

# **SECTION 42A REPORT**

Report on submissions and further submissions

## **Topic: National Electricity and Gas Transmission**

**Report prepared by: Carolyn Wratt**

**Dated: 21 October 2024**

# TABLE OF CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Qualifications and Experience .....	5
1.2	Code of Conduct.....	5
1.3	Conflict of Interest.....	5
1.4	Preparation of this report.....	5
<b>2.</b>	<b>Scope of Report .....</b>	<b>6</b>
2.1	Matters addressed by this report.....	6
2.2	Overview of the topic / chapter.....	6
2.3	Statutory Requirements.....	7
2.4	Procedural matters .....	11
<b>3.</b>	<b>Consideration of submissions received .....</b>	<b>11</b>
3.1	Overview of submissions .....	11
3.2	Structure of this report.....	12
<b>4.</b>	<b>Topic 1: General comments.....</b>	<b>12</b>
4.1	Introduction .....	12
4.2	Analysis and recommendations.....	12
<b>5.</b>	<b>Topic 2: Objectives .....</b>	<b>13</b>
5.1	Introduction .....	13
5.2	Analysis and recommendations.....	14
<b>6.</b>	<b>Topic 3: Policies.....</b>	<b>16</b>
6.1	Introduction .....	16
6.2	Analysis and recommendations.....	16
<b>7.</b>	<b>Topic 3: National Grid Rules .....</b>	<b>18</b>
7.1	Introduction .....	18
7.2	Analysis and Recommendations .....	19
<b>8.</b>	<b>Topic 4: Gas transmission network rules .....</b>	<b>21</b>
8.1	Introduction .....	21
8.2	Analysis and Recommendations .....	22

<b>9.</b>	<b>Topic 6: Definitions.....</b>	<b>23</b>
9.1	Introduction .....	23
9.2	Analysis and recommendations.....	23
<b>10.</b>	<b>Conclusion.....</b>	<b>24</b>
	<b>APPENDIX 1 RECOMMENDED AMENDMENTS .....</b>	<b>25</b>
	<b>APPENDIX 2 SECTION 32AA EVALUATION .....</b>	<b>26</b>
	<b>APPENDIX 3: ACCEPT / REJECT RECOMMENDATIONS .....</b>	<b>34</b>

List of submitters and further submitters addressed in this report

<b>Submission No</b>	<b>Submitter</b>
2	New Zealand Helicopter Association
27	Horticulture New Zealand
31	Transpower NZ Ltd
39	First Gas
46	Federated Farmers of New Zealand
47	Royal Forest and Bird Protection Society
FS05	Federated Farmers of New Zealand
FS13	New Zealand Agricultural Aviation Association
FS23	Te Nehenehenui

# **1. Introduction**

## **1.1 Qualifications and Experience**

1. My name is Carolyn Wratt. I am a Principal Policy Planner and Director of the consultancy firm Wratt Resource Management Planning Ltd. I am contracted by Waitomo District Council (**WDC**) to assist with the Proposed Waitomo District Plan
2. I hold the degrees of Bachelor of Science (Geography and Resource Management) (1997) and Masters of Science (Hons) in Coastal Geomorphology and Resource Management (1999), both from the University of Auckland. I am a full member of the New Zealand Planning Institute and an accredited Resource Management Commissioner under the Ministry for the Environment programme Making Good Decisions.
3. I have over 25 years' experience in planning – both regulatory and policy, including working primarily for local and regional authorities around New Zealand. In my capacity as both a consultant and council planner, I have provided policy advice to a number of clients. Of most relevance I have assisted various councils with their district plan reviews including Hamilton City Council, Auckland Council, Kapiti Coast District Council, Selwyn District Council, Taupo District Council, Kaipara District Council and Christchurch City Council. Most recently I have been involved in all of the processes associated with the Proposed Waikato District Council, which has now progressed to the stage of working through appeals.

## **1.2 Code of Conduct**

4. I confirm that I have read the Code of Conduct for Expert Witness 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.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

## **1.3 Conflict of Interest**

6. I confirm that I have no real or perceived conflict of interest.

## **1.4 Preparation of this report**

7. I am the author of this report.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have

not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. Scope of Report**

### **2.1 Matters addressed by this report**

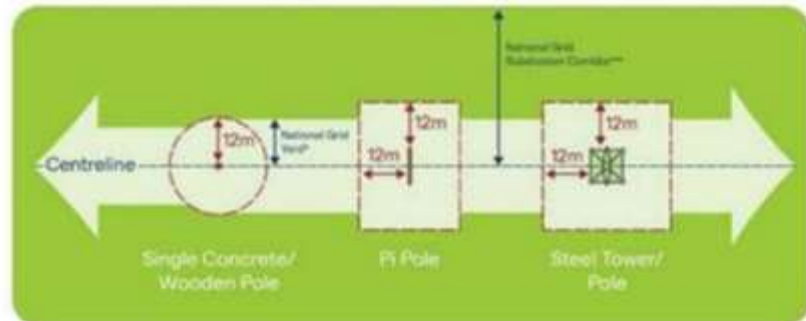
9. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the National Electricity and Gas Transmission (**NEGT**) chapter of the Waitomo Proposed District Plan (**PDP**) and make recommendations.
10. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (**RMA**). The purpose of a section 42A report such as this is to guide submitters and the independent hearings panel, but the contents are just the recommendations of the author. The decision ultimately lies with the independent hearings panel.
11. The NEGТ chapter addresses activities in close proximity to the National Grid and the gas transmission network undertaken by a third party i.e. not the owners / operators of those networks. Generally these activities include earthworks, buildings and structures, sensitive activities and hazardous substances. This s42A report addresses all the submissions made on these matters.
12. For completeness, this s42A also addresses submissions received on definitions that are directly related to this chapter.

### **2.2 Overview of the topic / chapter**

13. The National Grid and gas transmission network perform a critical function and are integral to the effective and efficient operation of New Zealand's economy as well as making a vital contribution to community health and safety.
14. The National Grid is owned by Transpower NZ Ltd and traverses a north-south alignment located in the eastern parts of the District. The gas transmission network traverses an east-west alignment through the centre of the District.
15. The NEGТ applies to activities and structures within the National Grid Yard which is defined in the PDP as follows:

## **national grid yard**

means the area located 12 metres in any direction from the outer edge of a **national grid** support **structure** (including where towers are replaced with tubular steel monopoles), and the area located 12 metres either side of the centreline of any overhead **national grid** line. The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.



- \* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types
- \*\* National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage

Measurement of the **setback** distances from **national grid** transmission lines must be undertaken from the centre line of the **national grid** transmission line and the outer edge of any support **structure**. The centre line at any point is a straight line between the centre points of the two support **structures** at each end of the span.

16. The chapter also addresses activities in close proximity to the gas transmission pipelines, although the distance from the gas transmission lines is established in the rules rather than by way of a definition.
17. Activities undertaken by Transpower NZ Limited and First Gas Limited as the network operators are addressed in the section 42A report for network utilities.
18. Subdivision in close proximity to the National Grid is managed in the Subdivision chapter, and relies on the National Yard Corridor to manage the spatial extent of those rules. Similarly subdivision in close proximity to the gas transmission line also is managed in the Subdivision chapter.

## **2.3 Statutory Requirements**

19. The PDP has been prepared in accordance with the Council's functions under the RMA, specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered. The jurisdictional boundary for Horizons Council (and therefore the Manawatū Whanganui One Plan) is outside the area of both the National Grid and gas transmission corridors.

20. The National Policy Statement on Electricity Transmission 2008 (**NPSET**) is relevant to the provisions within this chapter relating to the National Grid. The need/requirement to manage the effects of activities on the National Grid is conferred in the NPSET. Section 75(3)(a) of the RMA requires the Council to give effect to the NPSET in its district plan. The NPSET identifies the need to operate, maintain, develop and upgrade the electricity transmission network as a matter of national significance. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised.

21. The single objective of the NPSET is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

22. NPSET Policies 1 and 2 require decision-makers to recognise and provide for the National Grid in two complementary ways:

- a. recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission (Policy 1); and
- b. recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network (Policy 2).

23. Policies 10 and 11 of the NPSET are relevant to the rules managing activities in close proximity to the National Grid. The two policies seek to achieve the second limb of the NPSET objective – managing the adverse effects of third parties' activities on the transmission network:

#### POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

#### POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities



will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

24. Policy 10 of the NPSET addresses both:

- a. reverse sensitivity effects on the National Grid (the management of activities to avoid reverse sensitivity effects on the electricity transmission network); and
- b. direct effects on the National Grid (the management of activities to ensure that operation, maintenance, upgrading, and development of the National Grid is not compromised).

25. There are provisions in the Waikato Regional Policy Statement (**RPS**) which are particularly relevant to NEGT. The RPS objectives, policies and methods help direct development and promote integrated development across the region. The RPS identifies both the National Grid and the gas transmission network as 'regionally significant infrastructure'. Of relevance is Objective UFD-O1 – Built Environment, which reads as follows:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

...

3. integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;

...

5. recognising and protecting the value and long-term benefits of regionally significant infrastructure;

...

7. minimising land use conflicts, including minimising potential for reverse sensitivity

26. This objective is achieved by a range of RPS policies and methods which collectively seek planned and coordinated growth and infrastructure.

27. RPS Objective EIT-O1 – Energy is also relevant. It is noted that this objective relates primarily to infrastructure itself, rather than land use or subdivision which may affect it. However, managing structures and subdivision in proximity to the National Grid will enable efficient and effective operation and maintenance:

Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:

...

4. recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;

5. recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;

...

8. recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and

9. recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.

28. This objective is supported by Policy EIT-P1 which reads as follows:

Management of the built environment ensures particular regard is given to:

1. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;

2. the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and

3. the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.

29. There are also several methods including requiring district plans to include provisions to give effect to EIT-P1 (EIT-M1), establishing a transmission corridor management approach (EIT-M2) and requiring local authorities to employ measures that avoid adverse effects on the operation of regionally significant infrastructure (EIT-M5). Method UFD-M8 requires the provisions of information for new urban development and subdivision to identify the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the National Grid corridor.

30. Objective UFD-O1 – Built Environment seeks that development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which

enables positive environmental, social, cultural and economic outcomes, including by:

3. Integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;

...

5. Recognising and protecting the value and long-term benefits of regionally significant infrastructure;

...

7. Minimising land use conflicts, including minimising potential for reverse sensitivity;

...

9. Providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;

...

## **2.4 Procedural matters**

- 31. No submitter, prehearing or Clause 8AA meetings have been undertaken.
- 32. There has been no further consultation undertaken since notification.

## **3. Consideration of submissions received**

### **3.1 Overview of submissions**

- 33. Thirty seven primary submissions were received and there was a high degree of support for the provisions. The submissions that sought changes addressed the following matters:
  - a. The deletion of policies that provide for the protection of the gas transmission line;
  - b. Recognition of the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 34:2001 (**NZEC**);
  - c. Amendments to more accurately reflect the wording in the NPSET; and
  - d. Amendments to activity status and standards for rules.
- 34. Four submission points were received in relation to the objectives, with two supporting the wording as notified, one requesting deletion of one objective and one seeking minor changes for consistency of wording to NPSET. Thirteen submissions relating to policies, of which seven submission points supported the policies as notified, three requested deletion of policies and three sought minor amendments.

35. Where there was only support for a provision with no contrary view expressed by any other submitters, that provision is not discussed further in this report.

## **3.2 Structure of this report**

36. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:

Topic 1: General comments

Topic 2: Objectives

Topic 3: Policies

Topic 4: National Grid rules

Topic 5: Gas transmission network rules

Topic 6: Definitions

37. See Appendix 2 for the corresponding section 32AA evaluation for any recommended amendments to provisions.

## **4. Topic 1: General comments**

### **4.1 Introduction**

38. Four submissions were received as general comments on the entire chapter, including retaining the chapter as notified or requesting minor amendments for clarification.

### **4.2 Analysis and recommendations**

39. In regards to general comments, Transpower [31.21], Federated Farmers of New Zealand (**Federated Farmers**)[46.19] and Royal Forest and Bird Protection Society of New Zealand (**Forest and Bird**) [47.41] sought the retention of Chapter 18 subject to amendments outlined in subsequent submission points. I have recommended amendments in response to other submissions, and for this reason I recommend accepting in part these submission points.
40. Forest and Bird [47.42] requested amendments clarifying that the rules of this chapter apply to other activities within the National Grid yard and adjacent to the gas transmission network; i.e. activities other than those associated with the operation, maintenance of those networks. Forest and Bird [47.43] also requested that a statement at the start of the rules for

chapters 17 ENG and 19 NU include specific provisions for these networks and that other Part 2 chapters also apply.

41. The Overview of the NEG chapter already sets out the approach with the following statements:

Paragraph 1: The provisions of this chapter manage activities near these networks.

Paragraph 5: The provisions of the network utilities chapter manage the operation, maintenance, replacement, upgrading and development of these assets.

42. I therefore consider there is no need to elaborate further in the Overview.

43. With respect to the request from Forest and Bird to include a statement that other Part 2 chapters apply, the following wording already exists above the activity table:

The rules in NEG - Table 1 apply within the national grid yard and within specified distances from the gas transmission pipelines and network. To undertake any activity, it must comply with all the rules listed in:

- NEG - Table 1 - Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

44. I consider that the matters raised by Forest and Bird are already addressed in the chapter and therefore recommend that submission points [47.42 and 47.43] are rejected.

## **5. Topic 2: Objectives**

### **5.1 Introduction**

45. Chapter 18: National Electricity and Gas Transmission chapter has two objectives. NEG-O1 reflects the NPSET and seeks to recognise and provide for the national significance and benefits of the National Grid, as well as protecting it from other activities. NEG-O2 seeks to recognise and provide for the significance of the gas transmission network and, similar to the National Grid, protect the infrastructure from other activities.
46. Two submission points were received on each of the objectives. For NEG-O1, one submission sought to retain as notified and the other sought amendments to be consistent with the NPSET. For NEG-O2, one submission sought to retain the objective as notified and the other was to delete the objective as the submitter did not consider it was relevant.

## 5.2 Analysis and recommendations

### NEGT-O1

47. Transpower [31.23] sought that the objective be retained. The submission considered that the requirement that the grid be protected from other activities gives effect to policies 10 and 11 of the NPSET, noting that more specific and directive wording that reflects the NPSET is provided within the associated policies NEG-T-P1, P2 and P4. In contrast, Horticulture NZ [27.28] sought that the objective be amended to be consistent with the wording of the NPSET. The submission considered that the absolute wording of "protected from" is not used in the NPSET, rather the focus of the wording is on recognising and providing for the National Grid and *managing* activities in proximity to the line.
48. I agree that the NPSET does not refer to "protection". Policy 10 of the NPSET requires decision-makers to the extent reasonably possible "manage" activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. Although the effect of "managing" activities could be tantamount to protection. RPS Policy EIT-P1 requires:

Management of the built environment ensures particular regard is given to:

1. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;

49. I agree that the wording of NEG-T-O1 is inconsistent with the NPSET but the PDP also need to give effect to the RPS. RPS EIT-P1 requires the effectiveness and efficiency of the regionally significant infrastructure to be protected. The amendment sought by Horticulture NZ creates a gap whereby the avoidance of reverse sensitivity is not addressed (as required by Policy 10 of the NPSET). I therefore recommend the following amendments to NEG-T-O1, and the submission point from Transpower [31.23] and Horticulture NZ [27.28] are accepted in part accordingly:

### NEGT-O1

The national significance and benefits of the national grid are recognised, protected and provided for, ~~and the national grid is protected from other activities.~~

50. This approach leaves the policies and rules to manage activities to the extent reasonably possible to avoid reverse sensitivity effects on the electricity transmission network, which is the language used in NPSET Policy 10.

### NEGT-O2

51. First Gas [39.08] sought the retention of the objective as notified, in contrast Horticulture NZ [27.29] sought that the objective be deleted.

Horticulture NZ considered that the gas transmission network is being afforded the same status of the National Grid, even though there is no national policy statement to support that approach. The submission contends that the gas line is subject to easements so does not need the protection under the district plan to limit other activities as proposed and therefore the objective should be deleted.

52. Horticulture NZ is correct in that the gas transmission network is not subject to a national policy statement, however the definition of 'nationally significant infrastructure' in the National Policy Statement on Urban Development 2020 (**NPSUD**) includes (d) the high-pressure gas transmission pipeline network operating in the North Island. In addition, the gas transmission line is included in the RPS definition of "regionally significant infrastructure" and therefore is addressed by the associated RPS provisions. Regionally significant infrastructure supports the wellbeing of the regional community, and much of this infrastructure is also very important for New Zealand as a whole. I am particularly aware of RPS Objective UFD-O1:

Built environment seeks to ensure that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors.

53. Regionally significant infrastructure is addressed by a number of objectives and policies in RPS Chapter EIT – Energy, infrastructure and transport. Policy EIT-P1 Significant infrastructure and energy is implemented by Method EIT-M1 which directs councils to include provisions in their plan that give effect to the policy and provide for infrastructure and does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure. Method EIT-M2 and EIT-M5 also direct councils to look at identifying key transmission corridors and managing activities within that corridor to ensure safe, efficient and effective operation of regionally significant infrastructure.
54. Given that district plans are required to give effect to the RPS, I consider that an objective which recognises the significance of the gas transmission lines and manages activities within close proximity to ensure the network is not compromised is appropriate. However I agree with Horticulture NZ that the language of NEG-T-O2 does not match the RPS in that it seeks to "protect" the network from other activities; this term is used in the RPS in EIT-P1 seeks to protect the effectiveness and efficiency of regionally significant infrastructure. Given my understanding of the gas transmission network and that it is essentially a closed network, I consider the key issue to be addressed is safety and security of the network and to a lesser extent reverse sensitivity. I recommend the following amendments to better give effect to the RPS:

#### NEG-T-O2

The regional significance of the gas transmission network is recognised, and ~~protected from other activities~~ is not compromised by other activities.

55. On this basis, I recommend that the submissions by First Gas [39.08] and Horticulture NZ [27.29] be accepted in part.

## **6. Topic 3: Policies**

### **6.1 Introduction**

56. There are six policies supporting the objectives. Aligned with the objectives, the policies recognise the importance of the National Grid and the gas transmission lines respectively by ensuring that the corridors are managed appropriately to avoid any reverse sensitivity issues and ensure the safety and security of the networks. Two policies focus on the National Grid and three policies focus on the gas transmission network, with one policy considering hazards in relation to both networks.
57. Policy NEFT-P6 only received submissions in support, and is therefore not further addressed.

### **6.2 Analysis and recommendations**

#### NEGT-P1 and NEGT-P2 National Grid

58. NEGT-P1 focuses on avoiding the establishment or expansion of transmission sensitive activities and buildings or structures used for these purposes in order to protect the national significance of the national grid, avoid the potential for reserve sensitivity effects, the health and safety risks and ensure the national grid is not compromised.
59. Transpower [31.24] sought that the policy be retained. Horticulture NZ [27.30] supported managing transmission sensitive activities but considered that the word 'protect' in NEGT-P1(1) should not be included in the policy as it is inconsistent with the NPSET. As noted above, Horticulture NZ is correct in that the NPSET does not use the word 'protect', however RPS policy EIT-P1 seeks to manage the built environment to *protect* the effectiveness and efficiency of regionally significant infrastructure.
60. The purpose of NEGT-P1 is to provide strong direction that activities that are likely to compromise the National Grid are unlikely to be acceptable. Looking more critically at the policy, when faced with a resource consent application, I am not certain how the national significance of the National Grid would be protected as required by clause (1). It is more logical and aligned with both the NPSET and RPS to "recognise" the national significance of the National Grid through objectives, and I have recommended amendments to NEGT-O1 accordingly. I therefore recommend accepting in part both submission points, and deleting NEGT-P1.1 as follows:

NEGT-P1.



Within the National Grid yard avoid the establishment or expansion of transmission sensitive activities and buildings or structures used for these purposes in order to:

~~1. Protect the national significance of the National Grid; and~~

~~2~~ 1. Avoid the potential for reserve sensitivity effects on the National Grid; and

~~3~~ 2. Reduce exposure to health and safety risks; and

~~4~~ 3. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the national grid is not compromised.

61. Policy NEG-T-P2 is a complementary policy to NEG-T-P1 and focuses on any other activity not covered by NEG-T-P1. That is, activities, buildings, structures and earthworks for any other activity within the National Grid yard. While New Zealand NZ Helicopter Association [02.13] supported retaining the policy as notified, Horticulture NZ [27.31] sought the addition of "to the extent reasonably possible" to NEG-T-P2(5) to be consistent with the NPSET. Transpower [31.25] sought to add another clause to the policy to require compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
62. Policy 10 of the NPSET tempers the requirement to avoid reverse sensitivity effects with the words "to the extent reasonably possible". The word "avoid" is absolute and this is emphasised in the *King Salmon*<sup>1</sup> decision that "avoid means avoid" where that term is used in planning instruments. I agree with Horticulture NZ that the wording as drafted is inconsistent with the NPSET and an amendment to maintain consistency between documents is appropriate. I recommend that Policy NEG-T-P2 be amended as set out below.
63. Transpower [31.25] supported the policy on the basis it gives effect to policies 10 and 11 of the NPSET. For completeness, it sought an additional clause to recognise the NZECP 34:2001 New Zealand Electrical Code for Practice for Electrical Safe Distances 2001. The NZECP sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. These safe distances have been set to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. I consider the inclusion of the reference to the NZECP 34:2001 in NEG-T-P2 is appropriate.
64. I therefore recommend that NEG-T-P2 be amended as follows:
- NEG-T-P2.

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<sup>1</sup> *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38, (2014) 17 ELRNZ 442, [2014] 1 NZLR 593, [2014] NZRMA 195

Manage activities, buildings, structures and earthworks for any other activity within the national grid yard to:

...

5. Avoid to the extent reasonably possible, the potential for reverse sensitivity effects on the national grid.

6. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

### Policies NEG-T-P3, NEG-T-P4 and NEG-T-P5 – Gas Transmission Line

65. Policies NEG-T-P3, NEG-T-P4 and NEG-T-P5 are aimed at avoiding adverse effects on the gas transmission network. First Gas [39.09, 39.10, 39.11] sought to have each of these policies retained as notified. In contrast, Horticulture NZ [27.32, 27.33, 27.34] sought to have each of these policies deleted on the basis that the gas line has the protection of easements with landowners so district plan provisions are not necessary.
66. As discussed earlier in this report, the RPS which includes the gas transmission network under the definition of regionally significant infrastructure. RPS Objective UFD-O1 – Built environment seeks to ensure that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors. Policies and methods in the Energy (EIT) chapter as previously outlined, ensure that the gas transmission line along with the national grid are protected from reverse sensitivity effects to ensure safe, efficient and effective operation of regionally significant infrastructure. In order to give effect to the RPS, I consider that the inclusion of policies to manage activities in close proximity to the gas transmission lines are appropriate. I therefore recommend that NEG-T-P3, NEG-T-P4 and NEG-T-P5 are retained.

## **7. Topic 3: National Grid Rules**

### **7.1 Introduction**

67. Rules NEG-T-R1 to R4 apply to activities within the National Grid yard in the following way:
  - a. Rules NEG-T-R1 and NEG-T-R2 apply to earthworks, buildings and structures;
  - b. NEG-T-R3 applies to activities sensitive to transmission; and
  - c. NEG-T-R4 applies to quarrying activities.
68. NEG-T-R3 and NEG-T-R4 only had submissions in support and are therefore not discussed further.

## 7.2 Analysis and Recommendations

69. Horticulture NZ [27.35] sought a change in activity status for NEG-T-R1 upon non-compliance with the standards. As notified, the activity cascades to non-complying, but Horticulture NZ sought this be restricted discretionary instead. I partially agree with Horticulture NZ in that non-complying is a stringent activity status, but there are extremely important standards in NEG-T-R1 such as clause (1)(c) which requires earthworks, vertical holes or land disturbance to not compromise the stability of any National Grid support structure. For non-compliance with standards such as that, I consider a non-complying activity to be appropriate. There are other standards in NEG-T-R1 which could be appropriate for a more lenient activity status, so I recommend a more nuanced activity status cascade the rule where non-compliance with either NEG-T-R1(1)(i) or NEG-T-R1(1)(ii) is a restricted discretionary activity, but all other standards remain a non-complying activity.

Activity status where compliance with Rule NEG-T-R1.1(i) or NEG-T-R1.1(ii): RDIS

Matters over which discretion is restricted:

- (a) Impacts on the operation, maintenance, upgrading and development of the National Grid;
- (b) The risk to the structural integrity of the affected National Grid support structure(s);
- (c) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;
- (d) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;
- (e) Technical advice provided by the National Grid owner (Transpower NZ Ltd); and
- (f) Any effects on National Grid support structures including the creation of an unstable batter.

Activity status where compliance is not achieved with Rules NEG-T-R1(1)(iii), NEG-T-R1(1)(iv) or NEG-T-R1(1)(v): NC

70. As notified, NEG-T-R1(2) sets out activities that are exempt from needing to comply with the standards set out in NEG-T-R1(1). Earthworks for reticulation and storage of water for irrigation purposes is not exempt from the earthworks standards, but Horticulture NZ sought amendments which would exempt those activities. Horticulture NZ sought similar amendments to NEG-T-R2. I do not support making these activities exempt as there is the potential for earthworks (and the structures) associated with these activities to compromise the safety and security of the National Grid.
71. Transpower [31.28] lodged a submission to NEG-T-R1 seeking removal of the exemption clause at the end of rule NEG-T-R1. This note effectively exempts Māori cultural and customary uses and burials in sites or areas of significance to Māori or in the Māori purpose zones identified on the planning maps from needing to comply with the standards. The purpose

of NEG-T-R1 is to manage risk to the security of the National Grid as well as safety of people and property. While I appreciate that the standards for earthworks may constrain earthworks undertaken by Māori, the safety of people must be paramount. I agree with Transpower that earthworks rules within the National Grid Yard are to manage activities to ensure activities do not endanger, people, property and/or National Grid Assets and that the provisions reflect the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). I also agree that the risk from earthworks remains regardless of the purpose of the activity or who it is undertaken by.

72. Transpower [31.22] also sought amendments to the Overview section which will be required as a consequence of this amendment. Paragraph 2 of the Overview states that there are three Sites or Areas of Significance to Māori and one site zoned Māori Purpose Zone that is on land within the identified corridors. Provisions have been added to this Chapter to ensure activities in these locations are not unintentionally restricted. Transpower sought that this be narrowed to only apply to gas transmission corridors and I agree.

73. I therefore recommend that the following note be deleted from NEG-T-R1:

~~Nothing in this rule shall limit Māori cultural and customary uses and burials in sites or areas of significance to Māori or in the Māori purpose zones identified on the planning maps.~~

74. I also recommend the following amendment to paragraph 2 of the Overview as a consequence:

There are three Sites or Areas of Significance to Māori and one site zoned Māori Purpose Zone that is on land within the identified gas transmission corridors. Provisions have been added to this Chapter to ensure activities in these locations are not unintentionally restricted.

75. Turning to NEG-T-R2, Horticulture NZ [27.36] sought an additional clause to NEG-T-R2(1) which would allow a building or structure as a permitted activity where Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001. There may be scenarios where a building or structure is complying with NZECP 34:2001, but still infringes the National Grid yard in the PDP. For this reason, I recommend rejecting the submission point.

76. Transpower [31.29] sought to delete NEG-T-R2(3) and replace with a non-complying rule to make it clear that handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020 Regulations 2001) with explosive or flammable intrinsic properties is a non-complying activity. It is noted that any building storing hazardous substances, hazardous facilities, significant hazardous facilities and infrastructure falls under the PDP definition of "transmission sensitive

activities”, and therefore is managed by Rule NEG-T-R3. I consider that NEG-T-R2(3) is confusing and should be deleted, but I do not see the need for this matter to be addressed at all in NEG-T-R2 given that it is already captured by NEG-T-R3.

77. Transpower also noted that there is no catchall rule in NEG-T-R2 for buildings or structure not otherwise provided for. I agree that the inclusion of a non-complying catchall activity will improve the clarity of the rule. Transpower sought inclusion of a new non-complying rule in NEG-T-R2 relating to high intensity rural activities such as a wintering barn, commercial greenhouse, immovable protection canopy, produce packing facility or milking shed. I agree. This activity cascade will be made clearer by the recommended new rule.
78. I recommend the following amendments to NEG-T-R2:

~~3. For the avoidance of doubt, any building or structure used for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020 Regulations 2001) with explosive or flammable intrinsic properties is a non-complying activity, except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities.~~

Activity status: ~~where compliance is not achieved~~: NC

Where:

- (i) Compliance with NEG-T-R2.1 and NEG-T-R2.2 is not achieved;
- (ii) The building or structure is for intensive indoor primary production, commercial greenhouses, milking sheds or buildings storing hazardous substances; or
- (iii) The building or structure is not otherwise provided for in the National Grid yard.

## **8. Topic 4: Gas transmission network rules**

### **8.1 Introduction**

79. Rules NEG-T-R5 to NEG-T-R9 relation to earthworks, residential activities, transmission sensitive activities and the use of explosives in close proximity to the gas transmission network. The setback from the gas transmission network differs depending on the activity:
- a. Earthworks – 20m;
  - b. New residential activities – 20m or 60m depending on the physical characteristics of the network;
  - c. Other transmission sensitive activities – 60m; and
  - d. Use of explosives – 250m.

80. One submission sought deletion of NEG-T-R5, while another sought amendments to it. Rules NEG-T-R6 to NEG-T-R9 only received submissions in support, and therefore are not discussed further.

## 8.2 Analysis and Recommendations

81. Horticulture NZ [27.37] sought to delete Rule NEG-T-R5 on the basis that the gas line has the protection of easements with landowners so district plan provisions are not necessary.
82. As discussed earlier in this report, the gas transmission pipeline network operating in Waikato Region is recognised in the RPS which includes it under the definition of regionally significant infrastructure. The RPS Objective UFD-O1 – Built environment seeks to ensure that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors. Policies and methods in the Energy (EIT) chapter as previously outlined, ensure that the gas transmission line along with the national grid are protected from reverse sensitivity effects to ensure safe, efficient and effective operation of regionally significant infrastructure. In order to give effect to the RPS, I consider that the inclusion of rules to manage earthworks in close proximity to the gas transmission lines are appropriate. Earthworks has the potential to not only damage the gas transmission line, but also risks the safety of the operator of the machinery and property.
83. While First Gas [39.13] supported NEG-T-R5, it sought that the distance from the gas transmission network for earthworks be reduced from 20m to 10m as a permitted activity for consistency in all district plans. First Gas considered that this will provide the necessary setback to ensure that the integrity and stability of the regionally significant infrastructure is recognised, while balancing the potential needs of the landowners' use of their property. As First Gas is the network operator, I have no reason to disagree. Reducing the setback for earthworks will enable more useable area for landowners. I therefore recommend the following amendment:

NEG-T-R5. Earthworks within ~~20m~~ 10m of the gas transmission network

Activity Status: PER Where:

1. The earthworks are within ~~20m~~ 10m of the gas transmission network and do not include:
  2. ....
84. First Gas [39.84] sought addition of the Gas Transmission Pipeline, as well as above ground infrastructure to the planning maps (see submission for details). I agree that this will assist in implementing the Plan and making the rules clearer. I therefore recommend the planning be updated to reflect the location of the gas transmission pipeline.

## 9. Topic 6: Definitions

### 9.1 Introduction

85. A number of submissions were received on terms that are directly related to this chapter. Each term is addressed below.

### 9.2 Analysis and recommendations

#### Gas Transmission Pipeline

86. First Gas [39.04] sought a new definition for this term. The term is used in the rules which manage earthworks and residential activities in close proximity to the gas transmission network. I recommend the definition is included to add clarity to the rules.

Gas Transmission Pipeline:

means any high-pressure gas pipeline to convey natural gas at a gauge pressure exceeding 2,000 kilopascals.

#### National Grid definitions

87. Transpower [31.06, 31.07, 31.08] supported the retention of the National Grid, National Grid Yard and National Grid Subdivision Corridor, but sought that the first letter of each term be capitalised. I agree.

National Grid, National Grid Yard and National Grid Subdivision Corridor

88. Horticulture NZ [27.09] sought that the definition of the National Grid Yard be reduced to 10m in any direction from a National Grid single pole or pole. I invite Transpower NZ to respond to this submission from a technical perspective, but I consider that the national significance of the National Grid warrants a more conservative approach. Any reduction in the National Grid Yard increases risk to the efficiency and safety of the network. I therefore recommend rejecting this submission point.

#### Transmission sensitive activities

89. Transpower NZ [31.12] sought to amend the definition to explicitly include childcare, and delete outdoor education activities and recreational hunting and other venues or areas where larger numbers of people are intermittent and in larger numbers than the general location or area. I agree that these changes more accurately reflect activities that could be sensitive to transmission activities. I therefore recommend the following amendments:

Transmission sensitive activity(ies)

means those activities that are particularly sensitive to national electricity and gas transmission activities, including but not limited to:

(a) residential units and minor residential units, boarding houses, cohousing developments, compact housing developments, retirement villages, visitor accommodation, papakāinga units and papakāinga housing developments, residential based visitor accommodation, managed care facilities and other buildings used for residential activities;

(b) Camping grounds;

(c) Tiny houses and tiny house developments;

(d) Marae complex;

(e) Community facilities including museums and libraries;

(f) Educational facilities (including childcare facilities);

(g) Hospitals and healthcare facilities;

~~(h) Tourism facilities, outdoor education activities and recreational hunting;~~

(i) Leisure and entertainment facilities, including shopping malls, indoor fitness centres, theatres and cinemas;

(j) Prisons;

(k) Any building storing hazardous substances, hazardous facilities, significant hazardous facilities and infrastructure (excluding those that are ancillary to national electricity and gas transmission activities); and

~~(l) Other venues or areas where large numbers of people gather or intermittently gather~~

## 10. Conclusion

5. For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.
6. Appendix 1 contains recommended amendments to the National Electricity and Gas Transmission chapter and Appendix 2 contains the s32AA evaluation.



## **APPENDIX 1 RECOMMENDED AMENDMENTS**

**\*\*tracked changes provisions\*\***

# APPENDIX 2 SECTION 32AA EVALUATION

## 1 Introduction

This section 32AA evaluation relates to the recommended amendments to the National Electricity and Gas Transmission chapter and supports the discussion, analysis and recommendation in the section 42A report. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

## 2 Format of the report

The section 32AA evaluation report assesses the provisions for the National Grid and the gas transmission line separately as they each have objectives, policies and rules that are unique to those networks. In accordance with the requirements of section 32, the tests for objectives are different from provisions.

## 3 National Grid

This section 32AA evaluation relates to the recommended amendments to the objectives, policies and rules associated with the National Grid.

### Appropriateness of Objectives

NEGT-O1 is recommended to amended. Having considered a range of options including retaining unchanged the notified objective of the PDP, this objective is the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Evaluation of NEG-T-O1	
Part 2 RMA	Comment
Section 5 Purpose	The National Grid consists of the physical structures and networks that support and provide essential electricity to the communities of the district. The recognition and protection of the National Grid as a physical resource is critical to the District's economic productivity, environmental outcomes and wellbeing of

<b>Evaluation of NEG-T-01</b>	
<b>Part 2 RMA</b>	<b>Comment</b>
	<p>the community. The benefits of this infrastructure to the functioning of the district are therefore substantial.</p> <p>A secure and reliable electricity supply is vital to the functioning of the District. It enables people and communities to provide for their social, economic and cultural wellbeing.</p> <p>The recognition and protection of the National Grid is fundamental to both present and future communities. In this respect the Objective achieves this part of Section 5 (s5(2)(a)) sustain the potential of natural and physical resources to meet needs of future generations). It also achieves Section 5(2) which seeks to enable people and communities to provide for their social, economic and cultural well-being.</p> <p>While the National Grid can have significant local, regional and national benefits, it is recognised that the nature of the National Grid generates adverse environmental effects. These effects may result from activities involved in establishing the infrastructure or be associated with the maintenance and operation of the infrastructure. Such activities may adversely affect landscape values, ecological resources, indigenous vegetation, amenity, streetscape, and public health and safety. There is also the potential for some activities undertaken in the vicinity of the National Grid to lead to adverse reverse sensitivity effects on the lawful operation of existing infrastructure.</p> <p>This Objective is consistent with and achieves Section 5(2)(c) of the RMA.</p> <p>The importance of the National Grid is recognised by both the NPSET and the RPS. This Objective gives effect to both of these higher order planning documents. The NPSET Objective is to "To recognise the national significance of the electricity transmission network...".</p>

## **Identification of Options to Achieve the Objectives**

The following reasonably practicable options have been identified for the NEG-T policies and rules associated with the National Grid.

Option 1 – Retain the provisions as notified

Option 2 – Amendments to the following provisions:

- NEG-T-P1.1;
- NEG-T-P2.5;

- Additional clause to NEG-T-P2;
- Nuanced activity cascade for NEG-T-R1 where some earthworks can cascade to a restricted discretionary activity;
- Deletion of the exemption to NEG-T-R1 for Māori cultural and customary uses and burials;
- Additional clarity as to which activities are non complying for NEG-T-R2; and
- Deletion of NEG-T-R1.3 as it is already covered by another rule.

## Preferred Option

Option 2 is the preferred option.

This option better manages the effects of other activities on the National Grid in accordance with the objective of the NPSET.

## Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
<b>Environmental</b>	There are no environmental costs	Reduced chance of flashovers.  Ensures the health and safety of people and property.
<b>Economic</b>	There are no economic costs.	Protects the integrity of the National Grid and ensures continuous electricity supply which is essential for economic activity.  Maintained access for inspection, operation and maintenance for the network provider.  Increased security of the towers and supporting structures by limiting earthworks in close proximity.  There are national, regional and local benefits of having a sustainable,

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
		secure and efficient electricity transmission.
Social	There are no social costs.	Protects buildings and structures from flashovers.  Public safety is better maintained.  A secure National Grid is required to support communities.  Results in a more robust and reliable National Grid.  The social benefits of a continuous electricity supply.
Cultural	May constrain cultural and customary uses.	There are no cultural benefits.
Economic growth provided or reduced	The main opportunities are associated with a more resilient and reliable electricity supply. This in itself will not lead to economic growth, but it will support economic growth.	
Employment opportunities	The amendments proposed will not increase or decrease opportunities for employment in and of itself, however a reliable and resilient National Grid network supports employment.	
Risk of acting or not acting	The proposal has been subject to an appropriate level of investigation as to the effects of the amended provisions, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.	
Effectiveness		
The provisions will enable the effective implementation of the relevant PDP objectives, the NPSET and the objectives of the proposal. The option will effectively achieve the following PDP objectives:		
<ul style="list-style-type: none"><li>SD-O30. Recognise and provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources.</li><li>NU-O1 Effective, resilient, efficient and safe network utilities</li></ul>		

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
	<ul style="list-style-type: none"><li>• NU-O3 The national significance and benefits of the national grid and gas transmission network are recognised and provided for.</li><li>• NEGT-O1</li></ul>	
Efficiency		
The provisions are an efficient way to achieve the objectives. It applies an activity status that is reflective of the level of risk to the National Grid.		
Summary		
Managing the risk to the National Grid network and the risk to people and property is an effective way to give effect to NPSET Policy 10 while not unreasonably restricting development and use of land in close proximity to the National Grid.		

## 4 Gas Transmission

This section 32AA evaluation relates to the recommended amendments to the objectives, policies and rules associated with the gas transmission network.

### Appropriateness of Objectives

NEGT-O2 is recommended to be amended. Having considered a range of options including retaining unchanged the notified objectives of the PDP, this objective is the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Evaluation of NEGOT-02	
Part 2 RMA	Comment
Section 5 Purpose	<p>The protection of the gas transmission network from reverse sensitivity effects and from activities which may compromise its safety and efficiency is critical to the District's economic productivity, environmental outcomes and wellbeing of the community. The benefits of this infrastructure to the functioning of the district are substantial. It is not just relevant to the properties adjacent to the gas transmission network; it could have implications for the wider network.</p> <p>A reliable and well-functioning gas transmission network is vital to the functioning of the District. It enables people and communities to provide for their social, economic and cultural wellbeing in accordance with Section 5(2) of the Act.</p> <p>In this respect the Objective achieves this part of Section 5 (s5(2)(a)) sustain the potential of natural and physical resources to meet needs of future generations.</p> <p>Protecting the gas transmission network from reverse sensitivity issues and activities in close proximity also ensures the health and safety of people and communities in accordance with Section 5(2) of the Act. Activities such as undertaking earthworks too close to the gas transmission line can compromise the whole network, and the health and safety of the operator of the machinery.</p>

### Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for the NEGOT policies and rules associated with the gas transmission network.

Option 1 – Retain the provisions as notified.

Option 2 – Reducing the setback for earthworks from 20m to 10m.

## Preferred Option

Option 2 is the preferred option. This option enables a greater useable area for landowners whilst still maintaining the safety and security of the network.

## Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	There are no environmental costs	There are no environmental benefits
Economic	There are no economic costs.	Increases the useable area for landowners.
Social	There are no social costs.	There are no social benefits.
Cultural	There are no cultural costs.	There are no cultural benefits.
Economic growth provided or reduced	The amendments proposed will not increase or decrease opportunities for economic growth.	
Employment opportunities	The amendments proposed will not increase or decrease opportunities for employment.	
Risk of acting or not acting	The proposal has been subject to an appropriate level of investigation as to the effects of the amended provisions, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.	
Effectiveness		
The provisions will enable the effective implementation of the relevant PDP objectives and the objectives of the proposal. The option will effectively achieve the following PDP objectives:		



- SD-O30. Recognise and provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources.
- NU-O1 Effective, resilient, efficient and safe network utilities
- NU-O3 The national significance and benefits of the national grid and gas transmission network are recognised and provided for.
- NEGT-O2

### **Efficiency**

The provisions are an efficient way to achieve the objectives. It further reduces the impact of having the gas transmission on a property.

### **Summary**

The changes proposed will increase the useable area for landowner to undertake earthworks whilst still ensuring the safety and security of the gas transmission network.

## APPENDIX 3: ACCEPT / REJECT RECOMMENDATIONS

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
02.13	NZHA	Support	18. National energy and gas transmission	NEGT-P2	Retain the policy as notified.	Accept in part
FS13.13	New Zealand Agricultural Aviation Association	Support			Retain the policy as sought	
27.09	Hort NZ	Oppose with amendment	9. Definitions	National grid yard	<p>Amend the definition of 'National grid yard' to read:</p> <p><u>The area located within:</u></p> <ul style="list-style-type: none"> <li>• <u>12m in any direction from the visible outer edge of a National Grid tower; or</u></li> <li>• <u>10m in any direction from a National Grid single pole or pi-pole; or</u></li> </ul> <p><u>The area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or The area located within 12m either side of the centre line of any overhead National Grid line on towers.</u></p>	Reject
27.16	Hort NZ	Support		Transmission sensitive activities	Retain as notified.	Accept in part
27.28	Hort NZ	Oppose	18. National energy and gas	NEGT-O1	<p>Amend NEG-T-O1 as follows:</p> <p>The national significant and benefits of the national grid are recognised and provided</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
			transmission		for and the national grid is protected from other activities and other activities are managed to ensure that the national grid is not compromised.	
27.29	Hort NZ	Oppose	18. National electricity and gas transmission	NEGT-O2	Delete NEG-T-O2.	Accept in part
27.30	Hort NZ	Support with amendment	18. National electricity and gas transmission	NEGT-P1	Amend NEG-T-P1 as follows:  1. <del>Protect</del> Provide for the national significance of the national grid	Accept in part
27.31	Hort NZ	Support with amendment	18. National electricity and gas transmission	NEGT-P2	Amend NEG-T-P2 (5) as follows:  Avoid, to the extent reasonably possible, the potential for reverse sensitivity effects on the National Grid.	accept
27.32	Hort NZ	Oppose	18. National electricity and gas transmission	NEGT-P3	Delete NEG-T-P3.	Reject
FS05.49	Federated Farmers	Support			Grant the relief sought	Reject
27.33	Hort NZ	Oppose	18. National electricity and gas transmission	NEGT-P4	Delete NEG-T-P4.	Reject
27.34	Hort NZ	Oppose	18. National electricity	Delete NEG-T-P5	Delete NEG-T-P5.	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
			and gas transmission			
27.35	Hort NZ	Oppose with amendment	18. National electricity and gas transmission	NEGT-R1	Amend NEG-T-R1 activity status where compliance not achieved to restricted discretionary.  And  Delete from NEG-T-R1 (2 i) <del>'other than for the reticulation and storage of water for irrigation purposes'</del>	Accept in part
27.36	Hort NZ	Support with amendment	18. National electricity and gas transmission	NEGT-R2	Delete from NEG-T-R2 (1 iv) <del>'other than for the reticulation and storage of water for irrigation purposes'</del> And Add to NEG-T-R2 (1) <u>vi: a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</u>	Reject
27.37	Hort NZ	Oppose	18. National electricity and gas transmission	NEGT-R5	Delete NEG-T-R5.	Reject
31.06	Transpower	Support	9. Definitions	National Grid	Retain the definition for 'National Grid' and capitalise the first letter of each term. And Any consequential amendments.	National Transmission
31.07	Transpower	Support	9. Definitions	National grid subdivision corridor	Retain the definition of 'National Grid Subdivision Corridor' and capitalise the first	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					letter of each term. And Any consequential amendments.	
31.08	Transpower	Support	9. Definitions	National grid yard	Retain the definition of 'National Grid Yard' and capitalise the first letter of each term.	Accept
31.12	Transpower	Amend	9. Definitions	Transmission sensitive activity(ies)	Retain the definition of 'Transmission sensitive activity(ies)', And Amend the definition of 'Transmission sensitive activity(ies)' as follows: (f) Educational ( <u>including childcare</u> ) facilities. (h) Tourism facilities, <del>outdoor education activities and recreational hunting.</del> ... <del>(i) Other venues or areas where larger numbers of people are intermittent and in larger numbers than the general location or area.</del> And Any consequential amendments.	Accept
FS09.05	Kainga Ora	Oppose			Disallow	Reject
FS23.45	Te Nehenehenui	Oppose			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan.  Where submission points do not align with this, or have the potential to negatively	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.	
31.21	Transpower	Support	18. National electricity and gas transmission	National Electricity and Gas Transmission	<p>Retain Chapter 18 National Electricity and Gas Transmission subject to the amendments outlined in subsequent submission points.</p> <p>And</p> <p>Any consequential amendments.</p>	Accept in part
31.22	Transpower	Amend	18. National electricity and gas transmission	Overview	<p>Amend paragraph two of the Overview text in Chapter 18. National Electricity and Gas Transmission as follows:</p> <p>How land is used within and adjacent to these corridors can significantly affect network operation, maintenance, and access. These networks can be sensitive to a range of actual and potential effects generated by adjacent activities.</p> <p>Conversely, locating some activities within close proximity to these corridors must be avoided to minimise risks to people's health and safety. There are three Sites or Areas of Significance to Māori and one site zoned Māori Purpose Zone that is on land within the identified <u>gas transmission corridors</u>. Provisions have been added to this Chapter to ensure activities in these locations are not</p>	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					unintentionally restricted.  And  Any consequential amendments.	
31.23	Transpower	Support	18. National electricity and gas transmission	NEGT-O1	Retain NEG-T-O1.	Accept in part
31.24	Transpower	Support	18. National electricity and gas transmission	NEGT-P1	Retain NEG-T-P1.	Accept in part
31.25	Transpower	Amend	18. National electricity and gas transmission	NEGT-P2	Retain NEG-T-P2. And  Retain NEG-T-P2. And Add a new clause to NEG-T-P2 as follows: NEG-T-P2 Manage activities, buildings, structures and earthworks for any other activity within the National Grid Yard to: ... 5. Avoid potential for reverse sensitivity effects on the National Grid; and 6. <u>Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u>  And	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					Any consequential amendments.	
31.26	Transpower	Support	18. National electricity and gas transmission	NEGT-P6	Retain NEG-T-P6.	Accept
31.27	Transpower	Support	18. National electricity and gas transmission	<p>Clarification note: The rules in NEG-T - Table 1 apply within the National Grid Yard and within specified distances from the gas transmission pipelines and network. \</p> <p>To undertake any activity, it must comply with all the rules listed in:</p> <ul style="list-style-type: none"> <li>• NEG-T - Table 1 - Activities Rules; and</li> <li>• Any relevant provision in Part 2 District-Wide Matters; and</li> </ul> <p>Any relevant provision in Part 3 Area Specific Matters;</p>	Retain introductory text to the rules in NEG-T-Table 1.	Accept



Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
31.28	Transpower	Amend	18. National electricity and gas transmission	NEGT-R1	<p>Amend NEG-T-R1 as follows:  NEGT-R1. Earthworks, vertical holes or land disturbance within the National Grid Yard.</p> <p>Activity status: PER Where:  1. Earthworks, vertical holes or land disturbance within the National Grid Yard must not:  .....  <del>Nothing in this rule shall limit Māori cultural and customary uses and burials in sites or areas of significance to Māori or in the Māori purpose zones identified on the planning maps.</del>  Activity status where compliance is not achieved:  NC And  Any consequential amendments.</p>	Accept
FS23.113	Te Nehenehenui	Oppose			<p>Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for</p>	Reject
31.29	Transpower	Amend	18. National electricity and gas transmission	NEGT-R2	<p>Amend NEG-T-R2(3) as follows:  <b>NEGT-R2. Buildings structures within the National Grid Yard</b>  Activity status: PER Where  :  ...</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					<p>3. For the avoidance of doubt, any building or structure used for the handling or storage of Class 1-4 Substances (Hazard Classification) Notice 2020 Regulations 2001) with explosive or flammable intrinsic properties is a non-complying activity, except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities.</p> <p><b>3. Activity status: <u>NC</u> where compliance is not achieved: <u>NC</u></b></p> <p><b><u>Where:</u></b></p> <p><u>(i) Compliance with NEGT-R2.1 and NEGT-R2.2 is not achieved;</u></p> <p><u>v) The building or structure within the National Grid Yard is used for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic-scale quantities);</u></p> <p><u>(v) The building or structure proposed within the National Grid Yard is a wintering barn, commercial greenhouse, immovable protection canopy, produce packing facility or milking shed;</u></p> <p><u>(vi) The proposal is for any building or structure not otherwise provided for.</u></p> <p>And</p>	

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
					Any consequential amendments.	
FS05.51	Federated Farmers	Oppose			Decline the relief sought	Accept in part
31.30	Transpower	Support	18. National electricity and gas transmission	NEGT-R3	Retain NEG-T-R3.	Accept
31.31	Transpower	Support	18. National electricity and gas transmission	NEGT-R4	Retain NEG-T-R4.	Accept
39.02	Firstgas	Support	9 Definitions	Gas Transmission Network	Retain the definition of 'Gas Transmission Network' as notified.	Accept
39.04	Firstgas	Amend	9 Definitions	Gas Transmission Pipeline	<p>Add a new definition for 'Gas Transmission Pipeline' as follows:</p> <p><u>Gas Transmission Pipeline:</u></p> <p><u>means any high-pressure gas pipeline to convey natural gas at a gauge pressure exceeding 2,000 kilopascals.</u></p>	Accept
39.06	Firstgas	Support	9. Definitions	Transmission sensitive activities	Retain as notified.	Accept in part
39.08	Firstgas	Support	18. National electricity and gas transmission	NEGT-O2	Retain NEG-T-O2 as notified.	Accept in part
39.09	Firstgas	Support	18. National	NEGT-P3	Retain NEG-T-P3 as notified.	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
			electricity and gas transmission			
39.10	Firstgas	Support	18. National electricity and gas transmission	NEGT-P4	Retain NEG-T-P4 as notified.	Accept
39.11	Firstgas	Support	18. National electricity and gas transmission	NEGT-P5	Retain NEG-T-P5 as notified.	Accept
39.12	Firstgas	Support	18. National electricity and gas transmission	NEGT-P6	Retain NEG-T-P6 as notified.	Accept
39.13	Firstgas	Support with amendment	18. National electricity and gas transmission	NEGT-R5	Amend NEG-T-R5 to read:  NEG-T-R5 Earthworks within <del>20m</del> <u>10m</u> of the gas transmission network. ... 1. The earthworks are within <del>20m</del> <u>10m</u> of the gas transmission network and do not include: ....	Accept
FS05.54	Federated Farmers	Support			Grant the relief sought	Accept
FS23.154	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao	Reject

<b>Submission No</b>	<b>Submitter</b>	<b>Support / in part / oppose</b>	<b>Plan Section</b>	<b>Plan Provision</b>	<b>Relief Sought</b>	<b>Accept/Accept in part/Reject</b>
					and cultural values, or those we have noted support for	
39.14	Firstgas	Support	18. National electricity and gas transmission	NEGT-R6	Retain NEG-T-R6 as notified.	Accept
39.15	Firstgas	Support	18. National electricity and gas transmission	NEGT-R7	Retain NEG-T-R7 as notified.	Accept
39.16	Firstgas	Support	18. National electricity and gas transmission	NEGT-R8	Retain NEG-T-R8 as notified.	Accept
39.17	Firstgas	Support	18. National electricity and gas transmission	NEGT-R9	Retain NEG-T-R9 as notified.	Accept
39.84	Firstgas	Amend	Planning Maps		Add the Gas Transmission Pipeline, as well as above ground infrastructure to the planning maps (see submission for details).  Or similar relief to achieve this submission.	Accept
46.19	FF	Support	18. National electricity and Gas Transmission – NEG-T	Entire chapter	Retain chapter 18 National Electricity and Gas Transmission – NEG-T as notified.	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in part/Reject
47.41	F&B	Support with amendment	18. National electricity and gas transmission	General	Retain the scope of chapter 18 National Electricity and Gas Transmission to address the effects of other land use activities on these networks.	Accept
47.42	F&B	Support with amendment	18. National electricity and gas transmission	General	<p>Amend Chapter 18 National Electricity and Gas Transmission to clarify that the NEGТ rules apply to other activities within the National Grid yard and adjacent to the gas transmission network; that is activities other than those associated with the operation, maintenance etc. of those networks.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
47.43	F&B	Support with amendment	18. National electricity and gas transmission	General	<p>Add a statement at the start of the rules that chapters 17 ENGY and 19 NU include specific provisions for these networks and that other Part 2 chapters also apply.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject

# ENERGY, INFRASTRUCTURE & TRANSPORT

## National Electricity and Gas Transmission

### Overview

Parts of the nationwide electricity and gas transmission network are located within Waitomo district. These networks perform a critical function and are integral to the effective and efficient operation of New Zealand's economy as well as making a vital contribution to community health and safety. The provisions of this chapter manage activities near these networks.

How land is used within and adjacent to these corridors can significantly affect network operation, maintenance, and access. These networks can be sensitive to a range of actual and potential effects generated by adjacent activities. Conversely, locating some activities within close proximity to these corridors must be avoided to minimise risks to people's health and safety. There are three Sites or Areas of Significance to Māori and one site zoned Māori Purpose Zone that is on land within the identified [gas transmission<sup>1</sup>](#) corridors. Provisions have been added to this Chapter to ensure activities in these locations are not unintentionally restricted.

The National Policy Statement on Electricity Transmission 2008 recognises the national significance of the electricity transmission system. It requires, to the extent possible, the management of adverse effects on the network from other activities. Although there is no national policy statement specific to the gas transmission network, this plan recognises these assets as having similar values, a similar linear extent and performing a similar function.

Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River 2010 is a significant document for part of the district. Reference to the Strategic directions sections of this plan is required in respect of this matter. Ko Tā Maniapoto Mahere Taiao Environmental Management Plan 2018 and Waikato-Tainui Environmental Management Plan 2013 also contain directions and outcomes to be achieved in respect of the provision of infrastructure. Applicants are directed to these documents when planning or undertaking works within the district.

Subdivision proximal to these networks is managed in the [subdivision chapter](#). The provisions of the [network utilities chapter](#) manage the operation, maintenance, replacement, upgrading and development of these assets.

#### Other relevant regulations

Additional regulatory requirements and approvals separate to this plan, are also relevant to network utilities, including:

1. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) 34:2001 is mandatory under the Electricity Act

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<sup>1</sup> Transpower NZ Ltd [31.22]

1992. All activities regulated by the NZECP, including any activities that are otherwise permitted by the plan, must comply with this code of practice.

## Objectives

*Refer also to the relevant objectives in Part 2 District-Wide Matters and Part 3 Area Specific Matters*

**NEGT-O1.** The national significance and benefits of the National Grid are recognised, protected and provided for, ~~and the national grid is protected from other activities.~~<sup>2</sup>

**NEGT-O2.** The regional significance of the gas transmission network is recognised, ~~and protected from other activities~~ is not compromised by other activities.<sup>3</sup>

## Policies

*Refer also to the relevant policies in Part 2 District-Wide Matters and Part 3 Area Specific Matters*

**NEGT-P1.** Within the National Grid yard avoid the establishment or expansion of transmission sensitive activities and buildings or structures used for these purposes in order to:

1. ~~Protect the national significance of the National Grid; and~~<sup>4</sup>
2. Avoid the potential for reserve sensitivity effects on the National Grid; and
3. Reduce exposure to health and safety risks; and
4. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised.

**NEGT-P2.** Manage activities, buildings, structures and earthworks for any other activity within the National Grid yard to:

1. Ensure the safe and efficient operation, maintenance, repair, upgrading or development of the National Grid is not compromised; and
2. Provide security of supply and/or integrity of National Grid assets; and
3. Maintain ongoing access to conductors and support structures for maintenance and upgrading works; and
4. Manage all activities to avoid exposure to health and safety risks from the National Grid; and
5. Avoid, to the extent reasonably possible, the<sup>5</sup> potential for reverse sensitivity effects on the National Grid; and

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<sup>2</sup> Horticulture NZ [27.28]

<sup>3</sup> Horticulture NZ [27.29]

<sup>4</sup> Horticulture NZ [27.30]

<sup>5</sup> Horticulture NZ [27.31]



6. [Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances \(NZECP 34:2001\).](#)<sup>6</sup>

**NEGT-P3.** Manage land use activities in proximity to the gas transmission network to:

1. Provide security of supply and/or integrity of the gas transmission network; and
2. Avoid potential exposure to health and safety risks from the gas transmission network; and
3. Maintain ongoing access for maintenance, repair and upgrading works; and
4. Reduce the potential for reverse sensitivity effects.

**NEGT-P4.** New residential activities and transmission sensitive activities must be appropriately located and setback from the gas transmission network.

**NEGT-P5.** Maintain the integrity and stability of the gas transmission network by managing earthworks, including the planting of trees, in proximity to the gas transmission network.

**NEGT-P6.** Manage the use of explosives in proximity to the gas transmission network and hazardous substances in proximity to the National Grid yard, in order to avoid the potential for high-risk events which would impact people's health and safety, cause property damage and disruption to supply.

## Rules

The rules in NEG-T - Table 1 apply within the national National Grid and within specified distances from the gas transmission pipelines and network. To undertake any activity, it must comply with all the rules listed in:

- NEG-T - Table 1 - Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

### NEGT - Table 1 - Activities Rules

**Unless specifically stated otherwise, the rules in this table apply to all zones, precincts, all roads and new roads approved by resource consent**

**Rules NEG-T-R1 to NEG-T-R4 apply to the National Grid yard**

<sup>6</sup> Transpower NZ Ltd [31.25]

Rules NEGT-R5 to NEGT-R9 apply to the gas transmission network	
NEGT-R1.	Earthworks, vertical holes or land disturbance within the National Grid yard
<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Earthworks, vertical holes or land disturbance within the National Grid yard must not: <ol style="list-style-type: none"> <li>Exceed 300 mm depth within 6m of the outer edge of the visible foundation of any National Grid support structure; and</li> <li>Exceed 3 m depth where located between 6m and 12 m of the outer edge of the visible foundation of any National Grid support structure; and</li> <li>Compromise the stability of any National Grid support structure; and</li> <li>Permanently physically impede existing vehicular access to any National Grid support structure; and</li> <li>Result in a reduction of the existing ground to conductor clearances as required in Table 4 of the NZECP;</li> </ol> </li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>NEGT-R1(i) and (ii) do not apply to the following earthworks, vertical holes or land disturbance: <ol style="list-style-type: none"> <li>Earthworks undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes). See the <a href="#">network utilities chapter</a> for earthwork provisions; and</li> <li>Earthworks undertaken for cultivation or repair or sealing of a road, pedestrian accessways, walkways, cycleways, driveways or farm tracks; and</li> <li>Vertical holes not exceeding 500 mm in diameter that are located at least 1.5 m from the outer edge of a National Grid pole or stay wire, or are a post hole for a farm fence or horticulture structure more than 6 m from the visible outer edge of a National Grid tower foundation; or</li> <li>Earthworks subject to a dispensation from Transpower New Zealand Limited under the NZECP.</li> </ol> </li> </ol> <p><del>Nothing in this rule shall limit Māori cultural and customary uses and burials in sites or areas of significance to Māori</del></p>	<p><b>Activity status where compliance with Rule NEGT-R1.1(i) or NEGT-R1.1(ii) is not achieved: RDIS</b></p> <p><u>Matters over which discretion is restricted:</u></p> <p>(a) <u>Impacts on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p>(b) <u>The risk to the structural integrity of the affected National Grid support structure(s);</u></p> <p>(c) <u>Any impact on the ability of the National Grid owner (Transpower) to access the National Grid;</u></p> <p>(d) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p>(e) <u>Technical advice provided by the National Grid owner (Transpower NZ Ltd); and</u></p> <p>(f) <u>Any effects on National Grid support structures including the creation of an unstable batter.</u></p> <p><b>Activity status where compliance is not achieved with Rules NEGT-R1(1)(iii), NEGT-R1(1)(iv) or NEGT-R1(1)(v): NC<sup>8</sup></b></p>

<sup>8</sup> Horticulture NZ [27.35]

~~or in the Māori purpose zones identified on the planning maps.<sup>7</sup>~~

*Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*

*Note: Transpower New Zealand Ltd will be considered an affected party in accordance with section 95E of the Act.*

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<sup>7</sup> Transpower NZ Ltd [31.28]

NEGT-R2.	Buildings and structures within the National Grid yard
<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The following building and structures are permitted within the National Grid yard:             <ol style="list-style-type: none"> <li>Non-habitable buildings or structures for farming activities (excluding intensive indoor primary production, commercial greenhouses, milking sheds and buildings storing hazardous substances); and</li> <li>Ancillary stockyards and platforms, including those associated with milking sheds; and</li> <li>Artificial screens and fences no more than 2.5 m in height as measured from ground level, where these are located at least 5 m from the outer visible edge of any National Grid support structure; and</li> <li>Artificial crop protection structures or crop support structures not exceeding 2.5 m in height where located at least 8m from a National Grid transmission line pole that:                 <ol style="list-style-type: none"> <li>Is removable or temporary to allow a clear working space of 12 m; and</li> <li>Allows all weather access to the pole and a sufficient area for maintenance equipment including a crane; and</li> </ol> </li> <li>Where undertaken by a network utility operator, infrastructure (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure that connects to the National Grid . See the <a href="#">network utilities chapter</a>;</li> </ol> </li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>All buildings and structures listed in NEG-T-R2.1 must comply with the following:             <ol style="list-style-type: none"> <li>Except for NEG-T-R2.1 (iii), (iv) and (v), no building or structure must be located closer than 12 m from the outer visible foundation of any National Grid support structure); and</li> <li>No building or structure may permanently physically impede existing vehicular access to any National Grid support structure; and</li> </ol> </li> </ol>	<p><b>3. Activity status where compliance is not achieved: NC</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li><u>Compliance with NEG-T-R2.1 and NEG-T-R2.2 is not achieved;</u></li> <li><u>The building or structure is for intensive indoor primary production, commercial greenhouses, milking sheds or buildings storing hazardous substances; or</u></li> <li><u>The building or structure is not otherwise provided for in the National Grid yard.<sup>10</sup></u></li> </ol>

<sup>10</sup> Transpower NZ Ltd [31.29]

<p>(iii) All buildings and structures must comply with the NZECP under all National Grid transmission line operating conditions.</p> <p><b>AND</b></p> <p><del>3. For the avoidance of doubt, any building or structure used for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020 Regulations 2001) with explosive or flammable intrinsic properties is a non-complying activity, except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities.<sup>9</sup></del></p> <p><i>Note: Transpower New Zealand Ltd will be considered an affected party in accordance with section 95E of the Act.</i></p> <p><i>Note: NZECP is mandatory under the Electricity Act 1992. All activities regulated by NZECP, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the Plan.</i></p>	
<p><b>NEGT-R3.</b></p>	<p><b>New transmission sensitive activities including the erection or relocation of buildings for transmission sensitive activities</b></p>
<p><b>Activity status: NC</b></p> <p><b>Where:</b></p> <p>1. The following activities propose to locate within the National Grid yard:</p> <ul style="list-style-type: none"> <li>(i) Establishment of a transmission sensitive activity in an existing or new building or structure; or</li> <li>(ii) Construction of a new building or relocation of a building to accommodate a transmission sensitive activity; or</li> <li>(iii) Any change of land use to a transmission sensitive activity; or</li> <li>(iv) Additions or alterations to an existing building or structure for a sensitive activity that involves an increase in the building or structure height or footprint.</li> </ul> <p><i>Note: Transpower New Zealand Ltd will be considered an affected party in accordance with section 95E of the Act.</i></p> <p><i>Note: NZECP is mandatory under the Electricity Act 1992. All activities regulated by NZECP, including buildings, structures, earthworks and the operation of mobile plant, must comply</i></p>	<p><b>Activity status where compliance is not achieved: N/A</b></p>

<sup>9</sup> Transpower NZ Ltd [31.29]

<p>with that regulation. Activities should be checked for compliance even if they are permitted by the Plan.</p> <p><i>Note: Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</i></p>	
<b>NEGT-R4.</b>	<b>Quarrying activities</b>
<p><b>Activity status: PR</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The activity is a quarrying activity, farm quarrying or forestry quarrying within the National Grid yard.</li> </ol> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	<p><b>Activity status where compliance is not achieved: N/A</b></p>
<b>NEGT-R5.</b>	<b>Earthworks within <del>20</del> 10<sup>11</sup> m of the gas transmission network</b>
<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The earthworks are within <del>20</del> 10<sup>12</sup> m of the gas transmission network and do not include: <ol style="list-style-type: none"> <li>(i) A change to the ground contour or ground level; or</li> <li>(ii) The planting of trees within 10 m of the gas transmission pipeline; or</li> <li>(iii) Soil loading over the gas transmission pipeline; or</li> <li>(iv) The use of heavy vehicle or machinery, except where required to undertake cultivation;</li> </ol> </li> <li>AND</li> <li>2. This rule does not apply to cultivation and domestic gardening (except for the planting of trees); and</li> <li>3. A minimum of five working days prior to the commencement of earthworks, written advice of the work must be provided to the gas transmission pipeline owner and operator.</li> </ol> <p>Nothing in this rule shall limit Māori cultural and customary uses and burials in Sites or Areas of Significance to Māori or in the Māori purpose zones identified on the planning maps.</p>	<p><b>Activity status where compliance is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>(a) Measures taken during earthworks to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and</li> <li>(b) The risks of hazards affecting public or individual safety and the risk of property damage; and</li> <li>(c) Measures proposed to avoid or mitigate potential adverse effects on the gas transmission network; and</li> <li>(d) Technical advice provided by the owner and operator of the gas transmission network, including on the assessment of risk; and</li> </ol>

<sup>11</sup> First Gas [39.13]

<sup>12</sup> First Gas [39.13]

<p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> <p><i>Note: First Gas Ltd will be considered an affected party in accordance with section 95E of the Act.</i></p> <p><i>Note: For any works within a gas pipeline easement area, a Pipeline Easement Permit must be obtained.</i></p>	<p>(e) The outcome of any consultation with the owner and operator of the gas transmission network.</p>
<p><b>NEGT-R6.</b></p> <p><b>NEGT-R7.</b></p> <p><b>NEGT-R8.</b></p>	<p><b>New residential activities located within 20 m of any gas transmission pipeline at a gauge pressure exceeding 2,000 kilopascals</b></p> <p><b>New residential activities located within 60 m of any above ground structure associated with the gas transmission network</b></p> <p><b>New transmission sensitive activities (other than provided for in NEG-T-R6 and NEG-T-R7) located within 60 m of the gas transmission network</b></p>

**Activity status: RDIS**

**Where:**

1. No activity or structure may permanently physically or legally impede existing access to the gas transmission pipeline and/or the gas transmission network.

**Matters over which discretion is restricted:**

- (a) The extent to which the proposed activities are likely to compromise the stability or integrity of the gas transmission network and/or the gas transmission pipeline and their operation, maintenance and upgrading; and
- (b) The risks of hazards affecting public or individual safety and the risk of property damage; and
- (c) Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline or network; and
- (d) Within the Māori purpose zone, the positive benefits for Māori from the use and development of land; and
- (e) Technical advice provided by the owner and operator of the gas transmission network, including on the assessment of risk; and
- (f) The outcome of any consultation with the owner and operator of the gas transmission network; and
- (g) Whether the activity could be located at a greater distance from the gas transmission network.

**Activity status where compliance is not achieved: DIS**

*Note: First Gas Ltd will be considered an affected party in accordance with section 95E of the Act.*

*Note: Above ground structures associated with the gas transmission network may include sales gates, scraper stations, compressor stations, MVLs and offtakes.*

<b>NEGT-R9.</b>	<b>The use of explosives within 250 m of the <a href="#">gas transmission network</a></b>
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**Activity Status: RDIS**

**Matters over which discretion is restricted:**

- (a) The extent to which the proposed activities are likely to compromise the stability or integrity of the gas transmission network and/or the gas transmission pipeline and their operation, maintenance and upgrading; and
- (b) The risks of hazards affecting public or individual safety and the risk of property damage; and
- (c) Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline and/or the gas transmission network; and
- (d) Technical advice provided by the owner and operator of the gas transmission network, including on the assessment of risk; and
- (e) The outcome of any consultation with the owner and operator of the gas transmission network and/or gas transmission pipeline; and
- (f) Whether the use of explosives could be located a greater distance from the gas transmission pipeline and/or gas transmission network.

*Note: First Gas Ltd will be considered an affected party in accordance with section 95E of the Act.*

## **NEGT - Table 2 - Performance Standards**

*There are no Performance Standards*