Adverse effects of infrastructure are managed through~~ The design and location of infrastructure is managed to minimise adverse effects on areas with historical and cultural values, natural values, and coastal values.*



94. Federated Farmers consider that in addition to the other values listed, I-O4 needs to recognise highly productive land and the economic values of this land. To provide for this relief, Federated Farmers requests the following words are included in I-O4 *'...economic values (including highly productive soils)'*.
95. Forest and Bird and Kapiro Conservation Trust consider that the word 'minimise' in I-O4 is not appropriate and does not reflect terminology used in the RMA. The submitters therefore request that '*minimise*' is replaced with '*avoid, remedy or mitigate*'. The submitters also question whether some of the direction in I-O4 is better reflected in the Ecosystems and Indigenous Biodiversity Chapter.
96. Haititaimarangai Marae Kaitiaki Trust request that I-O4 is amended as follows to give effect to the avoid direction in higher order documents *'...avoid significant adverse effects or minimise adverse effects...'*. The submitter also notes that there may also be instances where it is not appropriate or in line with sustainable management to allow adverse effects on vulnerable values.

#### I-O5

97. Transpower (S454.039), Top Energy (S483.037), and Federated Farmers (S421.022) all support I-O5 and request it be retained as notified.
98. Kairos Connection Trust and Habitat for Humanity Northern Region Ltd (S138.005) support I-O5 in part but request the following amendment *'...integrated with Plan enabled subdivision and land use'*. The submitter raises a range of issues relating to the need for development to be serviced with appropriate infrastructure and Council's responsibilities to service urban development that is permitted in a zone.

#### I-O6

99. Kāinga Ora (S561.020) supports I-O6 and request that it be retained as notified. Kāinga Ora considers that the objective provides the framework to ensure large scale region wide infrastructure does not compromise the development potential of Māori land.
100. Top Energy (S483.038) and Transpower (S454.041) note that they support the intent of I-O6 and the ability of tangata whenua to develop land in the Māori Purpose Zone and Treaty Settlement overlay. However, the submitters consider that the direction in the objective of 'does not constrain' is too high/restrictive. Top Energy and Transpower also consider that the objective needs to recognise and provide for the operational and functional need for infrastructure to be located in these areas and seek similar amendments to I-O6 as follows:
  - a. Top Energy: *'The location of infrastructure does not unduly constrain the ability of tangata whenua to develop land in the Māori Purpose*



*zone or the Treaty Settlement overlay, while recognising and providing for the operational and functional need of infrastructure to locate in these areas.*

- b. Transpower: *'The location of infrastructure does not unnecessarily constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay, while recognising the locational, operational or functional needs of infrastructure.*

## **Analysis**

### General submissions on objectives

101. There was general support for the objectives in the Infrastructure Chapter from a number of submitters.
102. I acknowledge the request from Kapiro Conservation Trust and Forest and Bird to separate out direction relating to RSI and infrastructure more generally. As discussed above, RSI is defined in Appendix 3 of the RPS and the RPS includes some specific direction relating to RSI. However, infrastructure is also defined in the RMA and is recognised as a critical physical resource to provide for the economic, social and cultural well-being of people and communities. I note that the main differences between the RMA definition of infrastructure and the RPS definition of RSI is that:
  - a. The RSI definition applies a threshold for certain types of infrastructure (e.g. electricity distribution assets which supply essential public services, electricity generation facilities that connect to National Grid or local distribution network, specific roads and cycling facilities covered in Regional Land Transport Strategy etc.)
  - b. The RSI definition includes certain social infrastructure not captured by the RMA definition (e.g. public hospitals, Northland Correction Facility).
103. It is therefore appropriate in my view that the Infrastructure Chapter generally applies to all infrastructure as defined under the RMA and as required by the National Planning Standards with specific recognition of RSI (and other infrastructure) in certain provisions where appropriate. I discuss this further in relation to relevant provisions below.
104. In my view, it is not necessary to include an additional objective to recognise and provide for infrastructure within the transport network/road corridor requested by Top Energy. I recognise the importance of allowing for appropriate infrastructure, such as electricity distribution lines and telecommunication facilities to locate within the road corridor, and this is reflected in certain provisions (e.g. I-P9 which seeks to encourage new linear infrastructure within road corridors). However, in my view, it is more appropriate and effective for I-O2 to retain a higher-level focus on recognising and providing for the benefits of infrastructure throughout the



District, which includes the benefits of infrastructure located within road corridors.

#### I-01

105. The only requested amendment to I-01 is from Ngā Tai Ora – Public Health Northland who requests that that “*sustainable*” is inserted next to “*safe, efficient and resilient infrastructure*”. In my view, this amendment is unnecessary and would detract from the key focus on the objective to ensure the Far North District has **safe, efficient and resilient** infrastructure. It may also lead to interpretation issues in terms of how the ‘sustainability’ of infrastructure is to be assessed over its operational life.

#### I-02

106. While I-02 is generally supported by submitters, I agree with Top Energy that the wording of the objective is inconsistent in terms of how the full range of benefits of infrastructure, including RSI, are to be recognised and provided for. The following RPS objective and PDP strategic objective are of particular relevance:

#### **RPS Objective 3.7 – Regionally significant infrastructure**

*Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland’s economic, cultural, environmental and social wellbeing.*

#### **PDP – Strategic objective – SD-IE-01**

*The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.*

107. In light of these objectives, I recommend a minor amendment to I-02 to ensure that the full range of benefits from infrastructure, including RSI, and recognised and provided for. My recommended amendments to I-02 are as follows: “*The economic and community benefits of infrastructure are recognised and provided for, including the benefits of regionally significant infrastructure, to enhance economic, cultural, environmental and social well-being in the district are recognised and provided for.*”

#### I-03

108. A requested amendment from Top Energy to insert “*repair*” in I-03 was considered as the pre-hearing meetings and I recommend that this is accepted for consistency and for the avoidance of doubt.



109. The more substantive relief sought in relation to I-O3 is from Federated Farmers who oppose the “protect” direction and request that the objective is deleted and HortNZ who request that “protect” is replaced with “*ensure that infrastructure is not compromised*”. Firstly, I consider that it is important to retain I-O3 as this gives effect to higher order direction in the NPS-ET and RPS to protect infrastructure from the adverse effects of third parties and therefore recommend that this submission point from Federated Farmers is rejected.
110. Secondly, I note that Objective 3.6 in the RPS seeks that existing and planned infrastructure is “protected” from the negative impacts of new subdivision, use and development (including reverse sensitivity and sterilisation) which is supported by RPS Policy 5.1.3. In my view, the notified wording of I-O3 is entirely consistent with this direction. I acknowledge that Policy 10 in the NPS-ET directs that third party activities should be managed to ensure the “*electricity network is not compromised*” which is aligned with the wording requested by HortNZ. However, that policy is specific to the electricity transmission network, and I recommend that it is given effect to through a specific National Grid policy (discussed further under Key Issue 5 below).
111. I therefore consider that it is appropriate to retain the higher-level direction to “*protect*” infrastructure in I-O3 noting that this is directed at “*incompatible land use, subdivision and development*”, so does not seek to achieve absolute protection of infrastructure from all potential adverse effects.

#### I-O4

112. I-O4 was discussed during pre-hearing meetings on the Infrastructure Chapter where it was noted that this objective interacts, and potentially conflicts, with objectives and policies in other chapters in Part 2 of the PDP relating to “*areas with historical and cultural values, natural values and coastal values*”. In particular, I consider that the notified wording of I-O4 to manage and minimise adverse effects on these values has the potential to conflict objectives and policies with the Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment Chapters in the PDP which have different requirements regarding effects management (e.g. protect, avoid adverse effects, avoid significant adverse effects etc.). While there is potential to reconcile such conflicts through consenting processes (giving more weight to more directive provisions etc.), internal policy conflicts within a district plan should be avoided in my view.
113. As noted above in Key Issue 1, my recommended approach to address this issue includes removing or amending provisions in the Infrastructure Chapter that conflict with these chapters in Part 2 of the PDP, in particular I-O4, I-P2 and I-P3. However, it is also important in my view to provide



clear direction in the Infrastructure Chapter to recognise the operational need and functional need<sup>9</sup> of infrastructure to be in particular environments when considering and managing adverse effects which can be read alongside the provisions in these other chapters in Part 2 of the PDP. This is needed to recognise that infrastructure activities can have unavoidable adverse effects on certain values due to their operational and technical requirements. This recommendation also responds to a number of submission points from infrastructure providers requesting amendments to specific objectives and policies to recognise and provide for the operational need and functional need of infrastructure activities to be in particular environments.

114. Accordingly, I recommended the following amendments to I-O4 which was generally supported (or not opposed) by infrastructure submitters involved in pre-hearing meetings: "~~*The Adverse effects of infrastructure are managed in a way that recognises and provides for the operational or functional need for infrastructure to be in particular environments through the design and location of infrastructure to minimise adverse effects on areas with historical and cultural values, natural values, and coastal values.*~~"
115. I consider that this amendment also responds to the submission point from Waiau Bay Farms Limited through retaining the reference to "*managing*" adverse effects and the submission points from Forest and Bird and Kapiro Conservation Trust raising concerns with the reference to "*minimise*" adverse effects.
116. I do not consider that I-O4 should refer to economic values or highly productive land as requested by Federated Farmers both due to the revised focus of the objective and because these considerations are less relevant for the Infrastructure Chapter, particularly at the objective level.
117. I agree with Haititaimarangai Marae Kaitiaki Trust that there may be circumstances when allowing significant adverse effects on vulnerable values is not appropriate. However, the direction to avoid significant adverse is already provided through the other chapters in the PDP dealing with those values (e.g. the Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes, and Coastal Environment chapters). As discussed under Key Issue 1, those effects management policies are to be read with the Infrastructure Chapter where relevant and therefore that direction does not need to be repeated here.

#### I-O5

118. I do not agree that I-O5 should be amended to refer to "*plan-enabled*" subdivision and development. "*Plan-enabled*" has a specific meaning in Clause 3.4 of the NPS-UD in terms of whether land is zoned in a plan or

---

<sup>9</sup> I note that the PDP includes definitions of operational need and functional need that are consistent with these defined terms in the National Planning Standards.





proposed plan for housing or business use or identified in Future Development Strategy or other plan or strategy for future urban use. I-O5 has a broader focus and seeks to ensure the provision of infrastructure is integrated with land-use and the timing of subdivision and development more generally. The reference to “*plan-enabled*” within the objective is therefore unnecessary and inappropriate in my view.

#### I-O6

119. I consider that my recommended amendment to I-O4 above addresses some of the requested amendments to I-O6 by Top Energy and Transpower as this will ensure that there is clear direction to recognise and provide for the operational need and functional need of infrastructure to locate in particular environments, including the Māori Purpose Zone or Treaty Settlement Overlay. In terms of the requested amendments from these submitters to qualify the objective to not “*unduly*” or “*unnecessarily*” constrain the ability of tangata whenua to develop this land, I agree that some qualifier is necessary given that the future location of infrastructure may, for operational and technical reasons, have some degree of impact/constraint on the future use of this land. I consider that “*unnecessarily*” is the most appropriate qualifier in this context as this will put the onus on infrastructure to demonstrate why any constrain is necessarily and I recommend that I-O6 is amended accordingly.

#### **Recommendation**

120. For the above reasons, I recommend that:
- a. I-O2 is amended to ensure that the full range of benefits from infrastructure, including RSI, and recognised and provided for.
  - b. I-O3 is amended to refer to “repair”.
  - c. I-O4 is amended as follows “ “*The A adverse effects of infrastructure are managed in a way that recognises and provides for the operational or functional need for infrastructure to be in particular environments, through the design and location of infrastructure to minimise adverse effects on areas with historical and cultural values, natural values, and coastal values.*”
  - d. I-O6 is amended to refer to “...does not unnecessarily constrain...”.
121. My recommended amendments to the objectives are shown in full in **Appendix 1**.

#### **Section 32AA evaluation**

122. My recommended amendments to the objectives retain the general intent while clarifying how the benefits of infrastructure and the operational need and functional need of infrastructure is to be recognised and provides and addressing other potential interpretation issues. On this basis, I consider





that my recommended amendments to the objectives in the Infrastructure Chapter are an appropriate way to achieve the purpose of the RMA in accordance with section 32AA of the RMA.

## 5.2.5 Key Issue 5: Policies

### Overview

Provision(s)	Officer Recommendation(s)
I-P5, I-P6, I-P8, I-P12	Retain as notified
I-P2, I-P3	Replace policies with policy focused on operational need, functional need and technical requirements of infrastructure
I-PX, I-PY	Insert new policies specific to the National Grid
I-P1, I-P4, I-P7, I-P9, -I-P11, I-P14	Retain with minor amendments
I-P10	Delete as replaced with more specific National Grid policy
I-P13	Amend to clarify intent
I-PZ	Move to new policy and improve workability

### Analysis of Submissions on Key Issue 5: Policies

#### Matters raised in submissions

##### General submissions on policies

123. FENZ (S512.013) supports the policies in the Infrastructure Chapter as these support the functions of FENZ.
124. Te Runanga o Ngāti Rēhia (S559.050) requests an insertion of a policy which that requires low impact stormwater design for new development.
125. NRC (S359.002) support the policies in the Infrastructure Chapter in part but note that there are often difficulties in ensuring marine activities have the supporting land-based facilities required. NRC request that the PDP is amended to incorporate a policy in the Coastal Environment and Infrastructure chapter for subdivision, land use and development to be compatible with and, where practicable complements, use/activity in the coastal marine area. NRC considers that these policies will complement the cross-boundary matters section of the PDP.
126. Forest and Bird (S511.042, S511.043, S511.038) raise a number of concerns with the policies in the Infrastructure Chapter, including:
  - a. The policies are confusing as these appear to use RSI and infrastructure interchangeably.
  - b. The policies elevate all infrastructure to the status of RSI, the National Grid and Renewable Electricity Generation which does not



give effect to the NZCPS or RPS (e.g. access to the effects management hierarchy).

- c. The policies do not give effect to the RPS policies 5.3.3, 4.4.1(3) and 4.6.1.
127. To address these concerns, Forest and Bird request the insertion of two new comprehensive policies for RSI that they consider better give effect to the NZCPS and RPS.
128. Top Energy (S483.104, S483.107) request a new policy to provide for the operation, maintenance, repair and upgrading of infrastructure within the transport network, in particular the roading corridor.

National Grid specific policies to give effect to the NPS-ET

129. Transpower (S454.044, S454.050, S454.058) requests three new National Grid specific policies which Transpower considers are necessary to give effect to the NPS-ET. These three policies broadly focus on:
- a. Providing for the development of the National Grid with comprehensive direction on how to manage adverse effects on certain values, overlays and zones.
  - b. Protecting the safe and efficient operation, maintenance and repair, upgrading, removal and development of National Grid from adverse effects.
  - c. Ensuring new sensitive activities are appropriately located and/or designed to minimise reverse sensitivity effects on the National Grid.
130. Transpower (S454.043, S454.045, S454.049, S454.056, S454.057) also requests that the National Grid be excluded from I-P2, I-P3, I-P13, and I-P14 to support their request for National Grid specific policies.

I-P1

131. The Telco Companies (S282.02), Waka Kotahi NZTA (S356.021), Federated Farmers (S421.026), and Transpower (S454.042) support I-P1 and request that it be retained as notified.
132. Top Energy (S483.039) and KiwiRail (S416.014) support I-P1 but consider that it also needs to capture the 'repair' of infrastructure consistent with their requested amendments to the objectives above.
133. Radio New Zealand (S489.014) support the policy direction in I-P1 but consider the policy should include a specific reference to RSI to recognise its importance to the Far North District. Accordingly, Radio New Zealand request that I-P1 is amended as follows:



*'Provide for the continued operation, maintenance, upgrading and replacement of existing infrastructure, in particular regionally significant infrastructure.'*

#### I-P2

134. KiwiRail (S416.015), Federated Farmers (S421.027) and Waiaua Bay Farm (S463.013) support I-P2 and request that it be retained as notified. In particular, KiwiRail support that the recognition in I-P2 of the technical, operational and functional needs and constraints of infrastructure. Waiaua Bay Farm consider that I-P2 appropriately implements the NZCPS, while also recognising the unique requirements of infrastructure though clause (c).
135. DOC (S364.023) generally supports I-P2 but considers that significant natural areas and the coastal environment have value that need to be protected not just their "*qualities and characteristics*". Accordingly, DOC request that the words *'the qualities and characteristics of...'* be deleted from I-P2.
136. Haititaimarangai Marae Kaitiaki Trust (S394.014) consider that the direction to avoid significant adverse effects in clause (b) of I-P2 is too low and request that 'significant' is deleted from this clause. Haititaimarangai Marae Kaitiaki Trust is also concerned that I-P2 does not require avoidance of significant adverse on cultural values and therefore does not give effect to provisions in Part 2 of the RMA relating to tangata whenua values. To address this concern, Haititaimarangai Marae Kaitiaki Trust request an additional clause in I-P2 as follows:

*'avoiding significant adverse effects on cultural values and remedying and mitigating other adverse cultural effects...'*
137. Waka Kotahi NZTA (S356.030) request clarity that new infrastructure is included in I-P2 and recommend this is achieved by inserting 'new' in the beginning of the policy. Waka Kotahi NZTA also request that the direction to avoid significant adverse effects in clause (b) is limited to areas of high natural character in the coastal environment.
138. Forest and Bird (S511.040) and Kapiro Conservation Trust (S442.060) raise a number of issues with I-P2, including that it does not give effect to higher order documents or appropriately manage adverse effects on indigenous biodiversity, and request comprehensive amendments to address these concerns.
139. Top Energy (S483.040) support I-P2 but considers that the wording needs to be amended to also capture the 'repair' of infrastructure. Top Energy also considers that clause (c) in I-P2 should be amended as follows *'recognising and providing for...'*.



#### I-P3

140. DOC (S364.024), Federated Farmers (S421.028), Waiaua Bay Farm (S463.014), Radio New Zealand (S489.015) and KiwiRail (S416.016) support I-P3 and request that it be retained as notified.
141. Waka Kotahi NZTA (S356.031) support I-P3 in part but request that it be amended to be consistent with I-P2 to focus on the "*qualities and characteristics*" of significant natural areas and outstanding natural features or landscapes and also to focus on avoiding "*adverse*" effects and not all effects. To provide for this relief, Waka Kotahi NZTA request amendments as follows:

*Outside the coastal environment, manage the effects of the new development, operation, maintenance and upgrading of infrastructure activities by: a. avoiding adverse effects on historical and cultural values, qualities and characteristics of significant natural areas, and outstanding natural features or landscapes to the extent practicable; ...*
142. Top Energy (S483.041) support I-P3 but considers that the wording needs to be amended to also capture the 'repair' of infrastructure. Further, Top Energy considers that outside of the coastal environment, clause (b) in I-P3 should refer to mitigation of effects, as minimisation and remedying might not be readily achievable in every instance and that clause (c) should be amended as follows "*... recognising and providing for.*"
143. Te Hiku Iwi Development Trust (S399.027) requests that for the avoidance of doubt, the word "biodiversity" be inserted before "offsetting."
144. Forest and Bird (S511.041) and Kapiro Conservation Trust (S442.061, S442.062) raise a number of significant issues with I-P3, including that it does not properly give effect to higher order documents and manage effects on indigenous biodiversity, and request comprehensive amendments to I-P3 to address these concerns.
145. The Telco Companies (S282.016) oppose clause (d) in I-P3 on the basis this is overly restrictive for telecommunication facilities. The Telco Companies also note that telecommunication infrastructure tends to be of a smaller footprint and, as such, environmental compensation or offsetting may not be appropriate or feasible. Accordingly, the Telco Companies requests that clause (d) is deleted from I-P3.

#### I-P4

146. Multiple submitters support I-P4 and the recognition of the benefits associated with regionally significant infrastructure, including Radio New Zealand (S489.016), the Telco Companies (S282.021), Waka Kotahi NZTA (S356.023), Federated Farmers (S421.029), KiwiRail (S416.017),



Transpower (S454.046), Top Energy (S483.042) and Ara Poutama Aotearoa Department of Corrections (S158.008).

147. Waiaua Bay Farm (S463.015) generally supports I-P4 but requests a minor amendment to subclause (a) to remove 'significant' from the beginning of the clause given that the benefits of regionally significant infrastructure are inherently 'significant'.

#### I-P5

148. Kāinga Ora (S561.021) supports I-P5 as it enables I-O1 to be achieved. Top Energy (S483.043), the Telco Companies (S282.022), Waka Kotahi NZTA (S356.024), Federated Farmers (S421.030), and Transpower (S454.047) also support I-P5 and request that it be retained as notified.
149. Kairos Connection Trust (S138.006) support I-P5 in part but request an amendment to the policy so that it includes reference to infrastructure that is *'...Plan enabled land use, subdivision and development.'* The reason for this request is the same as that outlined above.

#### I-P6

150. Top Energy (S483.044), Waka Kotahi NZTA (S356.025), and Federated Farmers (S421.031) support I-P7 and request that it be retained as notified.
151. Te Hiku Iwi Development Trust (S399.028) notes that there are some types of cultural sites where location of underground services would be warranted to avoid/minimise effects on cultural values. To provide for this relief, Te Hiku Iwi Development Trust requests that clause (e) in I-P6 is amended as follows:

*'requiring the undergrounding of services when locating infrastructure in the coastal environment, a resource overlay, heritage area, ~~or~~ an area with high amenity value, or in the vicinity of culturally significant sites (where appropriate).'*

152. Transpower (S454.048) support I-P6 in part but consider the requirements in clause (c) and (e) are potentially problematic as recessive colours are not always available for electricity infrastructure and undergrounding of transmission lines is expensive to install and maintain. As such, Transpower requests changes to clause (c) to refer to "if available" and amendments to clause (e) to replace "requiring" with "considering".

#### I-P7

153. Ara Poutama Aotearoa Department of Corrections (S158.009), the Telco Companies (S282.023), and Waka Kotahi NZTA (S356.026) support I-P7 and request that it be retained as notified.



154. Federated Farmers (S421.039) support I-P7 in part but have concerns over policies that seek to restrict certain activities and farm practices on private property. Federated Farmers considers that the policy needs to recognise that in many cases there are other legal instruments (e.g., easements) that manage effects of infrastructure on private property. Federated Farmers request a number of amendments to I-P7 to address this concern.
155. Top Energy (S483.045) supports I-P7, particularly clauses (e) and (g). However, Top Energy considers that some amendments are needed to acknowledge in the chapeau of the policy that it protects both nationally and regionally significant infrastructure as well as local infrastructure. Top energy also requests amendments to clause (e) as follows: "identifying Critical Electricity Lines as a mapped overlay and mapping...".
156. HortNZ (S159.032) opposes the direction in I-P7 of 'protection' as this is inconsistent with higher order documents, including the RPS and NPS-ET. HortNZ also note that the policy seems to be focused on regionally significant infrastructure, but clause (g) includes local infrastructure. HortNZ request amendments to the wording of the chapeau of the policy and clauses (a), (e) and (g) to address these concerns.
157. Radio New Zealand (S489.017) support the I-P7 in part but raise concern that the policy does not recognise infrastructure associated with network utilities. Radio New Zealand request an additional clause after (e) that seeks to manage land use and subdivision activities in proximity to network utilities, including radio communication transmitter sites.
158. KiwiRail (S416.018) support I-P7 in part but request an additional clause that manages the rail and development interface, particularly in relation to noise and vibration effects. KiwiRail request that the clause requires acoustic and vibration treatment for sensitive activities within identified corridors/buildings adjacent to railway networks to ensure an appropriate level of internal amenity is achieved in these adjacent buildings.

#### I-P8

159. All submitters on I-P9 support the policy as notified. This includes the following infrastructure providers: Telco Companies (S282.024), Waka Kotahi NZTA (S356.027), KiwiRail (S416.019), Transpower (S454.051), Radio New Zealand (S489.018), and Top Energy (S483.046). In addition, Federated Farmers (S421.032) support I-P8 as notified.

#### I-P9

160. Transpower (S454.042), Waka Kotahi NZTA (S356.028), and Federated Farmers (S421.033) support I-P9 and request that it be retained as notified.



161. Top Energy (S483.057) support I-P9 but request amendments to ensure that the operational and functional needs of infrastructure are taken into account when encouraging new linear infrastructure to be located within roads.

#### I-P10

162. Top Energy (S483.048) and Federated Farmers (S421.034) support I-P10 and request that it be retained as notified.
163. Forest and Bird (S511.044) and Kapiro Conservation Trust (S442.063) recognise that the National Grid is important but request that I-P10 is amended to recognise that there may be instances in the coastal environment where avoidance of effects on indigenous biodiversity is required.
164. Transpower (S454.043) supports I-P10 but requests an amendment to ensure it covers all aspects of the National Grid including 'upgrade' and 'relocation.'

#### I-P11

165. Federated Farmers (S421.035) support I-P11. Te Hiku Iwi Development Trust (S399.029) also supports the intent of I-P11 to avoid new infrastructure where it will compromise the ability to develop and use land in the Māori Purpose Zone or Treaty Settlement Overlay unless landowners agree to the new infrastructure.
166. Top Energy (S483.049) opposes the 'avoid' directive in I-P11 and consider it is inconsistent with the wording of objective I-O6 and are also concerned that the bar of "does not constrain" is too high. To address these concerns, Top Energy request that the policy is amended as follows:

*'Manage new infrastructure where it will unduly compromise the ability to develop and use land in the Māori Purpose zone or in the Treaty Settlement overlay unless the owners of the land agree to the new infrastructure, while recognising and providing for the operational and functional need of infrastructure to locate in these areas.'*

167. Transpower (S454.054) raise similar concerns to Top Energy and consider that there is a need to recognise in I-P11 that there may be some occasions where infrastructure can only be located in a particular location due to its functional or operational need. Transpower request similar amendments as Top Energy outline above to address this concern.

#### I-P12

168. Submissions on I-P12 generally support the policy in full or in part. More specifically, the Telco Companies (S282.025), Waka Kotahi NZTA





(S356.029), KiwiRail (S416.020), Federated Farmers (S421.036), and Transpower (S454,055) all support I-P12 and request that it be retained as notified.

169. Top Energy (S483.050) supports the recognition of benefits of new infrastructure, but considers the wording should strengthen as follows to state '*recognise and provide for...*'.

### I-P13

170. Federated Farmers (S421.037) and Waiaua Bay Farm (S463.016) support I-P13 and request that it be retained as notified.
171. Waka Kotahi NZTA (S356.032) note that they are not opposed to managing adverse effects but considers that the policy goes too far to require the "*safe and efficient operation of*" other infrastructure. As such, Waka Kotahi NZTA request that '*safe and efficient operation of*' is deleted from clause (a)iv.
172. Top Energy (S483.051) generally support I-P13 but request amendments to a number of clauses to:
- a. Enable the full suite of effects management (e.g., including offsetting or compensating)
  - b. Reference "recognised standards" for radiofrequency
  - c. List three other factors that need to be considered when determining whether undergrounding is the most appropriate method of installation of network utilities in Urban zones and the Settlement zone.
173. Radio New Zealand (S489.019) support I-P13 but request an amendment to recognised that technical, operational and function constraints may mean not all effects can be avoided, remedied or mitigated. Radio New Zealand consider that the recognition would align with the similar policy direction in I-P3.
174. John Riddell (S431.169) requests that I-P13 is amended to qualify that it is subject to policies I-P2, I-P3, and I-P6.
175. Forest and Bird (S511.045) and Kapiro Conservation Trust (S442.064) consider that it is not clear what types of environments the policy is aimed at given that I-P2 and I-P3 already address a range of values within and outside the coastal environment. The submitters request that the policy is amended to clarify that it addresses values that are not covered by I-P2 and I-P3.





#### I-P14

176. Federated Farmers (S421.038), Radio New Zealand (S489.020), and Top Energy (S483.052) support I-P14 and request that it be retained as notified.
177. Waka Kotahi NZTA (S356.033) and Waiaua Bay Farm (S463.017) oppose I-P14 and request that it is deleted. Waiaua Bay Farm consider that the matters listed under the policy are assessment matters that are inappropriate to be included in a policy. Waka Kotahi NZTA consider that it is unclear what the policy is set out to achieve. Both submitters consider that the matters would be better placed in the Infrastructure Chapter rules and standards.

#### **Analysis**

##### General submissions on the policies

178. I have addressed similar submission points relating to low impact stormwater design above under Key Issue 2, and the same reasoning and recommendation applies here. In short, I do not consider that a specific policy on low impact stormwater design is necessary or appropriate in the Infrastructure Chapter as there are more specific provisions in the Subdivision Chapter and zone chapters for stormwater design associated with new subdivision, land use and development.
179. I acknowledge the desire from NRC to ensure that marine activities have supporting land-based facilities. I consider that this is best addressed through the Coastal Environment chapter and in Hearing 4 I recommended an amendment to CE-P10 to add an additional matter to consider where relevant "*the extent to which the land use and subdivision complements activities in the coastal marine area*" in response to a similar submission from NRC.
180. I have addressed concerns from Forest and Bird about the use of RSI and infrastructure above under Key Issue 4 above. However, I agree with Forest and Bird that the notified policies (in particular I-P2 and I-P3) do not properly align and give effect to certain policies in the NZCPS and RPS. I anticipate my recommendations above under Key Issue 1 will help address this concern, which I discuss further in relation to I-P2 and I-P3 below.
181. I have addressed similar submission points from Top Energy requesting an objective specific to infrastructure in the road corridor above under Key Issue 4, and the same reasoning and recommendation applies here. In short, I do not consider that a specific policy on the benefits of infrastructure within road corridors is necessary, particularly as I-P9 already seeks to encourage new infrastructure in the road corridor.



### National Grid specific policies

182. Throughout hearings on the PDP, in particular Hearing 4, Transpower has reiterated their primary relief for National Grid specific policies in the Infrastructure Chapter that also addresses potential conflict with other PDP chapters. As notified, the Infrastructure Chapter provided limited specific direction on the National Grid other than I-P10 which gives effect to Policy 4 in the NPS-ET.
183. However, Transpower is seeking much more specific policy direction on the National Grid in the Infrastructure Chapter which it considers it necessary to give effect to the NPS-ET in full. Through pre-hearing meetings, Transpower also provided examples of where similar National Grid policies have been included in recent plan decisions across the country which is becoming increasingly common and accepted in my experience.
184. Through pre-hearing meetings, I discussed and refined the National Grid specific policies with Transpower and now recommend that the Infrastructure Chapter is amended to:
  - a. Include a new detailed policy (I-PX) to provide for the development and major upgrades of the National Grid with direction to managing adverse effects on a range of values that:
    - i. Gives effect to Policy 3 and 4 of the NPS-ET
    - ii. Gives effect to the "seek to avoid" direction in Policy 8 of the NPS-ET
    - iii. Seeks to "avoid adverse effects" and "avoid significant adverse effects" on certain values within and outside the coastal environment in a manner consistent with the NZCPS
    - iv. Recognises that there may be circumstances when avoidance of adverse effects is required to protect certain values and the National Grid activity cannot proceed
    - v. Prevails over other PDP policies where there is conflict.
  - b. Include a new detailed policy (I-PY) to protect the safe and efficient operation, maintenance and repair, upgrading, removal and development of National Grid with specific direction relating to:
    - i. Activities in the National Grid Yard
    - ii. Subdivision in the National Grid Subdivision Corridor
    - iii. Earthworks in the National Grid Yard.



185. Overall, I consider that these amendments will better recognise the national significance of the National Grid and give effect to the NPS-ET in a way that provides guidance on how to reconcile any conflicts with PDP policies that give effect to the NZCPS and RPS. These amendments will also provide clearer policy direction to support the implementation of rules relating to the National Grid Yard and National Grid Subdivision Corridor.

#### I-P1

186. For the reasons outlined above in relation to the objectives, I agree that a specific reference to the “*repair*” of infrastructure alongside maintenance, operation etc. is appropriate for completeness and the avoidance of doubt. I therefore recommend that I-P1 is amended to include the repair of infrastructure as requested by Top Energy and KiwiRail.
187. I do not consider that it is necessary or appropriate to amend I-P1 to reference RSI as requested by Radio New Zealand. It is important in my view that I-P1 gives direction to provide for the continued operation, maintenance, repair upgrading and replacement of all existing infrastructure and a reference to RSI may diminish the weight given to existing infrastructure not captured by that definition.

#### I-P2 and I-P3

188. There are a range of submissions on I-P2 and I-P3 which set out different requirements to manage the adverse effects of infrastructure on a range of values within and outside the coastal environment. As discussed above under Key Issue 1, these two policies overlap and, in some cases, conflict with key effects management policies in other Part 2 chapters relating to historical and cultural values, natural environment values, and the coastal environment. I note that a number of these effects management policies were considered in detail through Hearing 4, including how they give effect to the strong directive policies in the NZCPS, NPS-IB and RPS, and a number of recommend amendments were made by myself and the other reporting officer to achieve this.
189. As a result, there is now some conflicts between P2 and I-P3 and the policies in those chapters (e.g. the extent to which adverse effects or significant adverse effects must be avoided, when biodiversity offsetting and compensation can be considered etc.). There are two options to address this conflict in my view:
- a. **Option 1:** Amend I-P2 and I-P3 to align with the relevant effects management policies in the Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes, Natural Character, Coastal Environment, Historic Heritage, and Heritage Area Overlay chapters.
  - b. **Option 2:** Replace I-P2 and I-P3 with a single policy focused on recognising and providing for the operational need and functional



need of infrastructure when considering and managing the adverse effects of infrastructure which is to be read together with the effects management policies in the above Part 2 chapters.

190. These options were discussed with infrastructure providers at pre-hearing meetings and Option 2 was broadly supported. In my view, Option 2 is preferable as it reduces unnecessary duplication (and the risk of potential inconsistencies) and need for more detailed policy direction in the Infrastructure Chapter while retaining the core elements of I-P2 and I-P3 that are specific to infrastructure, i.e. "*recognising the technical, operational and functional needs and constraints of infrastructure*". This also responds to a number of concerns from Forest and Bird and others that notified I-P2 and I-P3 do not properly give effect to higher order documents and contain policy direction better located within other PDP chapters (e.g. Ecosystems and Indigenous Biodiversity).
191. My recommended wording for this replacement policy is as follows:

*Recognise and provide for the operational need, functional need and technical requirements of infrastructure when considering and managing the adverse effects of infrastructure on the environment.*

#### I-P4

192. I-P4 is broadly supported by submitters with the only requested amendment from Waiaua Bay Farm (S463.015) who considers that "*significant*" should be removed from the start of clause (a) given that the benefits of RSI are inherently "*significant*".
193. I agree with this amendment but more so because I consider that the notified wording of I-P4 could imply that the benefits of RSI should only be provided for when these are significant. While the RSI identified in the RPS are clearly of regional significance, there may be instances when it is debatable as to whether a particular RSI project will have significant benefits (e.g. an individual telecommunication facility, upgrade to existing electricity distribution assets). Further, I note that the RPS (Objective 3.7) seeks to recognise and promote the benefits of RSI generally rather than the significant benefits of RSI. Accordingly, I consider that the reference to the "*significant*" benefits of RSI at the start of I-P4 serves little value, is unnecessary and recommend that it be deleted.

#### I-P5

194. I-P5 is broadly supported by submitters with the only requested amendment from Kairos Connection Trust to refer to '*...Plan enabled land use, subdivision and development.*' I have addressed a similar submission above in relation to I-O5 and the same reasoning and recommendation applies here. Accordingly, I recommend that I-P5 is retained as notified.



#### I-P6

195. I acknowledge the concerns from Transpower with clause (c) in I-P6 in that using recessive colours and finishes may not be available or practicable for electricity infrastructure. However, it is important to note that the chapeau of I-P6 includes the qualifier "*...where practicable and appropriate for the type of infrastructure*". In my view, this makes it clear that the list of methods in clauses (a) to (e) to minimise adverse effects are not "*requirements*" but rather methods that should be proactively considered and implemented when it is practicable and appropriate to do so. In this respect, I consider that that is not necessary to add "*where available*" to clause (c) in I-P6.
196. However, I agree that the wording in clause (e) in I-P6 is somewhat problematic as it implies that undergrounding should be required in a wide range of areas unless it is demonstrated that this is not practicable or appropriate for the type of infrastructure. This also overlaps with Policy I-P13(c) discussed below which directs when undergrounding of network utilities should be provided in urban areas and the Settlement Zone.
197. Additionally, I note that clause (e) in I-P6 uses terms that are undefined in the PDP (i.e. a resource overlay, area with high amenity value) and inconsistent with how these areas are referred to in other PDP provisions. I therefore recommend that clause (e) is amended to replace "*requiring*" with "*giving preference to*" the undergrounding of services. In my view, this provides stronger direction that "*considering*" without implying that undergrounding of infrastructure should be required in a wide range of areas in the District. I also recommend clause (d) is amended to refer to "*in the coastal environment, areas with identified historical or cultural values, or areas with natural environment values*". This wording better aligns with the relevant headings in Part 2 of the PDP that captures the key overlay areas and also addresses the request from Te Hiku Iwi Development Trust for this clause to also capture culturally significant sites.

#### I-P7

198. I-P7 was discussed with infrastructure provider submitters during pre-hearing meetings, and I recommend a number of amendments to the policy as a result of these discussions. My recommended amendments to I-P7 include:
- a. An amendment to the chapeau of the policy to refer to "*...infrastructure, including regionally significant infrastructure...*". This better captures the intent of the policy to be broader than RSI and addresses inconsistencies in the scope of the policy (e.g. reference in local infrastructure in clause (g)).
  - b. Amendments to refer to railway designations in clause (a) and Rail Alert Overlay for railways in clause (c) in response to submission



from KiwiRail and to ensure railways are appropriately protected from the adverse effect of third parties. I understand these amendments are supported by KiwiRail.

- c. Referring to identifying Critical Electricity Lines Overlay in the planning maps in clause (e) in response to request from Top Energy. I also consider new definitions for Critical Electricity Lines and Critical Electricity Lines Overlay below under Key Issue 12.

199. I do not agree with the amendments sought by Federated Farmers to refer to "*where there is no evidence of an appropriate easement on the relevant Certificate/s of Title*" in certain clauses in I-P7 as this is an unnecessary level of detail in the policy in my view. I also consider that the requested amendments from Federated Farmers to add additional qualifies in clause (g) in I-P7 are unnecessary and inappropriate as the policy already directs that setbacks and design controls should only be used "*where necessary*" to "*achieve appropriate protection*" of infrastructure which is appropriate in my view.
200. I have addressed a similar submission from HortNZ above raising concerns about the 'protect' infrastructure direction in relation to I-O3 and the same reasoning and recommendation applies here. In my view, the direction to protect infrastructure is appropriately caveated with this being directed at "*incompatible land use and subdivision*" which may "*compromise the operation and capacity of infrastructure*". This makes it clear that the intent of the policy is not absolute protection of infrastructure but protection from land use and subdivision that will compromise the operation of that infrastructure. For similar reasons, I consider that the requested amendments to clause (g) from Federated Farmers are unnecessary and would make the purpose of managing other activities less clear.
201. In my view, the relief sought by Radio New Zealand to provide a new clause to protect network utilities more generally is adequately addressed through clause (g) in I-P7 in my view. This directs that other activities should be managed to achieve appropriate protection of local, regional and nationally significant infrastructure and would therefore apply to other network utilities not specifically referred to in clauses (a) to (f) of I-P7.

#### I-P8

202. All submitters support I-P8 as notified therefore no further analysis is required.

#### I-P9

203. The only submission to respond to on I-P9 is a request from Top Energy to amend the policy to ensure that the operational need and functional need of infrastructure is taken into account. I consider that the relief sought by Top Energy is adequately and more efficiently addressed



through my recommended replacement policy for I-P2 and 1-P3 discussed above. This will ensure that the operational need and functional need of infrastructure to be in particular environments is recognised and provided for when interpreting all infrastructure policies, including the direction in I-P9 to encourage new linear infrastructure within roads. However, I recommend a minor amendment to refer to “road corridor” as this is a defined term in the PDP which will provide greater clarity consistent with intent of the policy.

#### I-P10

204. I recommend that I-P10 is replaced with a more detailed National Grid policy requested by Transpower and discussed during per-hearing meetings (I-PX). The reasons and recommendations for this new policy are outlined above.

#### I-P11

205. I address similar submissions and requested amendments from Top Energy and Transpower on I-P11 in relation to corresponding objective I-O6 which relates to infrastructure in the Māori Purpose Zone and Treaty Settlement Overlay. Again, I consider that there is no need to refer to the operational need and functional need of infrastructure within this policy as that is adequately and more efficiently addressed through my recommended replacement policy for I-P2 and 1-P3 discussed above.
206. In terms of the strength of I-P11, I consider that it is appropriate to retain the “avoid” direction at the start of the policy but, as with I-O6, I agree that a qualifier is appropriate given that the future location of infrastructure may, for operational and technical reasons, have some degree of impact on the future use of this land. In my view, the wording of I-P11 should also be better aligned with I-O6. I therefore recommend that the policy is amended to refer to avoiding new infrastructure where it would “*unnecessarily constrain*” (rather than compromise) the ability to develop and use land in the Māori Purpose Zone or Treaty Settlement Overlay.

#### I-P12

207. I-P12 is generally supported by submitters and the only requested amendment is from Top Energy to strengthen the policy to “*recognise and provide for*”. This amendment is not necessary or appropriate in my view. The intent of I-P12 is to recognise the benefits of new technology in infrastructure (e.g. increasing resilience) but not place a firm obligation on applicants and Council processing planners to provide for these benefits. As such, I recommend that I-P12 is retained as notified.





### I-P13

208. I-P13 was discussed during pre-hearing meetings with infrastructure provider submitters where a number of issues were identified with the policy, including that its underlying purpose and scope is unclear, it is unclear what environments it relates to, and it is unclear how it is to be read with notified I-P2 and I-P2. As a result of these discussions and further analysis of submissions, I recommend that:
- a. I-P13 is amended to be focused on managing the effects of infrastructure on "*other land uses and activities*" rather than the environment. This recognises that there are more specific PDP policies that address the effects of infrastructure on natural environment values, the coastal environment etc. as discussed above. This also responds to the submissions from John Riddell, Forest and Bird and Kapiro Conservation Trust that this policy should be subject to these more specific effects management policies. I recommend that this is achieved through amendments to the chapeau of the policy and clause (a) and by deleting references to "*natural and physical resources*" and "*amenity values*" under clause (a).
  - b. Clause (c) is moved to a separate policy given it has a much different purpose (undergrounding network utilities).
209. I do not agree with Waka Kotahi - NZTA that the direction to avoid, remedy or mitigate adverse effects on the "*safe and efficient*" operation of other infrastructure goes "too far". In my view, this wording helps clarify the purpose and intended outcome of the policy.
210. I consider that the relief sought by Radio New Zealand to refer to the operational need and function need of infrastructure is adequately and more efficiently addressed through my recommended replacement policy for I-P2 and I-P3 discussed above.
211. In terms of the direction in the new separate policy relating to requiring undergrounding of network utilities in Urban Zones and the Settlement Zone, this was discussed at pre-hearing meetings. I expressed a view that the direction of the notified policy placed an inappropriate obligation on Council to require undergrounding of network utilities in urban areas when certain criteria are met whereas, in my view, the onus should be on infrastructure providers to demonstrate that undergrounding is not feasible (which may be due to technical or economic reasons). However, while cost is a relevant factor to consider for undergrounding network utilities this should not be discounted simply because it is more expensive in my view. Rather it should be demonstrated that there are significant economic reasons that mean that underground network utilities are not feasible in these more urban areas of the District.



212. I also consider that the policy direction can be refined and more focused drawing of the requested amendments from Top Energy and a similar policy in the Unitary Plan. I therefore recommend that the new policy is amended to direct that undergrounding of network utilities is required in urban zones and the Settlement zone unless:
- a. *"it will result in greater adverse effects on the environment compared to placing the network utility above ground; or*
  - b. *there are operational, functional, technical or significant economic reasons that mean it is not feasible for the network utility to be underground".*

#### I-P14

213. The function of I-P14 as a 'consideration policy' v assessment criteria has been considered a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report I stated in relation to the corresponding policy in that chapter: "*I note that CE-P10 functions as a "consideration" policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis*". I also recommended amendments to the chapeau of that policy which are equally applicable to I-P14 and other consideration policies in the PDP.
214. On that basis, I recommend that I-P14 is retained as a 'consideration policy' consistent with other PDP chapters and the chapeau is amended to be clearer on its purpose and application as follows: ~~*Manage infrastructure to address the effects of the activity requiring resource consent, including (but not limited to) cConsideration of the following matters where relevant when assessing and managing the effects of infrastructure to the application.*~~ I note that this responds to the relief sought by Waka Kotahi NZTA and Waiau Bay Farm to clarify the policy and how it is intended to be interpreted but I do not recommend that the matters to consider in I-P14 are relocated to the rules as assessment criteria.



**Recommendation**

215. For the above reasons, I recommend:
- a. I-P1 is retained with minor amendment to refer to “repair”
  - b. I-P5, I-P8, I-P12 is retained as notified
  - c. I-P2 and I-P3 are replaced with a single policy focused on recognising and providing for the operational need, functional need and technical requirements of infrastructure activities when considering and managing adverse effects on the environment
  - d. That two new National Grid specific policies are included in the Infrastructure Chapter and I-P10 is deleted
  - e. Minor amendments to I-P4, I-P6, I-P7, I-P9, I-P11 and I-P14 consistent with the policy intent as described above
  - f. I-P13 is separated into two policies to better clarify the focus, scope and intended outcomes from the policies.
216. These amendments are shown in full in **Appendix 1**.

**Section 32AA evaluation**

217. My recommended amendments to the infrastructure policies are primarily minor amendments to clarify intent and improve the workability of the policies. The more substantive recommendations relate to the replacement of I-P2 and I-P3 and the insertion of two new specific National Grid policies. For the reasons outlined above, I consider that these amended and new policies better give effect to higher order documents, in particular the NPS-ET, NZCPS and RPS, and better clarify how the Infrastructure Chapter is to be read together with other policies in Part 2 of the PDP. In my view, these amendments will therefore be more effective and efficient in achieving the relevant PDP than the notified policies and are therefore more appropriate in accordance with section 32AA of the RMA.

**5.2.6 Key Issue 6: General submissions on Infrastructure rules**

**Overview**

Provision(s)	Officer Recommendation(s)
N/A	Specific amendments outlined below in relation to individual rules



## **Analysis of Submissions on Key Issue 6: General submissions on Infrastructure rules**

### **Matters raised in submissions**

218. Kristine Kerr (S302.004) supports the infrastructure rules in part but considers that 10m flag lights are not necessary, and the rules should be amended to apply dark sky guidelines.
219. The Telco Companies (S282.028, S282.029) generally support the intent of the rules in the Infrastructure Chapter and the enabling provisions but requests two general amendments to the rules:
  - a. That scope is increased to allow for infrastructure activities in areas where there is currently no provision (e.g. in urban areas where there is currently no scope to deliver new overhead lines or telecommunication facilities as a permitted activity).
  - b. That the rule framework is amended to allow for temporary infrastructure activities over a 12-month period as such activities may need to be deployed during emergencies to continue provision of services to the community.
220. John Riddell (S431.170) requests that the infrastructure rules are amended to provide for more stringent requirements where any of the matters of national importance in section 6 of the RMA apply.
221. Top Energy (S483.075) are concerned that above ground customer connections are provided for outside of those provided for as a permitted activity in I-R5 meaning these would default to a discretionary activity. Top Energy request an additional restricted discretionary rule for new above ground customer connections to address this.
222. MOE (S331.017) requests that the infrastructure chapter is amended to provide for education facilities as a permitted activity and remove this activity from the zone chapters.

### **Analysis**

223. In my view, the request from Kristine Kerr to amend the infrastructure rules to apply dark sky guidelines is not within the scope of the Infrastructure Chapter to address. Further, I note that lighting is addressed on a district-wide basis through the provisions in the Light Chapter of the PDP which was considered in Hearing 6/7. The Light Chapter includes standards controlling maximum level of light spill in different zones, which may address the submitters concerns to some extent.
224. I agree with the Telco Companies that there are some gaps in the infrastructure rules in terms of the zones certain types of infrastructure can be located meaning these may default to a discretionary activity under



I-R19, which is not consistent with the generally enabling direction of the Infrastructure Chapter. I consider this relief in relation to specific infrastructure rules below and make a number of recommendations to address this issue (e.g. amendments to I-R7 to permit telecommunication facilities in a wider range of zones subject to compliance with new maximum height limits).

225. In terms of the requests for new rules relating to temporary infrastructure, I note that the National Planning Standards require that provisions relating to temporary activities be located in the Temporary Activities chapter. Further, TA-R6 in the Temporary Activities chapter provides for "*temporary network utilities*" as a permitted activity provided that it does not operate for more than 12 months and is setback at least 2m from any General Residential or Settlement Zone site boundary. This rule appears to address the relief sought by the Telco Companies to enable temporary infrastructure in the PDP.
226. I agree with John Riddell that it is appropriate to apply more stringent requirements when infrastructure activities adversely affect values that are matters of importance to be recognised and provided for under section 6 of the RMA. As discussed under Key Issue 1, I am recommending a number of amendments to make it clear that more stringent requirements (including rules) in other chapters in Part 2 of the PDP that relate to section 6 matters apply to infrastructure where relevant. Accordingly, I recommend that this submission point from John Riddell is accepted.
227. I agree that there should be a clearer rule framework for customer connections as requested by Top Energy. However, rather than include an additional restricted discretionary rule for above ground customer connections as requested by Top Energy, I have recommended amendments to I-R5 so that it applies to all zones (discussed further below under Key Issue 7). I am also recommending a definition for customer connections be included in the PDP in response to a request from Top Energy (discussed further under Key Issue 12).
228. I do not consider that it is appropriate to include a permitted activity rule for education facilities in the Infrastructure Chapter that overrides the zone chapters as requested by MOE. In my view, the provisions for education facilities are best addressed through the relevant zone chapters in Part 3 – Area-specific matters and the PDP zone chapters already include specific rules to provide for this activity ranging from being a permitted activity through to non-complying (e.g. Heavy industrial zone). Further, as noted above, education facilities are a form of social infrastructure not captured by the RMA definition of infrastructure or the RPS definition of RSI which is the focus of the Infrastructure Chapter.



**Recommendation**

229. For the above reasons, I recommend amendments to I-R5 and I-R7 to address identified gaps in the infrastructure rules within certain zones. My recommended amendments are detailed further under Key Issue 7.

**Section 32AA evaluation**

230. The section 32AA evaluation for amendments to specific rules is provided below under Key Issue 7.

**5.2.7 Key Issue 7: Rules I-R1 to I-R-10**

**Overview**

Provision(s)	Officer Recommendation(s)
I-R1, I-R2, I-R4, I-R6, I-R8, I-R9	Retain as notified
I-R3	Amend to remove unnecessary standards
I-R5	Amend to apply in all zones with new standards
I-R7	Amend to apply in all zones with new standards
I-R10	Amend to apply in all zones

**Analysis of Submissions on Key Issue 7: Rules I-R1 to I-R-10**

**Matters raised in submissions**

I-R1 (Operation of exiting network utilities) and I-R2 (new underground network utilities)

231. All submissions on I-R1 and I-R2 support the rules and request that they be retained as notified. Those submitters are:
- a. KiwiRail (S416.021, S416.022)
  - b. Transpower (S454.059, S454.060)
  - c. Radio New Zealand (S489.021)
  - d. Top Energy (S483.057, S483.058).

I-R3 (upgrading of existing above ground network utilities) and I-R4 (electricity generators and power units for network utilities)

232. Three submitters support I-R3 and request that it be retained as notified, being KiwiRail (S416.023), Transpower (S454.061), and Radio New Zealand (S489.022).
233. John Riddell (S431.115) requests that I-R3 is amended so that any proposal for a building or structure to be setback less than 20 metres from the coastal marine area, or from rivers and banks is a non-complying activity.



234. Top Energy (S483.059, S483.060) supports the permitted activity status for the upgrade of existing above ground network utilities in all zones in I-R3. However, Top Energy considers that the rule contains a number of arbitrary performance standards that make the rule of limited use in terms of enabling upgrades to above ground network utilities. To address their concern, Top Energy requests that I-R3 is replaced with a new rule as set out in their submission.
235. Top Energy (S483.061) are the only submitter on I-R4, who support the rule and request that it be retained as notified.

I-R5 (new above ground customer connections)

236. Top Energy (S483.062) request a number of amendments to I-R5 as follows:
  - a. Include Ngawha Innovation Zone and Rural Settlement Zone within the rule because undergrounding electricity lines in these zones would be cost prohibitive and unnecessary given their rural nature.
  - b. Amend PER -1 to read: *The poles don't exceed a maximum of 25m in height above ground level.*
  - c. Amend activity status for non-compliance with PER-1 to be a restricted discretionary activity (rather than a discretionary activity). Top Energy consider this better aligns with I-R15.
  - d. Amend activity status for non-compliance with PER - 2 to discretionary activity instead of non-complying.
237. The Telco Companies (S282.005) oppose I-R5 and request that it is amended to apply to all zones as it doesn't take into account subdivisions that are already serviced by above ground connections.

I-R6 (network utilities in buildings)

238. There are two submitters on I-R6:
  - a. Transpower (S454.062) who support the rule and request that it be retained as notified.
  - b. Top Energy (S483.063) who support the rule but seek that non-compliance with I-S1 and I-S2 be a discretionary activity (rather than non-complying).

I-R7 (new overhead lines and poles, telecommunication poles and antennas, towers)

239. There are three submission points on I-R7 which all request amendments as follows:





- a. Top Energy (S483.064) request that the rule also applies to the Ngawha Innovation and Enterprise Park Zone and Rural Settlement Zone, and that PER-1 and PER-2 are amended to make it clear height is to be measured from "*above ground level*".
- b. Transpower (S454.063) request that I-R7 is amended to apply to all zones and that non-compliance with PER-1 and PER-2 be a restricted discretionary (rather than discretionary activity).
- c. The Telco Companies (S282.006) raise concern that I-R7 only allows for new telecommunication infrastructure in three rural zones but the remainder of the Infrastructure Chapter does provide for new telecommunications infrastructure on other zones, meaning that resource consent will be required for this infrastructure in all other zones (where NES-TF does not apply). The Telco Companies are concerned this will severely limit the ability to deploy telecommunications infrastructure to effectively meet the needs of the Far North District and appears to be based on misunderstanding how the NES-TF applies. The Telco Companies request that I-R7 is amended to address these issues and to better align with the best practice guidance document for infrastructure activities.

I-R8 (telecommunication kiosk), I-R9 (navigational aids) and I-R10 (substations)

240. Top Energy (S483.065) is the only submitter on I-R8 and request an amendment to expressly enable the co-location of telecommunication kiosks on existing infrastructure.
241. There are no submissions on I-R9.
242. Top Energy (S483.066, S483.067) support I-R10 as notified but also request an additional rule for substations in zones other than the Rural Production Zone and Rural Lifestyle Zone as a permitted activity where they are located within a building that complies with the relevant performance standards of the underlying zone, PER-1, and I-S1 and I-S2. Top Energy consider that an additional rule is necessary given that where urban intensification is promoted, additional substations may be required in urban settings. Top Energy also notes that substations can be fully housed within buildings to manage any potential visual amenity effects.
243. Transpower (S454.064) notes that they are obligated by legislation to connect new electricity generation to the National Grid, regardless of where the new generation facilities are located. As such, Transpower notes that substations may need to be located in any zone of the Far North District. On this basis, Transpower consider that it is reasonable for substations to be permitted within industrial zones and seek that I-R10 be amended to include the Heavy Industrial and Light Industrial Zones.



## Analysis

### Non-compliance with I-S1 and I-S2

244. Top Energy have a number of submission points on the infrastructure rules requesting that the activity status for non-compliance with the radio frequency fields (I-S1) and electric and magnetic fields (I-S2) standards be a discretionary activity rather than non-complying activity. I disagree and recommend these submission points are rejected. I-S1 and I-S2 are nationally and internationally accepted standards for radio frequency fields and electric and magnetic fields to protect human health and a non-complying activity status when these standards are not complied with is appropriate in my view. Non-compliance with radio frequency fields and electric and magnetic fields standards is also a common approach adopted in other district plans and within the NES-TF (Regulation 13 and 55) and NES-ETA (Regulation 10 and 13) respectively.

### I-R1, I-R2, I-R4

245. All three rules are supported by submitters with no requested amendments therefore no further analysis is required.

### I-R3 (upgrading of existing network utilities)

246. I-R3 was discussed during pre-hearing meetings focusing on the range of amendments sought by Top Energy. As a result of these discussions. I recommend:
- a. A number of permitted activity standards are amended to remove arbitrary and unnecessary thresholds/requirements (e.g. height, footprint, antenna size increases being tied to a 10-year period, 100 percent increase in cross arm length). This recognises that upgrading of infrastructure only occurs when required and it is very unlikely that infrastructure providers are going to increase the height and footprint of existing infrastructure at regular intervals to 'game' the permitted increases in height and footprint.
  - b. A change in activity status from discretionary to restricted discretionary when compliance not achieved with permitted activity conditions PER-1 to PER-12. In my view, this is appropriate as the adverse effects of network utility upgrades that do not comply with these standards are generally well known and can be effectively managed through consent conditions and this will help focus the assessment on relevant considerations with associated efficiency gains.
247. I also consider that the structural changes to I-R3 requested by Top Energy with sub-headings for different infrastructure types (general, electricity, gas, telecommunication) could be helpful for plan users. However, the general structure of I-R3 appears to be accepted by other



submitters and is consistent with other common network utility rules (including that provided in the Telco Companies submission), I am not recommending these structural changes to I-R3.

248. I do not recommend any changes to I-R3 to include additional controls for buildings and structures within 20m of the CMA and waterbodies. This is because the Coastal Environment and Natural Character chapters in the PDP include specific controls on buildings and structures in proximity to the CMA and within *wetland, lakes and rivers margins* and these controls were considered in detail during Hearing 4 with a number of recommendations made by me and the other reporting officer.

I-R5 (new above ground customer connections)

249. I-R5 was discussed at pre-hearings meetings with Top Energy and the Telco Companies who both request amendments to the rule to expand its coverage. As a result of those discussions, I recommend that I-R5 is amended to:
- a. Apply in all zones.
  - b. Include a new permitted condition that new customer connections within the General Residential Zone or Settlement Zone must not include a new pole. This will ensure there are more stringent controls within the zones that typically have a higher density of residential dwellings that are more sensitive to the visual effects of new poles.
  - c. Amend the existing permitted activity condition to require that a customer connection in any other zone does not include new pole greater than 25m in height *"above ground level"*. I have also recommended similar amendments to other permitted activity standards to make it clear where the maximum height is to be measured from the ground level (noting "ground level" is a defined term for district plans in the National Planning Standards and is included in PDP).
  - d. Apply a restricted discretionary activity when compliance not achieved with the above two conditions (rather than a discretionary activity). I recommend that a non-complying status retained for non-compliance with the radio frequency field and electric and magnetic field standards for the reasons outlined above.
250. In my view, these amendments will enable essential infrastructure to be more efficiently delivered to customers (homes, businesses) throughout the Far North District by removing unnecessary restrictions/consent requirements while ensuring the permitted activity conditions manage potential adverse visual effects with more stringent requirements applying in more sensitive zones.



I-R6 (network utilities in buildings)

251. I have addressed the submission point from Top Energy on I-R6 relating to non-compliance with I-S1 and I-S2 above and recommend this is rejected. Accordingly, I recommend that I-R6 is retained as notified.

I-R7 (new overhead lines and poles, telecommunication poles and antennas, towers)

252. I-R7 was discussed at pre-hearings meetings with Top Energy and the Telco Companies who both request amendments to the rule. This discussion was also helpfully informed by information and examples provided by the Telco Companies on comparable district plan provisions and typical telecommunication facilities in different zones to support their requested amendments to I-R7 and inform pre-hearing meetings. As a result of those discussions, I recommend that I-R7 is amended to:
- a. Apply within all zones to address gaps in the NES-TF<sup>10</sup> and provide a permitted activity pathway for new overhead lines and poles and telecommunication antennas and poles in all zones (rather than being a restricted discretionary activity outside the Rural Production Zone, Rural Lifestyle Zone and Māori Purpose Zone under I-R15).
  - b. Amend PER-1 to include different height limits for different zones ranging from 15m (e.g. General Residential) to 25m (e.g. Heavy Industrial Zone) based on the sensitivity of the underlying zone to the visual effects of this infrastructure. As noted above, this recommendation has been informed by comparable district plan provisions for this infrastructure in different zones.
  - c. Add a new permitted activity which enables a greater pole height when telecommunication facility operators locate on the same pole in certain zones<sup>11</sup>. This recognises that the colocation of telecommunication facilities on a single pole can reduce the overall visual effects (compared to two new poles) and have efficiency benefits.
  - d. Amend the activity status when compliance not achieved with the above conditions from a discretionary activity to restricted discretionary activity, and to incorporate the existing matters of discretion from I-R15. As noted above, I recommend non-complying status retained for non-compliance with I-S1 and I-S2.

---

<sup>10</sup> The coverage of the NES-TF in relation to new poles is limited to the road reserve and rural zones (including rural residential).

<sup>11</sup> The Rural Production Zone, Rural Lifestyle Zone, Māori Purpose Zone, Light Industrial Zone, Heavy Industrial Zone, Airport Zone, Hospital Zone, Horticulture Zone, Horticulture Processing Facilities Zone.



253. I also recommend that I-R15 is deleted as a consequential amendment to the above recommendations.
254. In my view, these amendments will better enable essential infrastructure (electricity distribution and telecommunication facilities) to be more efficiently delivered to people and communities throughout the Far North District by removing unnecessary restrictions/consent requirements while ensuring the permitted activity conditions manage potential adverse effects. These recommendations also ensure the PDP is more consistent with other district plan provisions relating to this infrastructure.

#### I-R8 (telecommunication kiosks)

255. Top Energy states in their submission that telecommunication kiosks<sup>12</sup> are not of particular interest to them, but they are aware that these kiosks can collocate on electricity poles or towers. Therefore, Top Energy considers that the 3.5m height limit specified in PER-1 may be an issue for these kiosks and the request the rule is amended to expressly allow collocation on existing infrastructure.
256. In my view, the 3.5m height limit is only an issue for collocation if this is to be measured from ground level, but I-R8 is not drafted in this way (unlike height standards in other infrastructure rules). Accordingly, it is not necessary in my view to amend I-R8 to expressly allow for telecommunication kiosks to collocate on existing infrastructure.

#### I-R9 (navigational aids)

257. There are no submissions on I-R9 therefore no further analysis is required.

#### I-R10 (substations)

258. I-R10 was discussed at pre-hearings meetings with Top Energy and the Telco Companies who both request amendments to the rule to expand its coverage. As a result of those discussions, I recommend that I-R10 is amended to:
- a. Apply in all zones
  - b. Include a new permitted activity condition that substations must not be located in General Residential Zone, Settlement Zone, Rural Residential Zone, any Open Space and Recreation Zone, or Special Purpose Zone.
259. The effect of these recommendations is that it will enable substations in a wider range of zones as requested by Transpower and Top Energy (i.e. Light Industrial Zone, Heavy Industrial Zone, Mixed-use Zone, Rural

---

<sup>12</sup> Telecommunication kiosks are defined in the PDP as “*means any structure intended for public use to facilitate telecommunication and includes boxes or booths for telephone, video or internet services*”.



Production Zone, Rural lifestyle Zone) while ensuring discretionary activity resource consent is required for substations in more sensitive zones. It also provides a clearer rule framework for substations rather than relying on I-R19 to capture substations not provided for under the default discretionary rule.

**Recommendation**

- 260. I recommend that:
  - a. I-R1, I-R2, I-R4, I-R6, I-R8, I-R9 is retained as notified
  - b. I-R3 is amended to remove unnecessary standards
  - c. I-R5, I-R7 and I-R10 are amended to apply in all zones with additional standards.
- 261. These recommended amendments are shown in full in **Appendix 1.1**.

**Section 32AA evaluation**

262. My recommended amendments to the infrastructure rules above are primarily minor amendments to clarify intent and improve workability (e.g. unnecessary standard in I-R3). The more substantive recommendations to address gaps and improve coverage of I-R5, I-R7 and I-R10 which relate to customer connections, electricity lines and poles, telecommunication poles and antenna, and substations. In my view, these amendments will better enable essential infrastructure to be more efficiently delivered to people and communities throughout the Far North District by removing unnecessary restrictions/consent requirements while ensuring the permitted activity conditions manage potential adverse effects. These recommendations also ensure the PDP is more consistent with other district plan provisions relating to this infrastructure. On this basis, I consider that my recommended amendments to the above rules will be more efficient and effective to achieve the relevant objectives in accordance with section 32AA of the RMA.

**5.2.8 Key Issue 8: Rules I-R11 to I-R13, I, R18, I-R20, I-R21 – National Grid Yard and Critical Electricity Lines**

**Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
I-R11	Amend to improve clarify and be aligned with common National Grid Yard rules
I-R12 and I-R13	Amend to clarify controls on buildings, structure and tree planting near Critical Electricity Lines
I-R18, I-R20, I-R21	Delete



## **Analysis of Submissions on Key Issue 8: Rules I-R11 to I-R13, I-R18, I-R20, I-R21 – National Grid Yard and Critical Electricity Lines**

### **Matters raised in submissions**

#### I-R11 – New buildings and structures in the National Grid Yard

263. Transpower (S454.065) supports the intent of I-R11 to allow some low-risk activities to occur within the National Grid Yard but consider that it requires amendment to give effect to Policy 10 and 11 of the NPS-ET. Transpower request that I-R11 is replaced with a new rule that seeks to *“to insert lists of permitted activities and non-complying activities to make it clear to plan users those activities that are and are not permitted. This will assist with plan interpretation and application and given the national significance of the National Grid and non-complying activity status for those activities which are not appropriate in the National Grid Yard, will provide certainty for plan users”*.
264. Federated Farmers (S421.041) raises concern with the non-complying activity status for activities that do not comply with the permitted activity standards in I-R11. Federated Farmers note that the rule also requires compliance with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34: 2001) as well as compliance with the Electricity (Hazards from Trees) Regulations 2003 (Tree Regulations). Federated Farmers consider that compliance with these regulations should be sufficient to ensure that buildings and structures that do not meet the performance standards in I-R11 are safe and do not interfere with the National Grid. On this basis, Federated Farmers consider that the activity status for non-compliance should be a restricted discretionary activity which would make the rule more consistent with I-R12 and be a more appropriate activity status for the scale of effects.
265. HortNZ (S159.035) requests that *artificial crop protection structures* be included as a permitted activity in I-R11. HortNZ also notes that there may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard and this activity would not impede access to the National Grid. HortNZ therefore also requests that this activity is provided for as a permitted activity within the National Grid Yard.
266. Top Energy (S483.068) requests that that I-R11 is amended to ensure that work undertaken by electricity network providers is exempt from the rule.

#### I-R18, I-R20 and I-R21 – Sensitive activities and reticulation of water within the National Grid Yard

267. Transpower (S454.067, S454.068) is the only submitter on rules I-R18 and I-R20. Transpower consider that it is not normally appropriate to





locate sensitive activities within the National Grid Yard and these should be non-complying request. Transpower requests that I-R18 is deleted and I-R20 is expanded to also apply in the National Grid Subdivision Corridor.

- 268. Transpower (S454.069) support I-R21.
- 269. HortNZ (S159.038) request that I-R21 is amended to provide for irrigation and water storage where access to the National Grid is not impeded.

I-R12 and I-R13 – Buildings, structures and tree planting near Critical Electricity Lines

- 270. Top Energy (S483.188) appreciates that the PDP includes a Critical Electricity Lines overlay in the PDP but request that it also applies to 33 kV lines. Top Energy also requests provisions pertaining to the Critical Electricity Lines overlay be contained in a standalone chapter for clarity for plan users. There are five further submissions opposing this submission generally raising concerns about impacts on landowners private property rights and one further submission in support.
- 271. Top Energy (S483.069, S483.071) generally supports the inclusion of I-R12 to manage new buildings and structures within 10m of Critical Electricity Lines. However, Top Energy requests the following amendments to the rule:
  - a. To include an exemption works undertaken by the electricity network utility provider.
  - b. Amend PER-1 to refer to structures '*...less than 3m in height...*' on the basis a exemption for any building or structure that does not require building consent is "too broad reaching".
  - c. To include a reference to Electricity (Hazards from Trees) Regulations 2003.
- 272. Top Energy also requests that I-R12 is replicated in all zone chapters so the rule applies to all development.
- 273. HortNZ (S159.036) request an amendment to I-R12 to provide for artificial crop protection structures as a permitted activity within 10m of Critical Electricity Lines. HortNZ also raise a broader concern that I-R12 will compromise horticultural activities and considers that, if the building or structure complies with NZECP34:2001, then that activity should be permitted (not just when undertaken by a network utility operator). HortNZ request a new permitted activity condition be added to I-R12 to provide for this relief.
- 274. Top Energy (S483.070, S483.072) support the control of tree planting within 20m of Critical Electricity Lines in I-R13 but consider PER-1 is



confusing and unnecessary. Top Energy requests the following amendments to I-R13:

- a. Delete PER-1
  - b. Amend notified PER-2 to require confirmation (rather than notification) that the works will be undertaken in accordance with the relevant regulations
  - c. Include an exemption for work undertaken by the electricity network utility provider
  - d. Include reference to Electricity (Hazards from Trees) Regulations 2003.
275. Top Energy also request that the PDP is amended as necessary to ensure I-R13 applies to all plan users, not just network utility providers.
276. Federated Farmers (S421.043) supports the proposed setbacks for plantations forestry from Critical Electricity Lines. However, Federated Farmers raise concerns with the inclusion of shelterbelts in the rule as some shelterbelt planting can be riparian or low-lying hedging. As such, they request that the rule is amended to instead refer to a (unspecified) maximum tree height. Federated Farmers also do not support PER-2 as they consider the requirement to notify council prior to works, to be onerous and potentially open to technical non-compliances by landowners. To address this, Federated Farmers request that the requirement to notify Council is removed. Federated Farmers also raise a number of concerns that Critical Electricity Lines are not defined (discussed further below under Key Issue 12).
277. HortNZ (S159.037) consider that tree planting should be permitted when it complies with the Tree Regulations. As such, HortNZ requests that PER-1 is replaced with a permitted activity condition which simply states that 'Tree planting complies with Electricity (Hazard from Trees) Regulations 2003.'

## **Analysis**

### I-R11 – Buildings and structures in the National Grid Yard

278. I discussed I-R11 with Transpower as part of per-hearing meetings. As a result of these discussions, I recommend that I-R11 is redrafted to be more aligned with common National Grid Yard rules in other district plans which have been subject to extensive discussions and negotiations between Transpower and other stakeholders to determine the most appropriate approach to give effect to the Policy 10 and Policy 11 in the NPS-ET.



279. In summary, the amendments I am recommending to I-R11 are intended to clarify the:
- a. Buildings and structures that are permitted within the National Grid Yard (new PER-1) on the basis these present less risk to the operation of the National Grid (e.g. uninhabited farm buildings, accessory buildings setback more than 12m from National Grid support structures, network utilities etc.).
  - b. Buildings and structures that have these potential to compromise the operation of the National Grid that should generally be avoided in the National Grid Yard (e.g. new buildings used for sensitive activities, commercial greenhouses, buildings that do not comply with PER-1). These activities are listed as non-complying activities in my recommended amendments to I-R11.
280. I understand that these recommendations largely address the relief sought by Transpower and also the request from Top Energy to ensure network utilities are permitted within the National Grid Yard (which I recommend are included as a permitted activity under new PER-1). The main outstanding issues with R-11 to consider are:
- a. How NZCEP 34:2001 and the Tree Regulations are incorporated into the rule (i.e. as advice notes or performance standards)
  - b. Whether non-compliance with NZCEP 34:2001 and the Tree Regulations should be a restricted discretionary activity (rather than non-complying) as requested by Federated Farmers
  - c. Whether artificial crop protection structures should be permitted within the National Grid Yard as requested by HortNZ.
281. In terms of the first issue, I consider that compliance with NZCEP34:2001 is more appropriately included as an additional permitted activity standard for all the buildings and structures listed in PER-1 of I-R11 and recommend that the rule is amended to provide for this. However, I recommend that the reference to compliance with the Tree Regulations be retained as an advice note given I-R11 relates to buildings and structures rather than the planting of trees.
282. I do not recommend that non-compliance with NZCEP34:2001 be a restricted discretionary activity as requested by Federated Farmers. While I acknowledge that the intent of I-R11 and I-R12 are broadly the same, I-R11 is much more specific on the activities that are allowed within the National Grid Yard and those that should generally be avoided. This is because I-R11 seeks to manage adverse effects of third parties on the National Grid (e.g. reverse sensitivity effects) that are broader than the direct effects on electricity infrastructure that NZCEP34:2001 seeks to manage. This is appropriate in my view given the national significance of the National Grid, the clear direction to manage activities to not



compromise the operation of the National Grid in Policy 10 and 11 of the NPS-ET, and the well-established nature of the National Grid Yard rules.

283. In relation to the relief sought from HortNZ, I understand that National Grid Yard rules often include a permitted activity pathway for artificial crop protection structures in relation to transmission poles. However, I understand from Transpower that this is only appropriate for **transmission line poles** whereas the only transmission line in the Far North District is a 110kv steel **lattice tower line**. I also understand from Transpower single pole transmission lines are quite distinct from lattice tower lines, the latter of which has much larger structures with bigger span lengths and much more extensive foundations for each of the four legs.
284. Further, Transpower has advised that in situations where steel lattice towers are replaced by large steel "monopoles", the same situation applies because the new support structure will generally need to be of a scale that is commensurate to the design of the existing transmission tower line. National Grid steel monopoles will have a buried foundation that can extend wider than its above ground extent. For these reasons, it is not appropriate to allow for artificial crop protection structures in proximity to Transpower's transmission lines in the Far North District (whether these are supported by towers or poles) and I recommend that this submission point from HortNZ is rejected.

I-R18, I-R20 and I-R21 - Sensitive activities and reticulation of water within the National Grid Yard

285. I have had further correspondence on these three rules with Transpower during pre-hearing meetings and follow-up correspondence. This correspondence confirmed that I-R18 and I-R20 are no longer necessary or appropriate due to the recommendations to I-R11 above which now includes controls on existing and new buildings for sensitive activities, and I therefore recommend that these rules are deleted. Transpower has also advised that they no longer are pursuing the retention of I-R21 therefore I also recommend that this rule is deleted.

I-R12 and I-R13 – Buildings, structures and tree planting near Critical Electricity Lines

286. 'Critical Electricity Lines' are not yet defined in the PDP, but I am recommending new definitions for this infrastructure to provide greater clarity on the nature, regional significance, and extent of these lines in the Far North District (discussed further below under Key Issue 12).
287. By way of background, Critical Electricity Lines were included in the PDP maps prior to notification. The intent of including Critical Electricity Lines in the PDP is to help protect this critical infrastructure from inappropriate subdivision and development through additional controls on buildings, structures, tree planting and subdivision near these lines. This approach



is based on a comparable approach for Critical Electricity Lines in the Whangarei District Plan following discussions between Council and Top Energy prior to notification of the PDP.

288. The intent is that Critical Electricity Lines cover the 100kV and 33kV lines in the Far North District. However, the 33kV lines were not included in the PDP when notified due to a GIS mapping issue. This issue was subsequently addressed by Council during the public submission phase by including these lines in the PDP and advising potentially affected property owners how it would affect their property and informing them of their right to make a further submission either opposing or supporting Top Energy's submission requesting 33kV lines be included in the PDP<sup>13</sup>.
289. As noted above, there are five further submission points opposing Top Energy's request to include 33kV lines in the PDP with the reasons being primarily a concern about impacts on individual property rights rather than recognition of the wider benefits to communities in the Far North District associated with a secure and resilient electricity distribution network. On this basis, I recommend that Top Energy's request to include the 33kV lines in the PDP is accepted as these lines are generally RSI as defined in the RPS and that was the intent when the PDP was notified. However, I do not consider that Critical Electricity Lines warrants its own chapter in the PDP as requested by Top Energy and also note that this is not consistent with the National Planning Standards.
290. I discussed I-12 and I-R13 with Top Energy during pre-hearing meetings where we broadly agreed to a number of amendments to the rules. In relation to I-12, the amendments discussed and broadly agreed are:
- a. Amendments to condition a) in PER-1 to also require that the building or structure is less than 3m in height above ground level. In my view, this is appropriate given that PER-2 still allows for buildings and structures greater than 3m in height as a permitted activity provided that compliance with NZECP 34:2001 is achieved.
  - b. Amendments to notified PER-1 to be focused on compliance with the safe distance requirements in NZECP 34:2001 rather than a more general reference to regulations under the Electricity Act 1992. In my view, this will improve the clarity of the rule and relevant requirements that need to be complied.
  - c. Amendments to make it clear works undertaken by network utility operators are exempt. However, after further consideration, I recommend that this same intent be achieved through a permitted activity condition to be consistent with I-R11 (and the corresponding rule in the Whangarei District Plan) rather than an advice note.

---

<sup>13</sup> Refer to Council webpage: [Critical electricity infrastructure | Far North District Council](#)



291. While I understand the desire of Top Energy to replicate I-12 (and I-R13) in the zone chapters to make the rules more visible to plan users, this would create a lot of duplication throughout the PDP. Further, I consider that the function of the PDP as an EPlan and my recommendations above to make it clear the Infrastructure Chapter applies to other activities will help address this issue.
292. In terms of the requested amendments from HortNZ, I consider that my recommended amendments to PER-2 make it clear that buildings and structures (including artificial crop protection structures) are permitted when these comply with the safe distance requirements in NZECP 34:2001. As such, I do not consider any amendments are required to respond to this submission point from HortNZ.
293. In relation to I-R13, it was broadly agreed with Top Energy through per-hearing meetings that notified PER-2 should be amended to focus on compliance with the Tree Regulations given the rule relates to tree planting (and therefore the reference to NZECP 34:2001 is redundant as this does not regulate trees). However, there are some outstanding issues with I-R13:
- a. I do not agree with the request from Top Energy to delete PER-1. The effect of this request would mean that any landowner planting a tree (no matter how small) would need to need to notify Council and assess how it will comply with the Tree Regulations otherwise a restricted discretionary consent would be required. In my view, this is overly onerous and inappropriate as it would unnecessarily capture small-scale domestic planting, create significant compliance issues, and result in lots of administrative work/compliance costs for landowners and Council. I therefore recommend that PER-1 is retained and note that this is consistent the corresponding rule for Critical Electricity Lines in the Whangarei District Plan.
  - b. On reflection, I no longer consider that an exemption to the rule for network utility operators is necessary as the rule essentially regulates planting of trees for shelterbelts, plantation forestry and commercial horticultural (which network utility operators do not typically undertake) and tree planting for any other purpose (e.g. landscape screening of infrastructure) would be permitted under PER-1.
294. I do not agree with the request from Federated Farmers to delete shelterbelts from PER-1. While many shelterbelts may be small with no risks to electricity lines, I am also aware of tall shelterbelts often planted along the front boundary of the site next to roads where they can present risks to electricity lines. Further, there is a permitted activity pathway for small shelterbelts under PER-2 provided that these comply with the Tree Regulations.



295. I acknowledge the concerns from Federated Farmers that the requirement to provide notice to Council creates an additional administrative/compliance cost for landowners. I am also mindful that this could result Council receiving a lot of notices for tree planting and compliance with the Tree Regulations which they are not directly responsible for enforcing. I therefore recommend that the requirement to provided Council with notice is deleted from I-R13. I note that this creates some inconsistencies with I-R12 but there is no clear scope in submissions to make a corresponding amendment to that rule in my view.

**Recommendation**

296. For the above reasons, I recommend that:
- a. I-R11 is amended to clarify the activities permitted and restricted within the National Grid Yard and to be more aligned with common National Grid Yard rules
  - b. I-R12 and I-R13 are amended to clarify controls on buildings, structure and tree planting near Critical Electricity Lines
  - c. I-R18, I-R20, I-R21 are deleted.
297. The full wording of my recommended amendments to these rules is provided in **Appendix 1.1**.

**Section 32AA evaluation**

298. My recommended amendments to the infrastructure rules above are primarily to clarify intent and improve workability (e.g. being more specific on the regulations that apply and removing the requirement to and provide Council with notice from I-R11) and to remove unnecessary rules. On this basis, I consider that my recommended amendments to these rules will be more efficient and effective in achieving the relevant PDP objectives and are therefore appropriate way to achieve these objectives in accordance with section 32AA of the RMA.

**5.2.9 Key Issue 9: Other Infrastructure rules**

**Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
I-R14, I-R17	Retain as notified
I-R15	Delete
I-R16, I-R19	Retain with minor amendment





## **Analysis of Submissions on Key Issue 9: Other Infrastructure Rules**

### **Matters raised in submissions**

#### I-R14 – Amateur radio infrastructure

299. There is only one submission on I-R14 from John Riddell who requests that the rule is amended so that any proposal for a building or structure to be setback less than 20m from the CMA, or from rivers and banks is a non-complying activity.

#### I-R15 – New overhead lines, poles, antennas and towers

300. Radio New Zealand (S489.023) support a permitted activity rule for new structures associated with network utilities (where it is not authorised by a designation).
301. Transpower (S454.066) requests that this rule excludes the National Grid given their requested changes to I-R7.
302. Top Energy (S483.073) considers that a restricted discretionary activity status is appropriate for this type of new overhead infrastructure outside of the Rural Production and Māori Purpose Zone but considers that Rural Lifestyle, Ngawha Innovation Zone and Rural Settlement Zone should also be included for consistency with Top Energy's requested amendments to I-R7.

#### I-R16 – Telecommunication facilities regulated under NES-TF but not complying with the permitted activity standards

303. Top Energy (S483.074) are the only submitter on I-R16 who support the rule and request that it be retained as notified.

#### I-R17 – Above ground three waters infrastructure

304. There are three submissions on I-R17 that all request amendments to the rule as follows:
- a. Ngā Tai Ora – Public Health Northland (S516.033) consider that the rule will result in unnecessary cost and delay to the provision of public infrastructure by requiring a restricted discretionary consent for above ground three waters infrastructure. To address this concern, Ngā Tai Ora – Public Health Northland request that I-R17 is amended to provide for above-ground three waters infrastructure activities as a permitted activity, outside of sensitive areas.
  - b. FENZ (S512.014) support the rule in part but request that reference is also made to SNZ:PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice in a new clause.



- c. Carbon Neutral NZ (S529.176) requests that I-R17 is amended to support future transition to disposal-to-land wastewater schemes.

I-R19 – Activities not otherwise listed

305. There are no submission points on I-R19.

**Analysis**

I-R14 – Amateur radio infrastructure

306. I address a similar submission point from John Riddel requesting more stringent setback standards for infrastructure in proximity to the CMA and water bodies above in relation to I-R3 and the same reasoning and recommendation applies here. In short, this is unnecessary in my view as these are setbacks controlled through the Coastal Environment and Natural Character chapters respectively. Accordingly, I recommend that I-R14 is retained as notified.

I-R15 – New overhead lines, poles, antennas and towers

307. I recommend that R-15 is deleted as a consequential amendment arising from my recommended amendments to I-R7 which were discussed with the Telco Companies and Top Energy during pre-hearing meetings. This will provide a clearer rule framework in the PDP for telecommunication facilities and electricity distribution lines through a single rule.

I-R16 - Telecommunication facilities regulated under NES-TF but not complying with permitted activity standards

308. The only submission on I-R-16 is from Top Energy who supports the rule as notified. However, through pre-hearing meetings, it was identified by the Telco Companies that the reference at the end of rule to "*Part 3 of the NES-TF Regulations*" is incorrect and this should refer to "*Part 2, Regulation 14 of the NES-TF*" (i.e. a controlled activity status for telecommunication facilities do not comply with the NES-TF permitted activity conditions). This better achieves the intent of the rule which is to provide a restricted discretionary rule for telecommunication facilities that are regulated under the NES-TF, but do not comply with the permitted activity standards in the NES-TF. However, for simplicity and clarity, I recommend that the rule be amended to remove the last part for "*...and are not provided for...*" which is unnecessary in my view. I consider that there is scope to address this minor error under Clause 16, Schedule 1 of the RMA.

I-R17 – Above ground three waters infrastructure

309. In my view, a restricted discretionary rule is not overly onerous for the construction and upgrading of above ground three waters infrastructure as this infrastructure can have a range of potential adverse effects.



Further, Ngā Tai Ora – Public Health Northland has also not provided sufficient reasoning and details (e.g. potential permitted activity conditions) in my view to recommend that this infrastructure should be a permitted activity. I therefore recommend that the restricted discretionary activity status is retained for above ground three waters infrastructure.

310. In terms of the request from FENZ to refer to NZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice, I note that referring to compliance with third party codes of practice within the PDP has been considered in relation to other PDP chapters. I have also discussed a similar request from FENZ with the reporting officer for the Transport chapter in relation to emergency responder access requirements. While I acknowledge that access to firefighting water supplies is important, for consistency with other PDP, I do not consider that it is appropriate to reference a third-party code of practice in the PDP. A requirement for all three waters infrastructure to comply with NZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice would also create additional complexity and costs.
311. I do not recommend any amendments to I-R17 to support future transition to disposal-to-land wastewater schemes as requested by Carbon Neutral Trust NZ. While I appreciate that discharging wastewater to land may be preferable for a range of reasons, this is beyond the scope of I-R17 to address a more relevant consideration for NRC and the Northland Regional Plan in my view as this has a range of specific provisions for wastewater discharges.

#### I-R19 – Activities not otherwise listed

312. There are no submission points on I-R19. However, for clarity I recommend a minor amendment to the rule to make it clear it applies to “infrastructure” not otherwise listed in the chapter rather than “activities” more generally. This responds to submissions discussed earlier in this report about the scope of the Infrastructure Chapter in terms of the types of infrastructure it applies to and whether it applies to social infrastructure such as education facilities which are managed through specific rules in the zone chapters. I consider that there is scope to make this amendment under Clause 16, Schedule 1 of the RMA as an alteration with minor effect that does not change the policy intent.

#### **Recommendation**

313. For the above reasons, I recommend
  - a. I-R14 and I-R17 are retained as notified.
  - b. I-R15 is deleted.
314. I-R16 and I-R19 are retained with minor amendment.



**Section 32AA evaluation**

315. My recommended amendments to delete I-R15 is a consequential amendment to my recommended amendments to I-R7 and the recommended amendment to I-R16 is a minor amendment to clarify the intent. I consider that these minor amendments are appropriate way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA as they will improve clarity with no change to the policy intent.

**5.2.10 Key Issue 10: SUB-R9 and SUB-R10**

**Overview**

Provision(s)	Officer Recommendation(s)
SUB-R9	Amend to refer to National Grid <u>Subdivision</u> Corridor
Sub-R10	Retain with amendments

**Analysis of Submissions on Key Issue 10: SUB-R9 and SUB-R10**

**Matters raised in submissions**

SUB-R9 – Subdivision within National Grid Subdivision Corridor

- 316. Top Energy (S483.167) supports the protection of the National Grid from inappropriate development and requests that SUB-R9 be retained as notified.
- 317. FNDC (S368.034) highlights a spelling error in the rule with a missing ‘t’ and requests that this is amended as follows ‘(except where the allotments...)’.
- 318. Federated Farmers (S421.179) support SUB-R9 but requests recognition in SUB-R9 that subdivision within the Rural Production Zone is often different to that of other zones in respect of the effects on the National Grid. To provide for this relief, Federated Farmers requests that SUB-R9 is amended to provide for subdivision in the Rural Production Zone as a controlled activity.
- 319. Transpower (S454.095) support the inclusion of SUB-R9 as it gives effect to the NPS-ET but considers that the matters of discretion should be redrafted to provide improved clarity and certainty to plan users. Transpower request a number of amendments to the matters of discretion to provide for this relief. Transpower also request an amendment to the title of the rule to refer to “*National Subdivision Grid Corridor*”.

SUB-R10 – Subdivision within Critical Electricity Lines Overlay

- 320. Top Energy (S483.168) supports the inclusion of a provision requiring the protection of Critical Electricity Lines. However, Top Energy requests the following amendments to be more consistent with SUB-R9:



- a. Insert a new PER-1 that requires the building platform to be 32m setback from the centre line of a Critical Electricity Line
- b. Amend the activity status when compliance is not achieved with PER-1 to be a non-complying activity.

## **Analysis**

### SUB-R9 – Subdivision within National Grid Subdivision Corridor

321. Firstly, I recommend that SUB-R9 is amended to correct the above error in RDIS-1 identified by FNDC.
322. Secondly, I recommend that the title of SUB-R9 is amended to refer to "*National Grid Subdivision Corridor*" which aligns with my recommendation to replace the PDP definition of National Grid Corridor with this term (discussed further under Key Issue 12 below) and how this term is commonly used in district plans.
323. In terms of the amended matters of discretion requested by Transpower, I note that many of these overlap with the notified matters of discretion, but they are all reasonable and relevant considerations in my view. Accordingly, I recommend that the matters of discretion in SUB-R9 are amended in line with this request from Transpower.
324. I do not recommend that the activity status in SUB-R9 is amended to be a controlled activity as requested by Federated Farmers. This would defeat the purpose of the rule which is to provide additional restrictions on subdivision within the National Grid Subdivision Corridor (as restricted discretionary or non-complying activity) compared to the underlying Rural Production Zone which provides pathways for subdivision as a controlled activity.

### SUB-R10 – Subdivision within Critical Electricity Lines Overlay

325. I agree with the general intent of the amendments to SUB-R10 sought by Top Energy to apply more targeted consent requirements based on the location of the building platform in relation to Critical Electricity Lines within a proposed subdivision. However, I recommend two changes to the relief sought by Top Energy:
  - a. That requested condition PER-1 be RDIS-1 and a requirement the building platform to be 10m (rather than 32m) from the centre line of Critical Electricity Lines
  - b. A discretionary activity status when RDIS-1 is not complied with.
326. In my view, these amendments are better aligned with the requirements in I-R11 for buildings to be setback 10m from Critical Electricity Lines and the approach of RDIS-1 in SUB-R9 which applies to the National Grid Yard



(not the entire National Grid Subdivision Corridor). The difference in activity status is intended to reflect the national significance of the National Grid and the regional significance of Critical Electricity Lines.

**Recommendation**

- 327. For the above reasons, I recommend:
  - a. SUB-R9 is amended to refer to National Grid Subdivision Corridor
- 328. Sub-R10 is amended to include a new restricted discretionary activity condition for building platforms to be located 10m from Critical Electricity Lines and a discretionary activity when this condition is not complied with.

**Section 32AA evaluation**

- 329. My recommended amendment to SUB-R9 is simply to use the correct term for the National Grid Subdivision Corridor and my recommended to SUB-R10 is to make this more aligned with SUB-R9 and include a new condition controlling the location of the building platform in proximity to Critical Electricity Lines. These minor amendments retain the intent of the rules while improving clarity and implementation and are therefore an appropriate way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

**5.2.11 Key Issue 11: Infrastructure standards**

**Overview**

Provision(s)	Officer Recommendation(s)
I-S1, I-S2	Retain as notified

**Analysis of Submissions on Key Issue 11: Infrastructure standards**

**Matters raised in submissions**

- 330. Top Energy (S483.055, S483.056) requests a discretionary status where compliance is not achieved with I-S1 and I-S2. Top Energy consider that, while non-compliance with these standards is unlikely, in the event they are breached it is more likely to be due to an operational or functional requirement.
- 331. Radio New Zealand (S489.024) support I-S1 as notified as they already comply with the standard and therefore support its inclusion in the PDP.

**Analysis**

- 332. I have already addressed the activity status when compliance is not achieved with I-S1 and I-S2 under Key Issue 7 above, noting that these are important internationally and nationally accepted standards to protect human health. The same reasoning applies here, and I recommend that the above submission points from Top Energy are rejected.



**Recommendation**

333. For the above reasons, I recommend I-S1 and I-S2 are retained as notified.

**Section 32AA evaluation**

334. No amendments are recommended to these standards therefore no further evaluation is required under section 32AA of the RMA.

**5.2.12 Key Issue 12: Definitions**

**Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
Infrastructure, National Grid, Network Utility, Network Utility Operator	Retain as notified
National Grid Yard, National Grid Subdivision Corridor	Retain with amendments
Critical Electricity Lines, Critical Electricity Lines Overlay, Customer Connections, Upgrading	Add new definitions to the PDP

**Analysis of Submissions on Key Issue 12: Definitions**

**Matters raised in submissions**

Infrastructure

335. A number of submitters support the PDP definition of 'Infrastructure' and request that it is retained as notified. Submitters who support the definition include Top Energy (S483.006), Carbon Neutral NZ (S529.067), Vision Kerikeri (S524.002), Kapiro Conservation Trust (S446.002), Our Kerikeri Community Charitable Trust (S271.002), Radio New Zealand (S489.001), Transpower (S454.005), and KiwiRail (S416.001).

336. Ngā Tai Ora – Public Health Northland (S516.018) seek an amendment to the definition of infrastructure to include 'natural solutions' as they consider that infrastructure should be considered holistically, to include the natural environment. Ngā Tai Ora – Public Health Northland (S516.016) also raise an issue that the PDP defines "infrastructure" and "development infrastructure" but there is no clear link between the definition resulting in inconsistencies and confusion within the PDP.

National Grid

337. Transpower (S454.008) and Top Energy (S483.008) both support the definition of National Grid and request that it be retained as notified.





### National Grid Corridor

338. Two submitters, being Federated Farmers (S421.008) and Top Energy (S483.009) support the definition of National Grid Corridor and do not seek any amendments.
339. HortNZ (S159.015) and Transpower (S454.009) both seek that the definition be amended as follows "*National Grid Subdivision Corridor*" Transpower also raise concerns that the proposed definition in the PDP is incorrect and request a comprehensive a replacement definition with supporting diagram.

### National Grid Yard

340. Federated Farmers (S421.009) support the definition of National Grid Yard, particularly the 12-metre setback from support structures. Top Energy (S483.010) also supports the definition of National Grid Yard.
341. Transpower (S454.010) supports the inclusion of the definition of National Grid Yard in the PDP but raise concerns that it is incorrect. Transpower requests comprehensive amendments to the definition so that it is correct and more specific to National Grid transmission lines, support structures, poles and towers within the Far North District.
342. HortNZ (S159.016) opposes the definition of National Grid Yard on the basis that it is unclear. HortNZ requests a number of amendments to the definition so that it includes differentiation between poles and towers (rather than support structures generally).

### Network Utility and Network Utility Operator

343. Two submitters, Radio New Zealand (S489.002) and Top Energy (S483.011) support the definition of 'Network Utility' and request that it be retained as notified.
344. Four submitters support the definition of 'Network Utility Operator' and request that it be retained as notified. These submitters are Transpower (S454.011), Radio New Zealand (S489.003), KiwiRail (S416.004), and Top Energy (S483.012).

### Substation

345. Transpower (S454.020) supports the inclusion of a definition for 'Substation' and does not request any amendments to the definition.
346. Top Energy (S483.017) generally supports the definition but consider that from a technical perspective, the phrase "*and having equipment rated at over 22 kV*" is unnecessary. Top Energy are concerned that the arbitrary limit will cause confusion and interpretation issues and request that it is deleted.



### Support structure

347. Transpower (S454.021) supports the definition of support structure and requests that it be retained as notified. Northland Planning and Development Limited (S502.012) requests an amendment to the definition of support structure to provide for streetlighting.

### New Definitions

348. Federated Farmers (S421.040, S421.042) and HortNZ (S159.033) both request a new definition for Critical Electricity Lines. Federated Farmers note that the term is used throughout the PDP and therefore it is necessary to define the term to explain what is meant by the term as well as what it encompasses.
349. HortNZ (S159.034) request a new definition for 'Electricity Distribution Lines' as they are not currently defined or described in the PDP.
350. Top Energy (S483.018) request a definition of 'Customer Connection' as it is a term used in the Infrastructure Chapter but is not clear what a 'Customer Connection' comprises of. To address this issue and to provide certainty, Top Energy request that a definition of customer connection be included in the PDP as follows: Means any electricity infrastructure required to connect customers including cabling, transformers and switch gear, poles lines and pillars.
351. Top Energy (S483.021) requests a definition of upgrading noting that this term is used throughout the PDP and this would reduce confusion/improve consistency. The requested definition from Top Energy is "*means an increase in the capacity, efficiency or security of existing infrastructure*".

### **Analysis**

#### Infrastructure

352. I do not recommend any amendments to the definition of infrastructure to refer to natural solutions as requested by Ngā Tai Ora – Public Health Northland. The PDP definition of infrastructure is the same as the RMA definition of infrastructure and it would be inappropriate and confusing to amend this definition in my view.
353. In terms of the use of the terms "infrastructure" (from the RMA) and "development infrastructure" (from the NPS-UD) within the PDP, my understanding is that these terms are used deliberately and consistently throughout the PDP with hyperlinked definitions applying to each. For example, "development infrastructure" is not used within the Infrastructure Chapter but is used in the Urban form and development strategic development chapter and certain zone chapters when referring to the necessary development infrastructure to support urban development.



#### National Grid

354. The PDP definition of National Grid is supported in submissions therefore no further analysis is required.

#### National Grid Subdivision Corridor

355. As outlined above, I recommend that the definition of National Grid Corridor is amended to be National Grid Subdivision Corridor. I also recommend that the definition is replaced with a new definition and supporting diagram that was provided by Transpower during pre-hearing meetings. My understanding from Transpower is that this replacement definition is more accurate and specific to Transpower's assets in the Far North District.

#### National Grid Yard

356. I also recommend that the definition of National Grid Yard is replaced with a new definition and supporting diagram that was provided by Transpower during pre-hearing meetings. Again, my understanding from Transpower is that this replacement definition is more accurate and specific to Transpower's assets in the Far North District.

#### Network Utility and Network Utility Operator

357. These two definitions are supported in submissions therefore no further analysis is required.

#### Substations

358. I agree with Top Energy that the reference in the definition of substation to equipment with rating of 22kv or over seems unnecessary and arbitrary. I therefore recommend that the definition is amended to remove this rating threshold as requested by Top Energy.

#### Support structure

359. I do not recommend any amendments to the definition of support structure in response to the submission point from Northland Planning and Development Limited. In my view, the definition is sufficiently broad to street lighting owned or operated by a network utility operator but it is appropriate to retain its focus on support structures for transmission and distribution of electricity which is where the term is most commonly used (including in the National Grid Yard rules and definitions discussed above).

#### New definitions

360. I agree with Federated Farmers and HortNZ that a definition of Critical Electricity Lines is needed to provide greater clarity to plan users and affected landowners. I also discussed this matter with Top Energy during



pre-hearing meetings. To identify a suitable definition for Critical Electricity Lines, I note that Appendix 3 of the RPS defines the following electricity distribution assets as RSI:

- a. *Network electricity lines and associated infrastructure that constitute the sub-transmission<sup>14</sup> network;*
- b. *Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised.*

361. The Whangarei District Plan does not define Critical Electricity Lines but rather draws on the RPS to describe these as follows<sup>15</sup>:

*CEL's are, or have the potential to be, critical to the quality, reliability and security of electricity supply throughout the district or region. These lines contribute to the social and economic wellbeing and health and safety of the district or region and are lines that:*

- *Supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or*
- *Supply large (1MW or more) industrial or commercial electricity consumers; or*
- *Supply 1,000 or more consumers; or*
- *Are difficult to replace with an alternative electricity supply if they are compromised.*

362. The Whangarei District Plan also includes a diagram to explain how Critical Electricity Lines are to be managed and how setback distances are to be measured.

363. Based on the above, I recommend:

- a. A definition of **Critical Electricity Lines** is included in the PDP based on the function and services they supply and to make it clear these electricity distribution lines are regionally significant consistent with the RPS.

---

<sup>14</sup> The RPS states "Sub-transmission means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point to point. Typically such electricity conveyance is across cities, districts or regions between Grid Exit Points and Zone Substations. For the avoidance of doubt, sub-transmission includes assets which were part of the national grid but are no longer owned by Transpower and new assets which perform the function of transmission but are not owned by Transpower".

<sup>15</sup> Refer: [ePlan - Whangarei District Council](#)



- b. A definition of **Critical Electricity Lines Overlay** is included in the PDP that makes it clear this captures overhead 33kv and 110kv lines in the Far North District that are identified in the planning maps and also to clarify that setback distances are to be measured from the centreline within this overlay. I considered whether a supporting diagram would be useful to illustrate how the overlay applies to different activities similar to the Whangarei District Council approach but do not consider that this is necessary as the setback distances are clear in my view.
364. I do not consider that a definition of electricity distribution lines is necessary as requested by HortNZ. This is a commonly understood term and I do not anticipate any interpretation issues with this term not being defined in the PDP. Further, my understanding is that this term is not actually referred to within the PDP.
365. I agree with Top Energy that a definition of customer connection would be beneficial to assist in the interpretation of I-R5 in particular. The requested definition from Top Energy was discussed at pre-hearing meetings where it was noted that it should be broader than electricity infrastructure (i.e. it is also relevant to telecommunication infrastructure). I therefore recommended that a definition of customer connection is included in the PDP as requested by Top Energy with a minor amendment to delete the reference to electricity.
366. A requested definition for upgrading from Top Energy was also discussed during pre-hearing meetings. I consider that a definition of upgrading would be beneficial to assist with interpretation of certain PDPD provisions but recommend the following changes to the Top Energy requested definition:
- a. Making it clear it is defined "*in relation to infrastructure*"
  - b. Adding increasing "*safety*" and "*resilience*" as additional purposes for upgrading infrastructure.

### **Recommendation**

367. For the above reasons, I recommend:
- a. The definitions of Infrastructure, National Grid, Network Utility, and Network Utility Operator are retained as notified
  - b. The definitions of National Grid Yard and National Grid Subdivision Corridor are retained with amendments
  - c. New definitions are included within the PDP for Critical Electricity Lines, Critical Electricity Lines Overlay, Customer Connections and Upgrading.



### Section 32AA evaluation

368. The recommended amendments to definitions do not require a further evaluation under section 32AA of the RMA as this only relates to objectives and provisions.

## 6 Conclusion

369. This report has provided an assessment of submissions received in relation to the Infrastructure Chapter. The primary amendments that I have recommended relate to:
- a. Amendments to clarify the relationship between the Infrastructure Chapter and other PDP chapters in Part 2 (District-wide matters) and Part 3 (Area-specific matters)
  - b. Amendments to objectives and policies to ensure these do not duplicate or conflict with key effects management policies in the Part 2 of the PDP
  - c. Clearer policy direction to recognise and provide for the operational need, functional need and technical requirements of infrastructure
  - d. Inserting new policies specific to the National Grid to give effect to the NPS-ET
  - e. Amendments to rules to address gaps and better enable the delivery of essential infrastructure (electricity, telecommunication etc.) in the Far North District
  - f. Clarifying the rules relating to the National Grid Yard and Critical Electricity Lines
  - g. A range of amendments to objectives, policies and rules to improve clarify and workability without changing the underlying intent.
370. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I recommend that the submissions on the Infrastructure Chapter be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
371. I recommend that provisions for the Infrastructure Chapter be amended as set out in **Appendix 1** below for the reasons set out in this report



**Recommended by:** Jerome Wyeth, Technical Director – Planning, SLR Consulting

A handwritten signature in blue ink, appearing to be "J. Wyeth", is written over a faint, light blue grid background.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 31 March 2025