

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

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



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

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

For office use only Further Submission No:
Receipt Date

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr Tim Lester (Agent for The Lines Company)

Organisation Name The Lines Company

Address for service of Further Submitter

Level 2, 127 Alexandra Street, Hamilton 3204

Telephone: 0219932223: Email: Tim.Lester@edison.co.nz

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

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

A list of relevant submitters has been provided. See attached

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

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number

Point-Number

See Attached

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The reasons for my support / opposition are:

See Attached

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part (describe precisely which part) See Attached_____

of the original submission be **allowed**

disallowed

I wish to be heard in support of my submission **Yes**

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

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

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

28/07/2023
Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

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

I am Lodging this further submission on behalf of The Lines Company Limited. TLC Is a Network Utility Operator in the Waitomo District

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

Notes to person making submission:

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

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

Further Submission of Submitter 25 (The Lines Company Limited)

Submission no.	Submitter	Support/ Oppose	Plan Provision	Reason	Seek that the decisions be allowed/disallowed
03.29	Heritage Zealand	New Oppose	19. Network utilities NU-P12	<p>The submission point seeks to introduce overly restrictive provisions into Policy NU-P12 whereby an already appropriate set of criteria is provided for under the pWDP policy.</p> <p>The Submitter seeks to effectively prohibit certain activities through introducing the term “avoid” in relation to effects that are derived from a demonstrated functional or operational need in the case of network utilities.</p> <p>The sought change to the policy should be removed from the Network Utility Chapter and/or be considered under the heritage or cultural effects chapter.</p>	Disallow
03.36	Heritage Zealand	New Oppose	19. Network utilities NU-R6	<p>The submission seeks to introduce a consenting requirement for customer connections when applicable to heritage buildings and structures, sites and areas of significance to Māori.</p> <p>Connection to the electricity distribution network is a fundamental requirement for any given land use or development. Merely connecting to this network, regardless of the overlay feature, should not in itself require a specific land use consent.</p> <p>Connecting to such features will be undertaken in a way that is sympathetic and in accordance with either the heritage or cultural feature’s values (i.e., with the best wishes of the customer, manawhenua and or HNZ), without the need for a regulatory approach.</p>	Disallow
03.40	Heritage Zealand	New Oppose	19. Network utilities NU-R11	<p>The availability for generation to the distribution network is a critical element for the purposes of lifeline utilities.</p> <p>The provision of such generation (compliant with the performance standards as proposed) will not lead to adverse environmental effects due to the small-scale of the generators targeted under this provision.</p> <p>Provisions elsewhere in the pWDP will enable Council to manage the effects of such activities where proposed in more sensitive locations.</p>	Disallow
09.08	Chorus Zealand LTD, Connexa LTD, Spark New Zealand Trading LTD and Vodafone New Zealand LTD (Telcos)	New Support	19. Network utilities New Policy Natural Hazards	<p>TLC agree to the appropriateness of such a provision being included within the Proposed District Plan as it relates to NU within natural hazard areas.</p> <p>Whilst it is noted that the pWDP contains dedicated chapters to Hazards and Risks – it is considered appropriate to specifically provide for NU infrastructure in such areas for the reasons indicated in the proposed new policy by the submitter.</p>	Allow

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09.22	Telcos	Support	19. Network utilities Remove Clause 1 of NU-43	TLC support this submission point for the reasons stated within TLCs initial submission. The 5m spatial restriction for upgrading, realignment or relocation of underground infrastructure is unnecessary given that the placing of new infrastructure can be undertaken as a permitted activity (generally). Such ineffective performance standards should be removed from the pWDP to improve the documents efficacy.	Allow
09.24	Telcos	Support	19. Network utilities Amend Rule NU-R45	TLC agree with the practical intent behind earthwork allowances for NUO in natural hazard areas	Allow
31.13	Transpower NZ LTD	Support	9. Definitions New Definition Reverse Sensitivity	TLC support this submission point as the adverse effects of reverse sensitivity carry risks to the effective operation of Waitomo District's electricity distribution network. The submitter seeks the following, new, definition: <i>"means the potential for an approved, existing or permitted activity to be compromised or constrained, by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, existing or permitted activity."</i> TLC consider it appropriate for a clear definition of reverse sensitivity to be contained within the pWDP – and therefore seek that submission point 31.13 be allowed.	Allow
31.14	Transpower NZ LTD	Oppose	9. Definitions New Definition Transmission line <i>"has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009."</i>	TLC develop, operate and maintain a significant network of sub-transmission lines across the Waitomo District. Introducing a new definition for transmission lines which excludes TLC's transmission network will add confusion for plan users as the 'transmission' of high voltage electricity regionally and across the Waitomo District is an activity that is not solely undertaken by Transpower. The definition for Transmission in the NESETA can be referred to where applicable without the need to constrain other Network Utilities in the context of the pWDP. With decarbonisation initiatives being undertaken by many industries across the region, the need for TLC to provide connections via their high-voltage transmission network is growing and will continue to do so in at least the short and medium term. Providing a clear and unambiguous definition for 'Transmission Line' is considered an important undertaking in the pWDP – however, such a definition should not be exclusionary to electricity transmission activities that do not form a component of	Disallow

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				<p>the National Grid.</p> <p>It is for this reason that TLC do not support this submission point.</p>	
31.20	Transpower NZ LTD	Support	<p>17. Energy, Infrastructure and Transport</p> <p><i>“Amend Chapter 17 Energy, Infrastructure and Transport to appropriately recognise and provide for renewable generation activities in support of Strategic Direction SD-016.”</i></p>	TLC support this submission to the extent renewable generation is an important element to address in strategic direction provisions	Allow
47.45	Forest & Bird (F&B)	Oppose	19. Network utilities NU-P7	TLC object to inserting the word ‘avoid’ into the policy as it will not be enabling for core works associated with the development and maintenance of the district’s electricity distribution network.	Disallow
47.46	F&B	Oppose	19. Network utilities NU-P8	<p>TLC oppose this submission point as the sought amendments to Policy 8 will completely undermine the enabling intent of the policy as initially drafted for the pWDP.</p> <p>Submission points seeking to directly address matters relating to natural environments should be restricted to Chapters such as 26-28 and the applicable environmental policy overlays on the planning maps.</p> <p>The amendments sought by the submitter clash with the clear and unambiguous directions applicable to network utility operations as they relate to vegetation management obligations (i.e., <i>Electricity (Hazards from Trees) Regulations 2003</i>).</p>	Disallow
47.47	F&B	Oppose	19. Network utilities NU-P9	<p>TLC oppose this submission as it seeks to conflate the purposeful policy direction in the NU chapter with that of Chapters 26-28 which relate to Natural Environment Values.</p> <p>TCL consider that examples of unnecessary repetition of environmental policy (i.e., cross referencing other pWDP ECO provisions) in most instances should be disallowed so as to ensure the pWDP retains efficacy in regard to the delivery of NUO infrastructure services.</p>	Disallow
47.48	F&B	Oppose	19. Network utilities New Policy	<p>TLC consider a new natural environment-centric policy within the Network Utilities Chapter is inappropriate and will represent an inefficient provision in the pWDP.</p> <p>TLC consider that the purpose of the NU Chapter should - in the main - represent a <i>complete code</i> for the provision of infrastructure across the Waitomo District. Where such NU infrastructure is located within a identified Natural Environmental Value area or overlay (through a demonstrable functional need), the relevant</p>	Disallow

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				<p>sections of the pWDP will come in to effect and ensure appropriate management of the respective resource.</p> <p>In consideration of efficacy in the pWDP it is TLC's position that Submission point 47.48 be disallowed.</p>	
47.49	F&B	Oppose	19. Network utilities NU-P11	<p>TLC oppose the sought amendment to Policy 11 of the NU Chapter because it adds an overly onerous requirement for the development, operation and maintenance of network utility infrastructure - which through functional or operational need is located within identified policy overlay areas.</p> <p>Appropriate protections for such overlays have been presented within the applicable sections (chapters) of the pWDP; therefore, there is no need for the sought amendment by the submitter.</p>	Disallow
47.50	F&B	Oppose	19. Network utilities NU-P12	<p>TLC oppose this submission point as it diminishes the well-considered effectiveness of Policy 12 through introducing other sections of the plan (cross-pollinating) into the Network Utility Chapter.</p> <p>TLC consider that where NUO infrastructure can demonstrably assure Council of the functional or operational need to be located within overlays, scheduled sites and/or feature areas – then such provision should not be constrained to the degree sought by the submission point.</p> <p>Social, cultural and environmental effects will still be subject to assessment through the provisions in the pWDP – therefore the sought amendments by the submitter are considered overly restrictive and otherwise redundant.</p>	Disallow
53.19	Department of Conservation	Oppose	19. Network utilities Indigenous Vegetation NU-P8	<p>TLC do not support the sought amendments to Policy 8 of the NU Chapter because operation and development of the Waitomo District's electricity distribution network should be enabled where such infrastructure and associated activities are located outside of the identified policy areas.</p> <p>The sought amendments completely undermine the purpose and intended direction proposed under NU-P8.</p>	Disallow
53.20	Department of Conservation	Oppose	19. Network utilities NU-P11	<p>TLC seek the retention of Policy 11 of the Network Utility Chapter – and therefore do not support the submission seeking to have this provision removed.</p> <p>TLC are of the opinion that the direction provided under Policy NU-P11 is appropriate and is set at a reasonable level guiding new or upgraded NU infrastructure which is located in Hazards, overlays, scheduled sites and features.</p>	Disallow
53.21	Department of Conservation	Oppose	19. Network utilities NU-P12	<p>TLC do not support the sought amendments to Policy 12 of the Network Utility chapter as proposed by the submitter.</p> <p>The reason for not supporting the amendments is that the introduction of the word '<i>avoid</i>' presents an onerous undertaking, from a consenting perspective, for</p>	Disallow

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				regionally significant infrastructure which, due to functional or operational need is required to have assets located within areas mapped as being hazards, overlays, scheduled sites and features.	
53.25	Department of Conservation	Oppose	19. Network utilities NU-R20	TLC do not support the submission point seeking to elevate the activity status to discretionary because the sought amendment is unnecessary. The matters on which Council has restricted their discretion under rule NU-20 includes significant natural areas – therefore making the submission point's intent uncertain.	Disallow
53.26	Department of Conservation	Oppose	19. Network utilities NU-R20	TLC do not support the permitted activity performance criteria being amended to the point of vegetation clearance in a SNA being reduced from 150m ² to 50m ² . The sought amendment represents a restriction which is 75% greater than that initially intended (and supported by TLC) in the Proposed District Plan.	Disallow