

**BEFORE THE GREATER WELLINGTON REGIONAL COUNCIL
PROPOSED NATURAL RESOURCES PLAN INDEPENDENT HEARINGS
PANEL**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Hearing Stream 1 Overall
Policy Framework, Beneficial
Use and Development, Areas
and Sites with Significant Mana
Whenua Values

**STATEMENT OF EVIDENCE OF DAVID LE MARQUAND FOR
Z ENERGY LTD, MOBIL OIL NZ LTD, BP OIL NZ LTD (THE OIL COMPANIES)(Submitter
S55 & FS57) AND POWERCO LIMITED (Submitter # S29 & FS56)**

5 May 2017

Table of Contents

1. EXECUTIVE SUMMARY.....	3
2. INTRODUCTION	6
3. MATTERS IN DISPUTE WHERE THERE IS DISAGREEMENT WITH THE S42A REPORT(S).....	7
4. DEFINITION OF REGIONALLY SIGNIFICANT INFRASTRUCTURE.....	8
5. POLICY 4.....	15
6. REVERSE SENSITIVITY	19
7. FUNCTIONAL NEED	22

Attachments

Attachment A – Qualifications & Experience

Attachment B – Summary of position on the staff recommendations on the submissions and further submissions of Powerco and the Oil Companies

Attachment C – Report to Auckland Council Hearing topic 012 Infrastructure, energy and transport July 2016. Auckland Unitary Plan Independent Hearings Panel

Attachment D – Definitions of Regionally Significant Infrastructure within other Regional Policy Statements

1. EXECUTIVE SUMMARY

- 1.1 This statement of evidence relates to the Hearing Stream 1 provisions. In particular, it focuses on the submissions of Powerco and the Oil Companies (Z Energy Limited, BP Oil Limited and Mobil Oil Limited). All amendments sought are set out in this evidence. Not all submissions are addressed in detail within the body of this evidence. It focuses primarily on those areas where there is disagreement with the staff report. A summary of my response to the Powerco and Oil Companies submissions subject to this hearing, including where there is agreement with the staff report, is set out in **Attachment B**, which combines both Powerco and Oil Companies submissions.
- 1.2 My evidence addresses the definition of **regionally significant infrastructure**. In my opinion, the definition as drafted sufficiently addresses and provides for the Oil Companies' bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines and Powerco's gas network. However, there is some ambiguity and uncertainty around the extent to which Powerco's electricity distribution network is provided for in the definition.
- 1.3 My evidence takes issue with the assumption in the s42A report that the local electricity distribution network is not considered to be **regionally significant infrastructure**. There are compelling reasons to consider that the network is and there is a need to make an amendment to the definition to ensure that is made explicit. The reasons include:
- The current definition is an inclusive definition;
 - Like most of the other examples listed in the definition the local electricity distribution network is a life line utility;
 - The electricity distribution network is provided for as a network utility under the RMA;
 - The concepts of scale and significance are misunderstood by the s42A report in terms of understanding the importance and functioning of the network. There is inconsistency across the definition. Other distribution networks are included e.g. water supply and gas;
 - If electricity distribution is excluded it raises questions as to how RPS policy 7 can be given effect;

- Other regionally significant infrastructure relies on a connection to the electricity distribution network and will have difficulty operating without such connectivity;
- The efficacy of the electricity distribution network depends upon the functioning of every element. It is difficult to rationalise some infrastructure is more important than others. This was the basis the notion of regional significance was rejected by the Independent Hearing Panel on the Auckland Unitary Plan, headed by Judge Kirkpatrick, and the provisions were applied to all infrastructure;
- Greater Wellington Regional Council, in its RPS, is the only Council in the North Island that appears to not explicitly recognise the local distribution network as **regionally significant infrastructure**.
- Bay of Plenty (*BOP*) RPS has very similar wording to the GWRC RPS. It has taken the view that the electricity distribution network is included in the definition of regionally significant infrastructure and amended the definition in its Regional Coastal Environment Plan to add clarification to that effect and to remove any doubt.

1.4 My evidence confirms a similar amendment as included in the BOP Regional Coastal Environment Plan should be applied to the GWRC Proposed Natural Resource Plan.

1.5 My evidence addresses the nature and scope of **Policy 4** which is about defining the meaning and application of “minimisation”. It is a significant and overarching policy affecting the interpretation and application of two objectives and some 40 other polices. It lacks clarity in its current form and inappropriately sets out mandatory requirements and includes and applies a locational avoidance requirement for all activities occurring in certain specified Scheduled environments. This is at odds with the specific policy approach taken for those areas. My evidence recommends that if the policy is to be retained then the various methods referred to in the policy should be examples of compliance and that the avoidance element should be deleted and replaced with reference to the best practicable option (*BPO*).

1.6 My evidence discusses provisions relating to **regionally significant infrastructure** and **reverse sensitivity**. This requires amendment to Objective 13 and Policy 14 to ensure **regionally significant infrastructure** is protected from other adverse effects as well as reverse sensitivity.

Furthermore, that in considering those effects, recognition that **regionally significant infrastructure** is dynamic and needs to meet the needs of the wider community is also required and therefore consideration of the ability to upgrade is essential to avoid locking in such infrastructure at a sub optimal level. Amendments are proposed to Objective 13 and Policy 14 accordingly.

- 1.7 My evidence then addresses the lack of recognition under **Policy 12** (Benefits of regionally significant infrastructure) that regionally significant infrastructure, especially network infrastructure, invariably has to traverse a variety of environments and recommends wording to address that.

2. INTRODUCTION

Qualifications and experience

2.1 My full name is David William le Marquand and I have practised resource management for over 30 years. I am a Director of Burton Planning Consultants Limited. I hold the qualification of Bachelor of Arts in Geography and Master of Arts in Geography from Auckland University. Relevant qualifications and experience are set out in **Attachment A**.

CODE OF CONDUCT: ENVIRONMENT COURT OF NEW ZEALAND PRACTICE NOTE 2014 – EXPERT WITNESSES

2.2 I have read the Environment Court's Practice Note 2014 as it relates to expert witnesses. My brief of evidence was prepared in compliance with the Code of Conduct and I agree to comply with the Code in giving my oral evidence. I am not, and will not behave as, an advocate for the Oil Companies or Powerco. I am engaged by the Oil Companies and Powerco as an independent expert and my Company provides planning services to the Oil Companies and Powerco collectively and separately along with a range of other infrastructure, corporate and public agency clients. I have no other interest in the outcome of the proceedings.

2.3 The issues addressed in this brief relate to the planning implications of the Hearing Stream 1 topics – Overall Policy Framework and Beneficial Use and Development of the Proposed Natural Resources Plan for the Wellington Region (*the Plan*) and are within my area of expertise.

2.4 The reasons for my opinions are set out in the subsequent sections of this document and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.5 In preparing this evidence I have reviewed the Council's s 42A reports for Hearing Stream 1 as set out on the Council's Proposed Natural Resources Plan portal. I have considered the following documents:

- (a) The Hearing Panel Minutes 1 and 2
- (b) The notified version of the Proposed Natural Resources Plan

- (c) The tracked changes version of the Proposed Plan and Councils s42A reports
- (d) New Zealand Coastal Policy Statement (*NZCPS*)
- (e) The Regional Policy Statement for the Wellington Region (2013)
- (f) The Oil Companies and Powerco submissions and further submissions on the Proposed Natural Resources Plan
- (g) The Resource Management Act 1991 (*RMA*)
- (h) Relevant other North Island Regional Policy Statements

2.6 In accordance with the Hearing Panel Minute 2, clause 32 I have prepared a single brief of evidence that deals with the submissions of both Powerco and the Oil Companies.

3. MATTERS IN DISPUTE WHERE THERE IS DISAGREEMENT WITH THE s42A REPORT(S)

3.1 My evidence is focused on the primary points of difference with the s42A reports arising in relation to the submissions and further submissions of the Oil Companies and Powerco and the s42A reports. My proposed changes are set out in this evidence and are shown in strikethrough for deletions and underline for additions. In **Attachment B** I have set out a summary of my recommendations to the Panel in relation to all submissions by the Oil Companies and Powerco being addressed at this hearing.

Powerco and Oil Companies interests in the Region.

3.2 Powerco operates both gas and electricity networks within the Greater Wellington Region. This comprises an electricity network within the Wairarapa, covering the area from south of Eketahuna to Cape Palliser and a gas network covering Wellington City, Hutt Valley and Porirua.

3.3 The Oil Companies have bulk storage fuel facilities located at Seaview and adjacent to the Wellington Airport, and distribute fuels from these (including beyond the region) to the service station network, truck stops and various commercial clients, including the Wellington Airport.

Scope

- 3.4 My evidence relates to the following areas:
- (a) Definition of Regionally Significant Infrastructure;
 - (b) Policy 4
 - (c) Reverse Sensitivity
 - (d) Functional Need

4. DEFINITION OF REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 4.1 The definition of Regionally Significant Infrastructure in the Plan is very similar to the Regional Policy Statement and is as follows:

Regionally significant infrastructure includes:

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001*
- *strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989*
- *the national electricity grid*
- *facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the national grid*
- *the local authority water supply network and water treatments plants*
- *the local authority wastewater and stormwater networks, systems and wastewater treatment plants*
- *the Strategic Transport Network*
- *Wellington City bus terminal and Wellington Railway Station terminus*
- *Wellington International Airport*
- *Masterton Hood Aerodrome*
- *Paraparaumu Airport*
- *Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

- 4.2 The Oil Companies' submission (S55/069) sought the retention of the definition on the basis of explicit recognition of the bulk fuel supply

infrastructure, storage tanks and associated wharflines. In my opinion the definition adequately provides for that infrastructure.

- 4.3 The Powerco submission (S29/019) sought that the 5th bullet point of the definition be replaced with the following:

Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network. This includes supply within the local electricity distribution network.

- 4.4 The intent of the Powerco submission was to remove any uncertainty and ambiguity that the definition did not include the local electricity distribution network and if GWRC did not agree that the Powerco network is regionally significant infrastructure then additional policy guidance was required to ensure the ongoing development, operation, maintenance and upgrading of the. Powerco's electricity distribution network is adequately provided for. I support the intent of the submission.

- 4.5 In my view it is appropriate to clarify the definition so that the electricity distribution network is clearly identified as regionally significant. In my view, there should be no doubt that the network is regionally significant infrastructure and there should be no need to develop separate policy as a result (as per the alternative sought in the submission). The 42A report 'Beneficial Use and Development' deals with the definition in Issue 4.1 (from page 57). The report rejects the Powerco submission and makes an argument in relation to Powerco and a number of other requests for facility inclusion based on apparent scale and number of people affected. The report suggests in paragraph 265 "*The facilities referred to in the definition do not include the local electricity network which includes street level power poles and power lines. The submitters' request would in essence dilute the definition of regionally significant infrastructure to apply to the local electricity network and this is not the intent*". The report goes on to state in paragraph 268, "*In short, the definition is intended to identify what is regionally significant, and to specify which elements of an infrastructure network provides regional scale benefits*".

- 4.6 I disagree with that view, especially as it applies to a definition in the RPS that is an inclusive definition. In my view there are a number of clear and compelling reasons why this line of argument is inappropriate and will likely not deliver sustainable and consistent outcomes. These reasons are:

- The electricity distribution network is a lifeline utility under the Civil Defence and Emergency Management Act 2002, as, in fact, are most of the other activities listed in the definition of regionally significant infrastructure.
- The electricity distribution network is considered 'infrastructure' as defined under the RMA and a 'network utility' that crosses regional boundaries and is operated by a network utility operator approved as a requiring authority in accordance with 166 and 167 of the RMA.
- The reasoning is inconsistent, for example it includes the Powerco gas transmission and distribution network (which does not extend to the Wairarapa and rural areas) and Councils water supply network, (which includes distribution), but not the electricity distribution network(s), notwithstanding that the gas and water supply networks perform a comparable role in terms of delivering infrastructure services to end users throughout the region. The s42A report is arguing it doesn't include the electricity distribution network on the basis of scale and significance. I disagree and consider such an approach cannot readily be determined on the basis of scale and significance. For example the BP bulk fuel terminal at Seaview is clearly regionally significant infrastructure (in accordance with the definition). It had a wind turbine to generate a portion of its power needs with excess generation going to the network, In that case the turbine would meet the definition of regionally significant infrastructure because it is an electricity generating activity that is connected to the distribution network. The wind turbine is now mothballed and the terminal is reliant on power supply through the local distribution network. However in accordance with the argument in the s42A report the supply from the local distribution to the terminal would not be considered to be regionally significant infrastructure, yet it is essential for keeping the regionally significant fuel terminal operating. It is difficult to understand why the significance of the supply from the terminal (from a very small scale generation activity) should be recognised or provided for above the supply to the terminal from the significantly larger and more resilient electricity distribution network.
- Policy 7 of the RPS states:

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and/or methods that recognise:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely;

(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;

(iii) people have access to energy so as to meet their needs; and

(iv) people have access to telecommunication services.

It is unclear how people will have access to energy to meet their needs (clause (a)(iii)) without connection to an electricity distribution network. Far more people are reliant on the local electricity distribution network than are served by gas. District Plans invariably include provisions relating to all network utilities.

- The argument fails to understand the functioning, purpose and operation of the electricity distribution network. It is not possible in any situation to determine which part of a network is more critical at any particular time, especially in an emergency. The network is operated in a way that it has to maintain supply to strategic and important facilities, how that occurs will often depend upon the type of emergency and how the network is managed and the resilience and redundancy of systems within the network. The network operation enables power to be switched to where it is needed and isolated where it is not. The s42A report in paragraph 259 notes that the background on the definition of regionally significant infrastructure was provided in GWRC evidence to Plan Change 16 to the Porirua City District Plan by way of a s42A report. In that s42A report (16th November 2014) to the Plan Change 16 hearing panel, the issue at large in relation to regionally significant infrastructure was the interpretation of strategic telecommunication facilities. That was also the focus of the panels three questions where they asked about the background to the inclusion of the term; does strategic telecommunication facilities apply to the entire network; and how does the terminology relate to the terminology used for other regionally identified infrastructure. The response was

structured under three separate questions and does not in my view look at the consistency and relativity between the infrastructure included on the list, e.g. why some infrastructure has their whole network included and others not. The response questions appear rather to be some broad criteria for determining what is in and out. These questions were: is it identified as an issue in the District Plans within the region; does it have region wide and or/cultural or economic benefit; should the infrastructure be included on the list. The s42A report on the Porirua Plan change goes on to state in paragraph 13 that the documentation supporting the definition seems to indicate that it was expected that local authorities would tailor the definition to their district in respect of the infrastructure present. At paragraph 17 it discusses the difficulties with identifying what parts of the telecommunication network are strategic facilities and confirms that Chorus's view is that their entire network is a regionally significant facility, it not being possible to separate out the component parts. The response was while that may be the case the wording of the RPS did not foresee that and that to do so would require a plan change to the RPS.

- Indeed it was the above type of argument that led the Independent Hearing Panel (headed by Judge Kirkpatrick) for the Auckland Unitary Plan to reject the notion of regional significance for infrastructure and instead opt to revert back to the RMA definition of infrastructure with some minor amendments. In the IHP Report to Auckland Council Topic 012 (Attached as **Attachment C**) page it states:

The Panel recommends removing the distinction of infrastructure based on significance. Typically, and especially for inter-connected networks, the whole system or network is essential to provide the infrastructure service. The efficacy of an infrastructure service almost always depends on the functioning of every element of it (e.g. the roading system or the electricity transmission and distribution system). After hearing a number of infrastructure providers and other submitters strive to demonstrate that the significance of their infrastructure is greater than others, the Panel found no resource management reason to differentiate infrastructure on such a basis.

- A number of the specifically listed items of regionally significant infrastructure in the definition rely on electricity to function. For example Powerco takes power from the Tararua wind farm (which would be regionally significant infrastructure under the Plan if it were located in the region) and supplies the Masterton Hood Aerodrome (which is regionally

significant infrastructure) via an 11kv supply. The part of the network in between the generation and supplying the Aerodrome by implication has to also be regionally significant

- The definition is an inclusive definition and not a restrictive one. Unfortunately there is no additional guidance in the Plan or RPS that readily assists in determining how a determination may be applied consistently and whether other infrastructure is regionally significant. However I do note in the S42A report to the Porirua Plan Change in the table they identified that it was important to include other strategic network utilities to capture any other infrastructure not otherwise listed.

4.7 In reviewing the definition for this Plan I have considered how other regions in the North Island, including within the Powerco asset footprint, are dealing with this issue. In **Attachment D** I have listed the relevant definitions or provisions from the relevant Regional Policy Statements. The matters are as follows:

- **Taranaki:** In Taranaki, the RPS takes an approach that includes all network utilities. In the policies (refer to **Attachment D**) the provisions refer to “*network utility and other regionally significant infrastructure*”. There is no specific definition of regionally significant infrastructure albeit there is a definition of regional significance. However, as the provisions apply to all network utilities (as defined under the RMA), Powerco’s electricity and gas distribution networks are included in the relevant objectives and policies.
- **Horizons:** The RPS does not include a definition of regionally significant infrastructure but sets out in Policy 3-1 a list of infrastructure that is considered to be of regional or national importance. This includes Powerco’s electricity and gas distribution networks.
- **Waikato:** The RPS includes a definition of regionally significant infrastructure that includes ‘*a network as defined under the Electricity Industry Act 2010*’. This includes Powerco’s electricity distribution networks.
- **Hawkes Bay.** The RPS uses a definition of Strategic Infrastructure which includes the electricity transmission network and electricity distribution network. This would include Powerco’s electricity distribution network if they were in this region.
- **Gisborne:** The RPS takes a similar approach to Taranaki and refers to network utilities. This would include Powerco’s electricity and gas distribution networks if they were in this region.

- **Auckland:** The RPS includes a definition of infrastructure only, no distinction made in relation to regionally significant infrastructure. This would include Powerco's electricity and gas distribution networks if they were in this region.
- **Northland:** The RPS includes a definition of regionally significant infrastructure and includes the electricity and gas distribution networks albeit with some specification on scale. This would include substantial parts of Powerco's electricity and gas distribution networks if they were in this region.

4.8 Where definitions are used (with the exception of Auckland) they are inclusive definitions, but, as indicated all would effectively provide for the Powerco gas and electricity distribution network.

4.9 Bay of Plenty Regional Council (*BOPRC*) includes a definition of regionally significant infrastructure in its RPS (refer **Attachment D**). It uses a very similar phrase to the fifth bullet point used in the Proposed Natural Resources Plan. The BOPRC phrase is as follows:

Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.

4.10 The only difference between this definition and that used by GWRC is the inclusion of an "or" i.e. use of the term 'and/or' rather than simply 'and'. At the time of the release of decisions the BOPRC RPS definition was understood by Powerco to include the distribution network. However with the passage of time uncertainties arose so that by the time the Proposed Regional Coastal Environment Plan was notified (containing the same definition), Powerco raised issues of uncertainty. The supplementary staff s42a report (released 11 May 2015) at para 10.5.1 (page 36) made the following recommendation which was accepted by the Hearing Committee:

Powerco is concerned that the definition of regionally significant infrastructure is ambiguous with regard to whether it includes the local electricity distribution network. The intent of the definition is that it includes local distribution networks as well as the national grid.

Staff recommend the definition of regionally significant infrastructure is amended to clarify that the local distribution network is included in regionally significant infrastructure.

4.11 The definition was amended to read as follows:

Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network. This includes supply within the local electricity distribution network.

4.12 As indicated Powerco seeks the same relief to the definition of regionally significant infrastructure in the Proposed Natural Resources Plan as given in the BOPRC example. The GWRC appears to be the only region in the North Island that does not accept that the local electricity distribution network should benefit from the positive objectives and policies relating to infrastructure in their respective RPS's. In my view further such clarification of the inclusive RPS definition is needed in the Plan and is appropriate as proposed. The electricity (and gas) distribution networks are vital and essential infrastructure for the wider community and should have similar consideration. I urge the Hearing Panel to accept the proposed Powerco amendment to the definition. The amendment is not inconsistent with the RPS definition.

5. POLICY 4

5.1 Both Powerco (S29/014) and the Oil Companies (S55/102) sought amendments to Policy 4 as follows:

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and ~~shall~~ may include:

(a) consideration of alternative practicable locations and methods for undertaking the activity ~~that would have less adverse effects, and including where relevant, a location outside of the~~

~~(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and~~

~~(b)-(e) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and~~

~~(c)-(e) using good management practices for reducing the adverse effects of the activity, and~~

~~(d)-(e) designing the activity so that the scale or footprint of the activity is as small as practicable.~~

(e) Adoption of the best practicable option.

5.2 The submissions also requested that the policy be redrafted to give recognition to the best practicable option (BPO) under the RMA. Powerco (FS56/035 and

FS56/034) and the Oil Companies (FS 57/028 and FS57/027) also supported the Spark and Chorus submissions on the Policy which sought the following change:

Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable having regard to the nature and objectives of the activity and shall include:...."

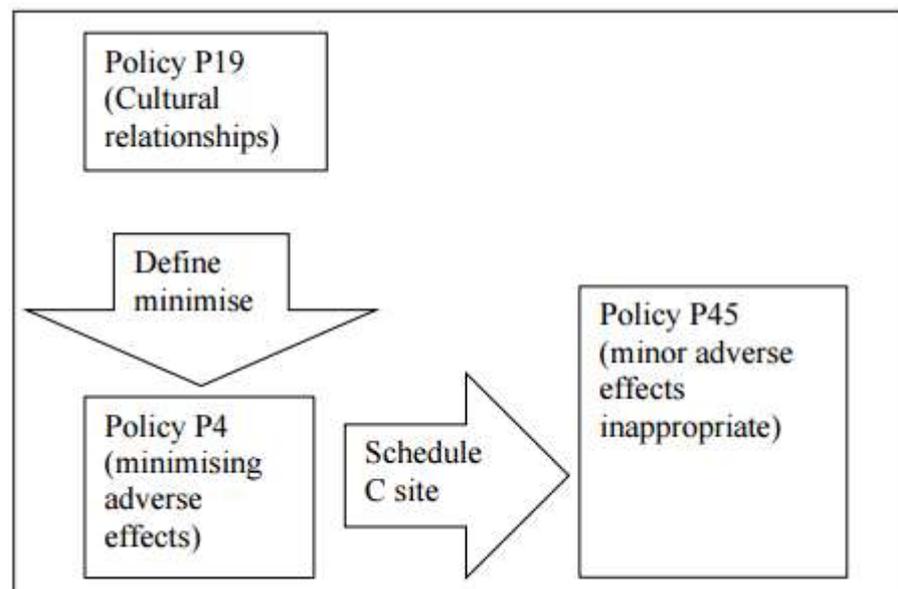
5.3 I support the intent of the amendments sought by Powerco and the Oil Companies. The s42A Report on Overall policy framework recommends that no changes be made to Policy 4. It notes that Policy 4 contains criteria for implementing policies that require the minimisation of adverse effects. Furthermore it notes there are 2 objectives and 40 other policies in the Plan that require minimisation and goes on to state at paragraph 550 *"Therefore, any amendments to Policy P4 could result in far reaching implications throughout the proposed Plan"*. I agree P4 is a potentially significant, powerful and dominant policy, it is therefore imperative that it is appropriately drafted.

5.4 In many ways Policy 4 is an unusual policy as it is essentially definitional but then also includes mandatory criteria, except they are not criteria, they are methods. In my view, they should only be examples of how minimisation may be achieved and therefore should not be mandatory. In listing the mandatory "criteria" it introduces in (b) an avoidance policy requirement across the whole plan by requiring location of the activity away from areas identified in Schedule A, C, E and F. This in my view is contrary to the first part of the policy, which is about minimisation, which in its ordinary meaning (which is used in the first part of the policy) does not include avoidance. I further note in the s42A report at paragraph 584 the statement *"Therefore, in my view adding the qualifier term "reasonably" would be redundant with sub-clauses (a)-(e), which define what is "reasonably" practicable.* So it appears that (a)-(e) are also a definition of reasonably practicable. I find that confusing.

5.5 At paragraph 586 the s42A report states:
In regards to sub-clause (b), I agree that Policy P4 defines minimisation as locating the activity away from areas identified in Schedules A, C, E and F. The result is that Policy P4 is clear that minimisation of adverse effects is not the appropriate management technique for activities in areas identified in Schedules A, C, E and F. Activities in these areas are managed instead by policies specific to activities in these areas - proposed Policies P39 (Schedule A – outstanding water bodies), P41 (Schedule F – ecosystems and areas with

significant indigenous biodiversity values), P45 (Schedule C – sites with significant mana whenua values) or P46 (Schedule E – sites with significant historic heritage).

- 5.6 To me this is a troubling rationalisation and misleading for several reasons. In many respects requiring a location away from the Scheduled areas is a potentially more significant impediment to an activity than avoidance of adverse effects. Secondly the suggestion is that policy won't affect activities in those areas and that the more specific policy regime will apply. I just don't think that is the case. I note that Policy 39 only requires avoidance of adverse effects, it is not requiring that there be no such activity in that location. The other policies, Policy 41, 45 and 46 referred to have an avoid, remedy, mitigate cascade. I note at paragraph 458 in the S42A report a diagram (Figure 2) is used to illustrate how Policy 19 is implemented through Policy 4 and to Policy 45 as follows:



- 5.7 In my view it may not be possible for all activities to get to Policy 45 with Policy 4 in its current form, unless and as suggested in paragraph 459 (which I find contradictory) *“If the site and adverse effects are not within the sites with significant mana whenua values identified in Schedule C, then adverse effects are to be minimised as directed by proposed Policy P4. Where an activity or its effects are located in areas identified in Schedule C, Policy P45 applies”*. To do that I suggest requires deletion of (b). For example if my activity is the discharge of stormwater in the Hutt River (and the Oil companies have such discharges as do Council etc) which is listed in Schedule C I have to consider

Policy P73 (Minimising adverse effects of stormwater discharges). That takes one back to Policy 4 in the first instance and the policy in its current requires one to locate away from that area, there is no other structure or policy in the plan that says that can be bypassed. It is my view that it is simply not appropriate to have set up in Policy 4 an effective trumping of the specific area policy regime through a locational avoidance requirement of an activity for those Scheduled areas. Another example is Policy 130 relating to bores – does this mean that there can never be a bore established in any of those scheduled areas?

- 5.8 This Policy could cause significant issues for the Oil Companies in maintaining, upgrading and replacing their infrastructure from Point Howard Wharf to the terminals. The Point Howard wharf is identified in Schedule E1 (including its use for the oil industry). The industry has its wharf lines traverse the structure and in connecting up to the terminals they also traverse part of a habitat for indigenous birds in Schedule F2c. If an upgrade or reconstruction triggers a discretionary or non-complying activity (and the activity may well affect natural processes and therefore Objective 19 which includes minimisation would apply) and consent is required then potentially significant impediments could arise from Policy 4 in providing for the regions fuel needs.
- 5.9 If the policy is to remain as a definitional policy then it needs to be clear that the list of methods are not mandatory obligations. The Powerco and Oil Companies amendments provide a solution to that. I also support the intent of the Chorus and Spark submissions in terms of having consideration to the objectives of the activity. This is very much in line with consideration of the best practicable option. I think that item (b) could and should be replaced with a reference to BPO. Therefore as an alternative to the wording of the Powerco and Oil Companies submission Policy 4 could be amended (within scope) as follows:

Policy P4: Minimising adverse effects

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and ~~shall~~ may include:

- (a) consideration of practicable alternative locations and methods for undertaking the activity that would have less adverse effects, ~~and~~*

~~(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and consideration of the application of the best practicable option;~~

~~(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and~~

~~(d) using good management practices for reducing the adverse effects of the activity, and~~

~~(e) designing the activity so that the scale or footprint of the activity is as small as practicable.~~

6. Reverse Sensitivity

Objective 13

6.1 The Oil Companies (FS575/021) and Powerco (FS29/027) supported the Transpower submission (S165/006) on Objective 13 which sought the following:

The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities ~~in the coastal marine area~~ are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.

6.2 I support the submission. In my view there are two important issues here with the amendment; limiting the scope of the objective to the CMA and limiting the nature of effects considered on regionally significant infrastructure.

6.3 In terms of the scope of the objective I do not consider it needs to be limited to the CMA. The Plan deals with a range of environments in addition to the CMA including river and lake beds and groundwater resources. Regionally significant infrastructure is not limited to the CMA. Indeed Powerco has gas and electricity assets that traverse many river and stream beds. The Oil Companies have assets that traverse some heritage items (e.g. Point Howard Wharf) and habitat for indigenous birds in Schedule F2c. It would seem appropriate to provide an objective that addressed all the relevant environments.

6.4 The staff report recommends that no changes are made to Objective 13 and identifies that it is giving effect to Policy 8 of the RPS. The staff report makes the following comment at para 361:

The RPS does not suggest that regionally significant infrastructure in only certain parts of the region are to be protected by district and regional plans. Therefore, my understanding of RPS Policy 8 is that all incompatible use and development occurring under, over or adjacent to that regionally significant infrastructure falls under Policy 8. In the context of the proposed Plan this 'use and development' is that which occurs in the CMA and the beds of lakes and rivers in the region.

6.5 The S42A report then rationalises in paragraph 362 that Objective 13 refers to the CMA because that is where the Plan controls land use and that for beds of lakes and rivers they are covered by specific policies. I note also that there are controls on earthworks and vegetation clearance in the Plan. There may well be specific lake and river bed policies but they are not related to the protection of regionally significant infrastructure. Indeed in paragraph 363, of the staff report, the argument is made that there is a difference in scale of activities between the CMA and beds of lakes and rivers and that somehow justifies offering only explicit protection to regionally significant infrastructure in the CMA. I don't accept that line of argument and it reinforces, in my view, a misunderstanding of the way networks operate. There is therefore in my view a gap in the Plan in terms of giving effect to RPS Policy 8. This can be readily addressed by deleting the reference to the CMA in Objective 13.

6.6 The issue of limiting the nature and scale of effects is also a concern. Regionally significant infrastructure serves the community at large and has to meet the demands of the community. It is therefore important when considering incompatibility matters that some consideration has been given to future upgrading activities of that infrastructure, otherwise there is a risk of enabling a development that may not constrain existing operation of that infrastructure but prevent it from upgrading and meeting future demand, thereby leading to potentially significant inefficiencies and redundancy. I therefore support the inclusion of the word "upgrade" in the Objective and the objective amended as outlined in the Transpower submission. .

Policy 14

6.7 The Oil Companies (S55/015) and Powerco (S29/017) sought to modify Policy 14 so that regionally significant infrastructure was protected from a broader range of adverse effects than just reverse sensitivity effects. The submission sought the following:

Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and

development to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects.

- 6.8 The s42A Officers Report on Beneficial Use and Development rejects this and states at paragraph 372:

The insertion of these words would change the scope of the policy to include all other effects that may occur outside reverse sensitivity effects. The management of the effects of use and development are addressed in other provisions in the proposed Plan.

- 6.9 It was the intent of the submission to broaden the range of effects considered in order to achieve a greater level of protection for regionally significant infrastructure. Such an approach is in my view entirely appropriate given the nature and broad canvas of Objective 13 (and subject to the above discussion in relation to that). For example, it would seem appropriate to have policy that considers the effects of an adjacent activity (that may not create reverse sensitivity because it is not affected by the regionally significant activity) but could say create the potential for erosion that would undermine the regionally significant activity. While it may be argued that other provisions would likely pick that matter up such a provision would direct the plan user (and Council processing staff) to address the risks to the infrastructure and or the wider community if there would be such an effect. Broadening out the policy would, in my view, give effect to Policy 8 of the RPS as it is really only in this provision in the Plan where regionally significant infrastructure is to be protected.

- 6.10 Powerco (FS56/010) and the Oil Companies (FS57/001) supported NZTA submission (S146/031) in relation to reverse sensitivity. I am not opposed to a change in the definition of reverse sensitivity, although I note it is defined in the RPS, so the question must be is this adding further clarification or changing the intent. If the Hearing Panel is not minded to change the definition it reinforces, in my view, the need to broaden the scope of the policy to consider the likes of effects from encroachment on future expansion of regionally significant infrastructure. However if the definition is to be changed I do not support the inclusion of the word 'development' in the definition as it could imply new infrastructure/activities. I consider that new infrastructure/activities should be considered on their merits and that amending the definition to apply only to new infrastructure / activities would be a change in the scope the definition. I would support a definition change as follows:

Reverse sensitivity

The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be

generated by such existing activities, thereby creating the potential for the operation, maintenance, and upgrade of such existing activity to be constrained.

7. FUNCTIONAL NEED

New Objectives

- 7.1 Powerco (FS56/018, FS56/012, FS56/020) and the Oil Companies (FS57/013) supported First Gas submission (S145/016) and Spark NZ Ltd (S98/005), seeking a new objective including reference to functional need.
- 7.2 Functional need is defined in the Plan as: *When an activity is dependent on having its location in the coastal marine area or in the beds of lakes and rivers.*
- 7.3 Functional need is an important consideration especially for the likes of linear networks, that need to traverse many different environments, but also for other regionally significant infrastructure, for example port facilities. There are likely to be circumstances where existing infrastructure and even new infrastructure cannot avoid locating in certain environments, including sensitive environments if they are to perform their relevant functions.
- 7.4 Having considered the discussion in the s42A report I do not think functional need for regionally significant infrastructure has to be explicitly addressed in the objectives as Objective 12 provides a broad enough cover for matters relating to regionally significant infrastructure to be addressed at a policy level.

Policy 12

- 7.5 Powerco (FS FS56/043, FS56/042, FS56/045) and the Oil Companies (FS57/039, 40 and 35,36) supported submissions by Spark (098/011) Chorus (S144/011) and First Gas (S145/028) on amendments to Policy 12. I support the intent of those submissions. Policy 12 states:

Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities

The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:

- (a) the strategic integration of infrastructure and land use, and*
- (b) the location of existing infrastructure and structures, and*

- (c) *the need for renewable energy generation activities to locate where the renewable energy resources exist, and*
- (d) *the functional need for port activities to be located within the coastal marine area, and*
- (e) *operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.*

7.6 In particular First Gas sought reference to functional need in (d) be extended to other significant infrastructure than just ports in the CMA and in (e) sought that functional need be extended to lake and river beds. I support that intent but note that clause (e) is very important to remain intact in this policy.

7.7 The S42A report notes in paragraph 305 that Objective 53:
..provides recognition for use and development in the CMA if there is a functional need or operational requirement to be located there. Objective O53 partially answers the submissions from NZTA and First Gas and will be assessed fully in the section 42A officer's report: Coast.

7.8 While I accept that functional need is mentioned in Objective 53 (and in subsequent Policy 132) - it is really a management objective for all activities in the coastal areas. I note there are also functional need requirements in Policy 25 (Natural Character) and Policy 27 (Natural Hazards). In my view the coastal management outcome sought in Objective 53 is not the same as recognising the matter in terms of policy relating to the benefits of regionally significant infrastructure. It is clear that sometimes other infrastructure may have a functional need to locate in the CMA and other environments. While it is obvious the Port needs a coastal location there is other infrastructure that will need to locate in that area from time to time and in other environments. Part of the preamble to the NZCPS recognises there is a range of infrastructure in the coastal environment in addition to ports that is already established, including airports, roads and submarine cables. Of particular concern is that there is no policy recognition about a functional need or requirement for regionally significant infrastructure such as Powerco's gas and electricity networks that cross rivers, streams and lake beds.

7.9 I note in the Auckland Unitary Plan that they addressed this is in part through a policy along the lines the submitters were seeking in that Plan under B3.2.2 Provision of Infrastructure:

Provide for the locational requirements of infrastructure by recognising that it can have a functional or operational need to be located in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character

7.10 The above type of policy support seems a way to give effect to RPS Policy 7 and the submissions. If the Hearing Panel is not minded to grant the relief of First Gas then an additional matter could be added to Policy 12 as a consequential along the following lines:

f) the nature and functioning of the regionally significant infrastructure may need it to locate in a variety of environments.



DW le Marquand
Burton Planning Consultants
5th May 2017

ATTACHMENT A

RELEVANT EXPERIENCE AND QUALIFICATIONS

I am a Director of Burton Planning Consultants Limited and have over 30 years' experience in the planning system in New Zealand. This includes experience in the public and private sectors and in consents, policy and compliance work across a range of developments.

QUALIFICATIONS AND PROFESSIONAL MEMBERSHIPS:

Bachelor of Arts (Geography) The University of Auckland 1978

Master of Arts (Geography) The University of Auckland 1980

My thesis was on The Dynamics of Some Waitemata Harbour Beaches

I am a member of the Resource Management Law Association

WORK HISTORY:

July 1995 – present

Associate then from 2003 Director Burton Planning Consultants

Various land use and regional consents for major clients. Analysis of proposed District and Regional Plans, Plan Changes and Variations and submissions. Evidence preparation and presentation in various fora. Strategic policy development and participation in various fora. Appeal drafting, participation and settlement.

1988 - May 1995

Senior Environmental Policy Analyst, Ministry for the Environment

Environmental and resource management advice on Government environment policies to local authorities, tangatawhenua, environmental and other groups. Input to RMA development. Monitoring of RMA implementation. Analysis of proposed plans, plan changes and policy statements. Preparation of submissions and evidence preparation. Monitoring regional developments and response to Government policies identifying problems and solutions including policy development.

1983-1988

Scientist, Planning Section, Water and Soil Directorate, Ministry of Works and Development.

Advice to National Water and Soil Conservation Authority (NWASCA) on effectiveness of Government and NWASCA policy. Policy development on flood reduction, geothermal management, water and soil management planning, coastal resources survey. Management of \$5m resource management grant programme to catchment authorities.

1980 - 1983

Advisory Officer then Section Officer, Central Regional, Harbours and Foreshores, Ministry of Transport.

Processing and approval of consents in the coastal marine area under the Harbours Act 1950. Representation of Ministry at various Committees and other fora. Investigations, litigation and prosecutions.

My principal role at Burton Consultants, in addition to managing the overall practice, has been to provide planning and resource management consenting and policy advice to clients in relation to various projects and planning instruments. This has included preparation of consent applications, AEEs, designations, policy analysis, submissions and appeals for a range of clients including numerous infrastructure clients including Mobil, BP, Z Energy, Chevron, New Zealand Oil Services Limited, Wiri Oil Services Limited, Powerco, Transpower, Enerco, Telecom, TVNZ,

Liquigas, Eastland Energy, North Shore Events Centre, AIAL and the Lines Company. I have over 25 years specialist experience in relation to the oil industry and 7 years in relation to Powerco. For the Oil Companies this includes numerous resource consent applications (land use and discharge) and planning issues, including risk matters, for oil storage terminals in Bluff, Timaru, Lyttelton, Nelson, Wellington, Napier, New Plymouth, Tauranga, Auckland, Marsden Point and Wiri. I also provide planning advice to the Oil Industry Environmental Working Group (OIEWG), which currently comprises of Mobil Oil NZ Ltd, Z Energy Ltd and BP Oil NZ Ltd. It also includes associate members from MTA (Motor Trade Association), and NZ Oil Services Ltd. OIEWG has been involved in the development of a number of guidelines, including the following:

- Guidelines for assessing and managing petroleum hydrocarbon contaminated sites in New Zealand (revised 2011)
- Environmental guidelines for water discharges from petroleum industry sites in New Zealand 1998
- Above-ground Bulk Tank Containment Systems: Environmental Guidelines for the Petroleum Marketing Companies

OIEWG has submitted on a range of regional policy statements, regional plans and district plans, plan changes and variation throughout the country in relation to matters that affect the oil industry operations, and in particular, matters relating to hazardous substances, contaminated land, earthworks, air, freshwater, stormwater, natural hazards, coastal provisions, zoning matters and various performance-based provisions. There have also been inputs into various other policy instruments including central government initiatives.

For Powerco have provided planning services for a range of inputs into regional and national policy statements, regional plans and district plans, plan changes and variations throughout their operating footprint in the North Island.

Attachment B

Attachment B: Summary of Position on the Staff Recommendations on the Submissions and Further Submissions of Power and the Oil Companies

Beneficial use and development *All further submissions are accepted or rejected accordingly

Submission further submission point and submitter name /	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S29/001 Powerco / S55/001 The Oil Companies	Objective O12: Benefits of regionally significant infrastructure Support	Retain O12 without further modification	Accept See Issue 4	Agree – no further comment.
S29/002 Powerco	Objective O13: Protecting regionally significant infrastructure Support	Retain Objective O13 without further modification	Accept See Issue 4	Refer to evidence in section 6. Recommendation - Amend objective as follows: <i>The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
S55/002 The Oil Companies	Objective O13: Protecting regionally significant infrastructure	Retain Objective O13 without modification.	Accept See Issue 4	Accept - no further comment

Attachment B

Submission further submission point and submitter name /	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
	Support			
S29/016 Powerco S55/014 The Oil Companies	Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities Support	Retain Policy 13 without further modification	Accept See Issue 4	Agree – no further comment.
S29/017 Powerco	Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities Support in part	Modify Policy 14 as follows: Regionally significant infrastructure and renewable energy generation activities shall be protected ... by locating and designing any new use and development to avoid, remedy or mitigate <u>any adverse effects, including reverse sensitivity effects.</u>	Reject See Issue 4	Refer to evidence in section 6 - It is appropriate to consider more than just reverse sensitivity effects on adjacent regionally significant infrastructure. Recommendation: make the amendments as sought in the submission.
S55/015 The Oil Companies	Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation	Modify Policy 14 as follows: Regionally significant infrastructure ... to avoid, remedy or mitigate any <u>adverse effects, including reverse sensitivity effects.</u>	Accept See Issue 4	Refer to evidence in section 6 - It is appropriate to consider more than just reverse sensitivity effects on adjacent regionally significant infrastructure. Recommendation: make the amendments as sought.

Attachment B

Submission further submission point and submitter name /	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
	activities Support in part			
S29/018 Powerco S55/016 The Oil Companies	Policy P15: Flood protection activities Support	Retain Policy 15 without further modification.	Accept See Issue 2	Accept - no further comment
S29/019 Powerco S55/017 The Oil Companies	Policy P16: New flood protection and erosion control Support	Retain Policy 16 without further modification.	Accept See Issue 2	Accept - no further comment
S29/060 Powerco	Regionally significant infrastructure Oppose	Modify Definition of Regionally Significant Infrastructure as follows: Regionally significant infrastructure includes... • facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the national grid • Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network. This includes supply within the local electricity distribution network...	Reject See Issue 4	Refer to evidence in Section 4. Recommendation – Amend definition in accordance with the submission.
S55/069 The Oil Companies	Regionally significant infrastructure Support	Retain definition of regionally significant infrastructure.	Accept See Issue 4	Definition is appropriate for Oil Companies strategic assets. Issue is addressed in evidence section 4.

Attachment B

Submission / further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S82/007 Meridian Energy Ltd	Upgrade Amend	<p>Amend the definition of 'upgrade' as follows (or similar wording):</p> <p>Use and development to bring existing structures or facilities up to current standards, <u>or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment and provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity and</u></p> <p><u>(a) in relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant infrastructure and replacing support structures within the footprint of authorised activities.</u></p>	Reject See Issue 4	Staff recommendation is accepted. However the wording <u>or to improve the functioning of structures or facilities,</u> after the words “current standards” is supported.
FS56/013 Powerco FS57/009 The Oil Companies	(Further submission) Support	Allow in part		
S82/013 Meridian Energy Ltd	Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities Support	Retain Policy P12.	Accept See Issue 4	Refer to evidence in section 7. Recommendation: Amend as per First Gas submission S145/028 or add: <u>f) the nature of the regionally significant infrastructure may need it to be located in a variety of environments.</u>

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
FS56/041 Powerco	(Further submission) Support	Allow		
FS57/038 & 034 The Oil Companies	(Further submission) Support in part	Allow in part		
S98/005 Spark NZ Trading Ltd	Objective O12: Benefits of regionally significant infrastructure Oppose in part	Amend Obj 12: The social, economic, cultural, and environmental <u>and health and safety</u> benefits of regionally significant infrastructure and renewable electricity generation activities. <u>Obj 12A</u> <u>Recognise that some existing and future regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.</u>	Reject See Issue 4	Refer to evidence in section 7 on functional need. Recommendation: Accept staff recommendation on objective..
FS56/021 Powerco FS57/016 The Oil Companies	(Further submission) Support	Allow		
S98/009 Spark NZ Trading Ltd	Policy P7: Uses of land and water Support in part	Amend P7: The cultural, social and economic benefits of using land and water for: <u>(1) Regionally Significant Infrastructure</u>	Reject See Issue 2	Accept - no further comment
FS56/037 Powerco	(Further submission) Support	Allow		

Attachment B

Submission / further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S98/010 Spark NZ Trading Ltd	Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers Support in part	Amend P9: Reduction in the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers shall be avoided except where it is necessary to: <u>(d) protect Regionally Significant Infrastructure</u>	Reject See Issue 3	Submission could be accepted. It is noted that RPS policy 53 makes an exception in relation to the integrity and security of regionally significant infrastructure.
FS56/039 Powerco FS57/032 The Oil Companies	(Further submission) Support	Allow		
S98/011 Spark NZ Trading Ltd	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities Support in part	Amend P12: <u>(e) the functional need for the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities, including where those activities are proposed within areas of outstanding natural character and landscapes, high hazards, sites of significant value, ecosystems and habitats with significant indigenous biodiversity value, natural features, sites significant historic heritage value, and sites within significant Mana Whenua.</u>	Reject See Issue 4	Refer to evidence in section 7. Recommendation: Amend as per First Gas submission S145/028 or add: <u>f) the nature of the regionally significant infrastructure may need it to be located in a variety of environments.</u>
FS56/043 Powerco FS57/040 & 036 The Oil Companies	(Further submission) Support	Allow		

Attachment B

Submission further submission point and submitter name /	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S126/008 Wellington Electricity Lines Ltd	Upgrade Support	Support the term 'Upgrade' being defined in the Proposed NRP and seek it is retained, unaltered.	Accept See Issue 4	Accept - no further comment
FS56/012 Powerco FS57/008 The Oil Companies	(Further submission) Support	Allow		
S126/013 Wellington Electricity Lines Ltd	Objective O13: Protecting regionally significant infrastructure Amend	Amend O13 include the word 'development' as follows: "The <u>development</u> , use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity." WELL's support is contingent on the definition for Regionally Significant Infrastructure being amended in accordance with submission point #S126/006. If submission point S126/006 is not accepted, support for O13 is retracted, and an alternative definition and policy framework should added to provide for WELL's critical electricity facilities across the Wellington Region.	Reject See Issue 4	Refer to evidence section 6. Policy includes "upgrade" which includes development in any event. Recommendation: Amend objective as follows: <i>The <u>ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
FS56/026 Powerco FS57/020 The Oil Companies	(Further submission) Support in part	Allow in part		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S126/014 Wellington Electricity Lines Ltd	Policy P8: Beneficial activities Support in part	Support P8 to the extent that it covers existing electricity structures and facilities that were legally established at the time of the PNRP notification. WELL's support is contingent on the definition for Regionally Significant Infrastructure being amended in accordance with submission point #S126/006. If submission point S126/006 is not accepted, support for P8 is retracted, and an alternative definition and policy framework should added to provide for WELL's critical electricity facilities across the Wellington Region.	Reject See Issue 2	Refer to evidence on definition of Regionally Significant Infrastructure Section 4. Recommendation: Amend definition in accordance with Powerco submission S29/060
FS56/038 Powerco	(Further submission) Support in part	Allow in part		
FS57/031 The Oil Companies	(Further submission) Support in part	Allow		
S144/055 Chorus NZ Ltd	Objective O12: Benefits of regionally significant infrastructure Oppose in part	Amend Objective O12 as follows: Objective O12(Coastal) The social, economic, cultural, and environmental <u>and health and safety</u> benefits of regionally significant infrastructure and renewable electricity generation activities. Objective O12A <u>Recognise that some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.</u>	Reject See Issue 4	Refer to evidence on functional need in section 7. It is appropriate to recognise there can be a functional need for regionally significant infrastructure in other environments than just port activities in the CMA. Recommendation – Accept staff recommendation on the objective.
FS56/020 Powerco	(Further submission)	Allow		
FS57/015	Support			

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
<i>The Oil Companies</i>				
S144/009 Chorus NZ Ltd	Policy P7: Uses of land and water Amend	Amend Policy P7 as follows: The cultural, social and economic benefits of using land and water for: <u>(l) Regionally Significant Infrastructure</u>	Reject See Issue 2	Accept – no further comment
<i>FS56/036 Powerco</i> <i>FS57/030 The Oil Companies</i>	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		
S144/010 Chorus NZ Ltd	Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers Amend	Amend Policy P9 as Follows: Reduction in the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers shall be avoided except where it is necessary to: <u>(d) protect Regionally Significant Infrastructure</u>	Reject See Issue 3	Submission could be accepted. It is noted that RPS policy 53 makes an exception in relation to the integrity and security of regionally significant infrastructure.
<i>FS56/040 Powerco</i> <i>FS57/033 & 037 The Oil Companies</i>	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S144/011 Chorus NZ Ltd	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities Amend	Amend Policy P12 as follows: <u>(e) the functional need for and the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities, including where those activities are proposed within areas of outstanding natural character and landscapes, high hazards, sites of significant value, ecosystems and habitats with significant indigenous biodiversity value, natural features, sites significant historic heritage value, and sites with significant Mana Whenua.</u>	Reject See Issue 4	Refer to evidence in section 7. Recommendation: Amend as per First Gas submission S145/028 or add: <u>f) the nature of the regionally significant infrastructure may need it to be located in a variety of environments.</u>
FS56/042 Powerco FS57/039 & 035 The Oil Companies	(Further submission) Support	Allow		
S145/012 First Gas Ltd	Regionally significant infrastructure Amend	Regionally significant infrastructure includes: . . . Pipelines <u>and incidental equipment and facilities</u> for the distribution or transmission of natural or manufactured gas or petroleum.	Reject See Issue 4	Accept – definition is inclusive and by implication has to include the component parts that enable the pipelines to operate.
FS56/008 Powerco	(Further submission) Support	Allow		

Attachment B

Submission further submission point and submitter name /	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S145/016 First Gas Ltd	3. Objectives Amend	Add new objective: <u>The safe, effective and efficient use, operation, maintenance, upgrade and development of regionally significant infrastructure is provided for</u> Add new Objective: <u>To recognise that regionally significant infrastructure represents appropriate use and development in all environments where there are functional needs and / or operational requirements</u>	Reject See Issue 4	Refer to evidence on functional need in section 7. It is appropriate to recognise there can be a functional need for regionally significant infrastructure in other environments than just port activities in the CMA. Recommendation- Accept staff recommendation on new objective.
FS56/018 Powerco	(Further submission) Support	Allow		
FS57/013 The Oil Companies	(Further submission) Support in part	Allow		
S165/006 Transpower Ltd	Objective O13: Protecting regionally significant infrastructure Amend	Amend Objective O13 as follows: The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.	Reject See Issue 4	Refer to evidence in section 6 - consider that it is appropriate to consider more than just existing operational envelope for incompatible effects. Recommendation: make the amendments as sought.
FS57/021 The Oil Companies	(Further submission) Support	Allow		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S145/028 First Gas Ltd	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities Amend	Amend Policy 12: The benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>and provided for by</u> having regard to taking into account: (a) . . . (b) the investment in, and the location of existing infrastructure and structures, and (c) (d) the functional need for port activities <u>and other regionally significant infrastructure</u> to be located within the coastal marine area <u>and the coastal area</u> , and (e) <u>the functional need for regionally significant infrastructure to be located over, under, within and adjacent the beds of rivers and lakes</u> <u>and</u> (f)	Reject See Issue 4	Refer to evidence in section 7. Recommendation: Amend as per First Gas submission S145/028 or add: <u>f) the nature of the regionally significant infrastructure may need it to be located in a variety of environments.</u>
FS56/045 Powerco	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		
S145/029 First Gas Ltd	Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities Amend	Amend Policy 13: The use, operation, maintenance, and upgrade <u>replacement, and development of existing</u> regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.	Reject See Issue 4	Accept – Definition of upgrade includes development.
FS56/046 Powerco	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S145/030 First Gas Ltd	Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities Amend	Amend Policy 14: Regionally significant infrastructure reverse sensitivity effects <u>which may compromise the efficient and effective use, maintenance, upgrading replacement or development of that infrastructure.</u>	Reject See Issue 4	Refer to evidence in section 6 – It is appropriate to consider more than just existing operational envelope for incompatible effects. Recommendation: Amend objective 13 as follows: <i>The <u>ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
FS56/047 Powerco	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		
S146/031 NZTA	Reverse sensitivity Support in part	Amend the definition of reverse sensitivity: The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activities, thereby creating the potential for the operation, <u>maintenance, upgrade and development</u> of such existing activity to be constrained.	Reject See Issue 4	Refer to evidence in section 6 – Recommendation: Amend to include maintenance and upgrade.
FS56/010 Powerco FS57/001 The Oil	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
<i>Companies</i>				
S146/064 NZTA	3. Objectives	<u>Add new objective: Discharges associated with regionally significant infrastructure are managed through the adoption of the best practicable option.</u>	Reject See Issue 4	Matter best addressed in relation to hearing stream on discharges. In hearing streams 4 and 5.
<i>FS56/017 Powerco</i> <i>FS57/012 The Oil Companies</i>	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		
S165/005 Transpower Ltd NZ	Objective O12: Benefits of regionally significant infrastructure Amend	<u>Amend Objective O12 as follows: The social, economic, cultural and environmental benefits at the national, regional and local scale of regionally significant infrastructure, and renewable energy generation activities are recognised and provided for.</u>	Reject See Issue 4	Accept – no further comment.
<i>FS56/023 Powerco</i>	<i>(Further submission)</i> <i>Support</i>	<i>Allow</i>		
S165/006 Transpower Ltd NZ	Objective O13: Protecting regionally significant infrastructure Amend	<u>Amend Objective O13 as follows: The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</u>	Reject See Issue 4	Refer to evidence in section 6 - consider that it is appropriate to consider more than just existing operational envelope for incompatible effects. Recommendation: make the following amendments: <i>The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in the coastal</i>

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
				marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.
FS56/027 Powerco FS57/021 The Oil Companies	(Further submission) Support	Allow		
S165/008 Transpower Ltd NZ	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities Amend	Amend Policy P12, as follows: <u>The national, regional and local benefits of regionally significant infrastructure and renewable electricity generation facilities are recognised and provided for by having regard to:.....(e) the technical and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure, particularly the National Grid.</u>	Reject See Issue 4	Accept staff recommendation to reject submission. Refer to evidence in section 7. Recommendation: Amend as per First Gas submission S145/028 or add: <i>f) the nature of the regionally significant infrastructure may need it to be located in a variety of environments.</i>
FS56/044 Powerco	(Further submission) Support	Allow		
FS57/041 The Oil Companies	(Further submission) Support in part	Allow		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S282/008 Wellington International Airport Ltd	Objective O12: Benefits of regionally significant infrastructure Support in part	Amend Objective O12 as follows: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>and provided for</u> .	Reject See Issue 4	Accept – no further comment.
FS56/022 Powerco FS57/017 The Oil Companies	(Further submission) Support	Allow		
S282/009 Wellington International Airport Ltd	Objective O13: Protecting regionally significant infrastructure Support in part	Amend Objective O13 as follows: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent <u>in close proximity</u> to the infrastructure or activity.	Reject See Issue 4	Refer to evidence in Section 6. Recommendation – Amend objective as follows: <i>The <u>ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
FS56/028 Powerco FS57/022 The Oil Companies	(Further submission) Support	Allow		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S310/012 Ravensdown Ltd	3.2 Beneficial Use and Development Amend	Add new Objective O13B that addresses reverse sensitivity issues	Reject See Issue 1	Addressed at Policy level no need for separate objective – Refer evidence in Section 6. Recommendation – Accept staff recommendation on objective.
FS56/019 Powerco	(Further submission) Support in part	Allow in part		
FS57/014 The Oil Companies	(Further submission) Support	Allow		
S366/041 South Wairarapa District Council	Objective O13: Protecting regionally significant infrastructure Amend	Reword Objective O13 to read: The use, and ongoing operation, <u>and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.	Reject See Issue 4	Refer to evidence in section 6 – It is appropriate to consider more than just existing operational envelope for incompatible effects. Recommendation: Amend objective 13 as follows: <i>The <u>ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
FS56/024 Powerco	(Further submission)	Allow		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
	<i>Support</i>			
<i>FS57/018 The Oil Companies</i>	<i>(Further submission) Support in part</i>	<i>Allow in part</i>		
<i>S367/041 Masterton District Council</i>	<i>Objective O13: Protecting regionally significant infrastructure Amend</i>	<i>Reword Objective O13 to read: The use, and ongoing operation, <u>and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.</i>	<i>Reject See Issue 4</i>	<i>Refer to evidence in section 6. Recommendation – Amend Objective 13 as follows: <u>The ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.</i>
<i>FS56/025 Powerco</i>	<i>(Further submission) Support</i>	<i>Allow</i>		
<i>FS57/019 The Oil Companies</i>	<i>(Further submission) Support in part</i>	<i>Allow in part</i>		

Attachment B

Overall policy framework of the proposed Plan *All further submissions are accepted or rejected accordingly

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S29/014 Powerco	Policy P4: Minimising adverse effects Oppose	Modify Policy 4 as follows: Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall <u>may</u> include: (a) consideration of alternative <u>practicable</u> locations and methods for undertaking the activity that would have less adverse effects, and including where relevant, a location outside of the (b) locating the activity away from areas identified...	Reject Issue 7: Policy P4	Refer to evidence in Section 5. Recommendation -reword as follows: Policy P4: Minimising adverse effects <i>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall <u>may</u> include:</i> <i>(a) consideration of <u>practicable</u> alternative locations and methods for undertaking the activity that would have less adverse effects, and</i> <i>(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and consideration of the application of the best practicable option;</i> <i>(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</i> <i>(d) using good management practices for reducing the adverse effects of the activity, and</i>

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
				<i>(e) designing the activity so that the scale or footprint of the activity is as small as practicable.</i>
S55/012 The Oil Companies	Policy P4: Minimising adverse effects Oppose	Modify Policy 4 as follows: Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall <u>may</u> include: (a) consideration of alternative practicable locations and methods for undertaking the activity that would have less adverse effects, and <u>including where relevant, a location outside of the</u> (b) locating the activity away from areas identified in Schedule A ...	Reject Issue 7: Policy P4	Refer to evidence - section 5.
S29/015 Powerco S55/013 The Oil Companies	Policy P5: Review of existing consents Oppose	Modify Policy P5 as follows: The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 <u>where evidence can be produced of adverse effects attributable to the exercise of the consent</u>	Reject Issue 4	Accept – no further comment
S29/066 Powerco S55/074 The Oil Companies	Entire plan Not stated	Address the relevant statutory tests and requirements, Environment Court considerations, and ensure there is no duplication of provisions. See original submission p3 for detailed list of general relief sought in addition to specific amendments requested.]	See relevant s42A report	Accept – no further comment at this stage can be picked up in the relevant s42A as necessary.

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S98/008 Spark NZ Trading Ltd	Policy P4: Minimising adverse effects Oppose in part	Amend P4: Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable <u>having regard to the nature and objectives of the activity</u> and shall include...	Reject Issue 7: Policy P4	Refer to evidence Section 5. See relief in comment for S29/014
FS56/035 Powerco	(Further submission) Support in part	Allow in part		
FS57/028 The Oil Companies	(Further submission) Support in part	Allow		
S125/012 Rural Residents Environmental Society Inc	Policy P4: Minimising adverse effects Support	Good management practices should use the best international practices where they are more rigorous in protecting the environment than New Zealand industry best practice or common practice	Accept in part Issue 7: Policy P4	Refer to evidence - section 5.
FS57/029 The Oil Companies	(Further submission) Oppose	Disallow		
S144/008 Chorus NZ Ltd	Policy P4: Minimising adverse effects Oppose in part	Amend Policy P4 as follows: Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable <u>having regard to the nature and objectives of the activity</u> and shall include:.... *	Reject Issue 7: Policy P4	Refer to evidence - section 5. As above.
FS56/034 Powerco	(Further submission) Support in part	Allow in part		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
FS57/027 The Oil Companies	(Further submission) Support in part	Allow		
S145/001 First Gas Ltd	1.1 Overview of the Wellington Region Amend	Include a diagram illustrating the general rohe of Iwi and hapu within the region.	Reject Issue 1: Structure of Plan	Accept – however it is Council that has to have a relationship with iwi it is therefore important that they can readily identify the relevant parties.
FS56/048 Powerco	(Further submission) Support	Allow		
S145/002 First Gas Ltd	1.4 Integrated catchment management Neither support or oppose	Provide a mechanism for industry representation, including infrastructure providers, to be involved in the whitua committees.	Reject Issue 3: Requirements of NPS-FM	Accept – it is understood that a collaborative process will be followed – however it will be essential the whitua terms of reference will adequately address infrastructure providers.
FS56/049 Powerco	(Further submission) Support	Allow		
S145/031 First Gas Ltd	Policy P19: Maori values Amend	Amend Policy P19: The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be <u>avoided, remedied or mitigated</u> <u>minimised</u> .	Reject Issue 5	Accept- no further comment
FS56/050 Powerco	(Further submission) Support	Allow		

Attachment B

Submission further submission point and submitter name	Provision Support/Oppose	Decision Requested	Officer recommendation and comment	Comment
S145/032 First Gas Ltd	Policy P21: Statutory acknowledgements Amend	Include a plan in Schedule D illustrating the statutory acknowledgement areas as well as contact details for iwi and hapu where appropriate.	Reject Issue 2: Statutory requirements and procedural matters	Accept– however it is Council that has to have a relationship with iwi. Council should be working with iwi so that it can readily identify and assist Plan users.
<i>FS56/051 Powerco</i>	<i>(Further submission) Support</i>	<i>Allow</i>		

Attachment C: Refer to separate document

Appendix D

Definitions of ‘Regionally Significant Infrastructure’ within other Regional Policy Statements

Regional Policy Statements included:

- Taranaki RPS 2010
- Horizons One Plan: RPS
- Waikato RPS
- Hawkes Bay RPS
- Gisborne RPS
- Auckland Unitary Plan
- Northland RPS
- Bay of Plenty RPS

Legend:

Yellow highlight – Where that aspect of the definition will specifically provide for local electricity distribution networks

Taranaki RPS 2010

(P120) Considers network utilities to be part of regionally significant infrastructure. Has definition of regional significance.

POLICIES

Provision for physical infrastructure of regional significance

INFPOLICY 1

Provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance) and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.

Adverse effects on physical infrastructure of regional physical infrastructure of regional significance.

INFPOLICY 2

The adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the region's network utilities and on other physical infrastructure of regional significance (including where this is of national importance) will be avoided or mitigated.

Horizons One Plan: RPS

3.4.1 Infrastructure and other Physical Resources of Regional or National Importance

Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance

- a. The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:
 - i. facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks
 - ii. the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity
 - iii. pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas
 - iv. the road and rail networks as mapped in the Regional Land Transport Strategy
 - v. the Palmerston North and Wanganui airports
 - vi. the RNZAF airport at Ohakea
 - vii. telecommunications and radiocommunications facilities
 - viii. public or community sewage treatment plants and associated reticulation and disposal systems
 - ix. public water supply intakes, treatment plants and distribution systems
 - x. public or community drainage systems, including stormwater systems
 - xi. the Port of Wanganui.
- b. The Regional Council and Territorial Authorities[^] must recognise the following facilities and assets as being physical resources of regional or national importance:
 - i. solid waste facilities including landfills, transfer stations and resource recovery facilities that deal with municipal waste
 - ii. existing flood protection schemes
 - iii. New Zealand Defence Force facilities.
- c. The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (b), have regard to the benefits derived from those activities.
- d. The Regional Council and Territorial Authorities must achieve as much consistency across local authority boundaries as is reasonably possible with respect to policy and plan provisions and decision-making for existing and future infrastructure.

Waikato RPS

Regionally significant infrastructure – includes:

- a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
- c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- d) the national electricity grid, as defined by the Electricity Industry Act 2010;
- e) **a network (as defined in the Electricity Industry Act 2010);**
- f) infrastructure for the generation and/ or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- g) significant transport corridors as defined in Map 6.1 and 6.1A;
- h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;
- j) flood and drainage infrastructure managed by Waikato Regional Council;
- k) Hamilton City bus terminal and Hamilton Railway Station terminus; and
- l) Hamilton International Airport.

Hawkes Bay RPS

Strategic Infrastructure

Those necessary facilities, services and installations which are of greater than local significance, and can include infrastructure that is nationally significant. The following are examples of strategic infrastructure:

- a) strategic transport networks
- b) Hawke's Bay Regional Airport
- c) Port of Napier
- d) Omarunui Regional Landfill
- e) strategic telecommunications and radiocommunications facilities
- f) **the electricity transmission network and electricity distribution networks**
- g) renewable electricity generation activities
- h) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas
- i) public or community sewage treatment plants and associated reticulation and disposal systems;
- j) public water supply intakes, treatment plants and distribution systems

Gisborne RPS

No specific definition. Approach is to look at **and include network utilities**. Similar to Taranaki.
RPS p141:

Telecommunications and Power Distribution Telecommunications services include telephone, broadcasting and other forms of distributing information. Power Distribution includes electricity and natural gas. These are collectively referred to as network utilities. They are all very important to the economic and social development of the District. Many utilities are in a state of rapid technological change at present which may lead to changes to existing services and the introduction of new ones such as cable television. Such services require facilities on the land including broadcast towers and repeaters, and overhead or underground pipes wires and cables and associated equipment. Potential impacts of such activities include effects on the landscape, and soil erosion associated with construction of networks and associated tracking.

Auckland Unitary Plan

Infrastructure

Infrastructure has the same meaning as in section 2 of the Resource Management Act 1991 and also means:

- bulk storage for wholesale or distribution purposes of natural or manufactured gas over 15 tonnes, or petroleum over 1 million litres;
- storage and treatment facilities for a water supply distribution system;
- storage, treatment and discharge facilities for a drainage or sewerage system;
- municipal landfills;
- national defence facilities; and
- facilities for air quality and meteorological services.

Northland RPS

Regionally significant infrastructure includes:

1) Energy, water, communication

- (a) Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities;
- (b) Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);
- (c) The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network';
- (d) Network electricity lines and associated infrastructure that constitute the sub-transmission²⁵ network;
- (e) Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised";
- (f) Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network;
- (g) Regional and district council water storage, trunk lines and treatment plants;
- (h) Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices;
- (i) Marsden Point oil refinery and truck loading facility.

2) Transport

- (a) State highways;
- (b) Roads as well as walking and cycling facilities that are of strategic significance as identified in the Regional Land Transport Strategy;
- (c) Whāngārei, Kaitāia and Bay of Islands airports;
- (d) Installations and equipment for air navigation;
- (e) Northport, including the adjoining land used for the movement and storage of cargo;
- (f) Railway lines and associated railway facilities.

3) Significant social and community facilities:

- (a) Flood management / protection schemes managed by regional and / or district councils;
- (b) Public hospitals;
- (c) The Northland Events Centre and Kensington Stadium;
- (d) Northland Region Corrections Facility;
- (e) Northland Polytechnic – (NorthTech) main campuses and Auckland University Faculty of Education – Whāngārei;
- (f) Puwera Regional Landfill Facility.

²⁵ Sub-transmission means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point to point. Typically such electricity conveyance is across cities, districts or regions between Grid Exit Points and Zone Substations.

For the avoidance of doubt, sub-transmission includes assets which were part of the national grid but are no longer owned by Transpower and new assets which perform the function of transmission but are not owned by Transpower.

Environment Bay of Plenty RPS

Regionally significant infrastructure: Is infrastructure of regional and/or national significance and includes:

- Rotorua International, Whakatāne and Tauranga airports;
- The regional strategic transport network as defined in the Bay of Plenty Regional Land Transport Plan or state highways as defined in the National State Highway Classification System;
- The Bay of Plenty rail network;
- Commercial port areas including Tauranga Harbour and its channels necessary for the operation of ports and related adjoining land and storage tanks for bulk liquids;
- The national electricity grid, as defined by the Electricity Governance Rules 2003;
- **Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.** Broadband and strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;
- Strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989;
- Local authority water supply network and water treatment plants;
- Local authority wastewater and stormwater networks, systems and wastewater treatment plants;
- Pipelines for the distribution or transmission of natural or manufactured gas or petroleum and other energy sources;
- Regional parks; and
- Tauranga, Rotorua and Whakatāne public hospitals.