

Before a Hearing Panel at Levin

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*under:* the Resource Management Act 1991

*in the matter of:* the Proposed Horowhenua District Plan - Rural Environment

*between:* **Horowhenua District Council**  
*Local Authority*

*and:* **Transpower New Zealand Limited**  
*Submitter*

Statement of evidence of Graham Douglas Spargo for Transpower New Zealand Limited

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Dated: 3 May 2013

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## **STATEMENT OF EVIDENCE OF GRAHAM DOUGLAS SPARGO**

### **QUALIFICATIONS AND EXPERIENCE**

- 1 My full name is Graham Douglas Spargo.
- 2 I am a Technical Director – Planning for Beca Ltd (*Beca*), an international multi-disciplinary company of planners, environmental experts, engineers and related technical specialists.
- 3 I have a Bachelor of Town Planning and Bachelor of Arts (Political Studies) from Auckland University. I am a member of the New Zealand Planning Institute and a past national executive member (2001 – 2003). I am also a member of the Institute of Directors of New Zealand.
- 4 I have 25 years of resource management experience, including roles in local government, advice roles to central government, and consultancy services for a wide range of public and private clients around New Zealand. This has included:
  - 4.1 Providing planning advice on various regional and district planning documents for a wide range of clients around New Zealand;
  - 4.2 Local Government Planning Manager and Director roles overseeing District Plan development and implementation for North Shore City Council and Dunedin City Council. This included work associated with the provision of electricity transmission lines;
  - 4.3 Project Director responsibility for the Wellington Regional Strategy, an integrated economic, land use and infrastructure development strategy involving government, iwi, business and community stakeholders;
  - 4.4 Project management and technical advice responsibilities for a Department of Prime Minister and Cabinet led project addressing infrastructure and development issues in New Zealand;
  - 4.5 Specialist planning input into major infrastructure projects, with my most recent role overseeing the resource management statutory approvals and environmental assessment of the NZ Transport Agency's MacKays to Peka Peka Expressway project; and
  - 4.6 Advisory roles in relation to Resource Management Act 1991 (*RMA*) reform processes.

- 5 While this matter is not before the Environment Court, I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court's Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that I have complied with the Code in the preparation of this statement of evidence. I am satisfied the matters addressed in my evidence are within my area of expertise and I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.
- 6 I have been engaged by Transpower New Zealand Limited (*Transpower*) to provide planning evidence in relation to the Rural Environment provisions of the Proposed Horowhenua District Plan (*Proposed Plan*). I have also provided a brief of evidence (and am to appear for Transpower) in relation to the Utilities and Energy provisions of the Proposed Plan. While there is certainly a degree of commonality in my two briefs of evidence, they are each able to be read independently.<sup>1</sup>

#### **SCOPE OF EVIDENCE**

- 7 My evidence addresses the following:
- 7.1 Transpower's submission in relation to the Rural Environment provisions of the Proposed Plan. In summary, the relevant part of the submission sought to:
- (a) Recognise the national significance of the National Grid; and
  - (b) Introduce appropriate electricity transmission corridors and accompanying rules for existing lines;
- 7.2 The statutory context, including the requirement to give effect to the National Policy Statement on Electricity Transmission (*NPSET*) and Proposed One Plan Regional Policy Statement provisions (*RPS*);
- 7.3 The Reporting Officer's recommendations regarding the electricity transmission corridors in the Rural Environment. My evidence focuses on the few areas where amendments are sought to the Officer Recommendations. These are:
- (a) The need to amend Proposed Plan provisions in order to give effect to the NPSET and RPS, particularly by

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<sup>1</sup> As I understand the Hearings Panel membership for the Rural Environment chapter is not identical to that for Utilities and Energy, I have included relevant elements from my previous evidence to assist the Panel's deliberations.

recognising the need for transmission infrastructure to locate in the Rural Environment;

- (b) Whether activities within the National Grid Corridor which fail to comply with the permitted activity rules should be restricted discretionary or non-complying;
- (c) Amendments to Rule 19.6.14 (which regulates activities within the National Grid Corridor) to allow crop protection and support structures and some buildings associated with primary production. Some of these amendments arise out of continuing discussions between Transpower, Horticulture New Zealand and Federated Farmers;
- (d) The regulation of earthworks within the National Grid Corridor; and
- (e) Plan provisions relating to vegetation management; and

7.4 An assessment of the Rural Environment provisions in accordance with the RMA, including Part 2.

- 8 As noted above, I will also be presenting evidence at the hearings for the Utilities and Energy Chapters of the Proposed Plan. Matters traversed for that hearing have a direct bearing on the functioning and interpretation of the Rural Environment Chapters, because some objectives and policies in the Utilities and Energy Chapter (Chapter 12) are implemented by rules in the Rural Environment Chapter (Chapter 19).
- 9 For example, my evidence for the Utilities and Energy Chapters commented on the definition of "National Grid Corridor", which is of course relevant to the rules in the Rural Environment chapter which regulate activities within that Corridor. As noted in that evidence, I support the definition of "National Grid Corridor" recommended by the Reporting Officer.
- 10 The Rural Environment provisions discussed in this evidence should be seen in the context not only of the Utilities and Energy provisions in Chapters 12 and 22 of the Proposed Plan, but also the Proposed Plan provisions regarding subdivision which were introduced by Plan Changes 20-22. These subdivision provisions are beyond the scope of matters to be decided in this hearing, but nonetheless form part of the package of Proposed Plan provisions which together must give effect to the NPSET.

## SUMMARY OF EVIDENCE

- 11 Key to consideration of the Rural Environment provisions is the NPSET. Section 75(3) of the RMA obliges the Council to "give effect" to the NPSET in its Proposed Plan. As my evidence explains, there are clear requirements in the NPSET for a proactive and facilitative approach to inclusion of District Plan provisions for electricity transmission. These requirements are also reflected in the RPS, which must also be given effect to.
- 12 I consider that the Proposed Plan goes some significant way to giving effect to the NPSET and RPS, and I acknowledge the Council's efforts in that regard. However, as my evidence explains, I am of the view that further amendments (beyond those recommended by the Officer) are still required.
- 13 I consider it appropriate, and necessary (in terms of NPSET) that the Proposed Plan seeks to manage activities within the transmission corridor to protect the integrity of the transmission network. The provisions of the Rural Environment Chapter, which are the subject of this hearing, are a critical component of that.
- 14 The majority of my evidence is focussed on those aspects of the Proposed Rural Environment Plan provisions where, in my view, further amendment (beyond that recommended by the Officer) is required. The amendments fall into the following categories:
- 14.1 Acknowledgement of the need for electricity transmission infrastructure in the rural environment;
  - 14.2 Restricted discretionary versus non-complying activity status;
  - 14.3 Achieving appropriate provision for primary production activities in the National Grid Corridor;
  - 14.4 Earthworks near transmission structures; and
  - 14.5 Vegetation management provisions.
- 15 **Appendix A** to my evidence identifies those Proposed Rural Environment Plan provisions which I support (as amended by the Officer). **Appendix B** identifies the provisions which I would support subject to amendments requested in my evidence. **Appendix C** contains the relevant Proposed Plan provisions (including the amendments recommended by the Reporting Officer), with my further suggested amendments shown using underlining and strikethrough.
- 16 I endorse those provisions as, in conjunction with the Utilities and Energy provisions, I consider they give effect to the NPSET. I also

consider them appropriate in terms of tests under section 32 of the RMA. They will, in my view, further the sustainable management purpose of the RMA. I respectfully encourage the Panel to adopt those Proposed Plan provisions.

### **TRANSPOWER'S SUBMISSION**

- 17 Transpower's submission and further submission largely support the notified Rural Environment Proposed Plan provisions. The submissions acknowledge that the Proposed Plan recognises the NPSET and NESETA, and seeks to manage activities within the transmission corridor to protect the integrity of the National Grid.
- 18 In general terms, Transpower's submission and further submission sought additions, deletions and amendments to the Proposed Plan provisions to ensure the following outcomes are achieved:
- 18.1 The benefits of electricity transmission are recognised;
  - 18.2 The NPSET is given full effect to in the context of Rural Environment provisions both protecting existing and enabling new high voltage electricity transmission lines;
  - 18.3 Transpower's approach to corridor management is recognised and provided for within the Rural Environment zone;
  - 18.4 The need for long term planning of the network is acknowledged and provided for through an appropriate District Plan policy framework; and
  - 18.5 Transpower has a means to participate in informing decision-making on consent applications within the Rural Environment zone (and other District Plan zones), where its assets will potentially be affected.
- 19 Transpower's submission on the Rural Environment Chapters of the Proposed Plan sought to ensure that the Council give effect to the NPSET, including by protecting existing transmission lines from inappropriate activities which locate near them. The evidence of **Mr Youngman** is that there are both public safety and asset integrity reasons to protect transmission lines from inappropriate activities.
- 20 I support Transpower's submission and further submission. In my view inclusion of District Plan provisions is an efficient and effective administrative means of ensuring:
- 20.1 Activities by property owners and others are appropriately managed around the transmission lines;

- 20.2 Decision-making is integrated;
- 20.3 Transpower is able to participate early enough to ensure good information is available to decision-makers; and,
- 20.4 Decision-makers are assisted by a clear Plan framework to help inform their assessment of applications.

## **STATUTORY FRAMEWORK**

### **Relevant factors under the RMA**

- 21 The RMA provides that the following factors are relevant to the hearing panel's consideration of the Rural Environment provisions:
  - 21.1 The Council's functions; most importantly the Council's function to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources;<sup>2</sup>
  - 21.2 The obligation for the District Plan to give effect to any national policy statement and regional policy statement<sup>3</sup>. My evidence focuses on the NPSET and the RPS, both of which must be given effect in accordance with section 75;
  - 21.3 The matters in section 32 of the Act, requiring the evaluation of objectives, policies, rules and other methods. That evaluation must take into account the benefits and costs of policies, rules, or other methods and the risk of acting or not acting (depending on the information available); and
  - 21.4 Part 2 of the Act, containing its purpose and principles. These are the core of the RMA and must underpin all decisions made under the Act.
- 22 The above matters constitute the framework I have used to assess the Proposed Plan Rural Environment provisions. They are consistent with those used by the Reporting Officer.<sup>4</sup>
- 23 The definition of "effect" in section 3 of the RMA is particularly relevant to consideration of transmission infrastructure. Section 3 defines effect to include "any potential effect of low probability which has a high potential impact". **Mr Youngman's** evidence explains the various risks associated with carrying out activities near transmission lines. Many of these risks can be categorised as having a low probability but high potential impact.

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<sup>2</sup> Section 31 of the RMA.

<sup>3</sup> Section 75.

<sup>4</sup> Pages 12-13.

### **Giving effect to the NPSET**

- 24 I agree with the Officer's Report<sup>5</sup> that section 75(3)(a) of the RMA requires the Proposed Plan to give effect to national policy statements, and that the NPSET is relevant to the Rural Environment Chapters of the Proposed Plan (as transmission infrastructure is typically located in rural areas).
- 25 **Appendix D** to my evidence is a copy of the NPSET. The Officer Report<sup>6</sup> identifies Policies 8, 10 and 11 of the NPSET as the most relevant for the Rural Environment, and I agree with this observation (while cautioning against reading the NPSET policies in isolation). I also consider Policy 2 to be relevant. In relation to these policies:
- 25.1 Policy 2 requires decision-makers to consider the constraints on avoidance, remedy or mitigation of the effects of transmission imposed by the technical and operational requirements of the network;
- 25.2 Policy 8 relates to the adverse effects of the transmission system within rural environments, and my evidence discusses this in the context of related objective and policy amendments sought by Transpower;
- 25.3 Policies 10 and 11 of the NPSET recognise the potential for third party activity to adversely affect the transmission network:
- (a) Policy 10 requires decision makers, to the extent reasonably possible and for the purpose of promoting sustainable management, to manage activities to avoid reverse sensitivity effects on the transmission network, and to ensure that the operation, maintenance, upgrading and development of the network is not compromised; and
- (b) Policy 11 requires local authorities to consult with Transpower to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent.
- 26 Policies 2, 8, 10 and 11 support the objective of the NPSET, which is:

To recognise the national significance of the electricity transmission network by facilitating the operation,

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<sup>5</sup> Page 15.

<sup>6</sup> Page 15.



maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

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

27 In my view the NPSET contains clear requirements for a proactive and facilitative approach to inclusion of District Plan provisions for electricity transmission.

**Giving effect to the RPS**

28 Section 75(3) also requires the Council to give effect to the RPS. I agree with the Officer Report<sup>7</sup> that the Proposed One Plan should be considered the primary Regional Policy Statement, given its advanced state.

29 The Proposed One Plan objectives and policies relating to electricity transmission which are considered to be relevant are set out in **Appendix E** to my evidence.<sup>8</sup> In my view these provisions are unequivocal as to the need to proactively address electricity transmission matters. In particular, I note:

29.1 Support for the identification of infrastructure corridors;<sup>9</sup>

29.2 The requirement for developments and new activities adversely affecting the operation, maintenance and upgrading of infrastructure to be avoided;<sup>10</sup>

29.3 The requirement for existing activities not to change in a way which increases their incompatibility with the existing infrastructure;<sup>11</sup>

29.4 Infrastructure owners and operators are to be notified of applications which may affect their resources;<sup>12</sup>

29.5 The New Zealand Code of Practice for Electrical Safe Distances (*NZECP34:2001*) and Electricity (Hazards from

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<sup>7</sup> Page 16.

<sup>8</sup> The objectives and policies quoted are also set out on pages 14-16 of the Officer Report for the Utilities and Energy Chapters of the Proposed Plan.

<sup>9</sup> Policy 3-2(a).

<sup>10</sup> Policy 3-2(a) and (b).

<sup>11</sup> Policy 3-2(ba).

<sup>12</sup> Policy 3-2(c).

Trees) Regulations 2003 must be given effect to when establishing rules and considering applications;<sup>13</sup> and

29.6 The requirement to ensure that any planting does not interfere with existing infrastructure.<sup>14</sup>

30 These matters are relevant to my discussion below of particular plan provisions.

**Consistency of Transpower's submission with NPSET and RPS**

31 Given this context, I endorse the approach to giving effect to the NPSET and RPS as set out in Transpower's submission. In particular, I agree with Transpower that buffer corridors and rules are necessary to give effect to Policies 10 and 11 of the NPSET. This also aligns with the conclusions of the Council's section 32 Report for the Rural Environment.<sup>15</sup>

32 **Mr Taylor's** evidence<sup>16</sup> is that Transpower's approach to buffer corridor management has continued to be refined. I understand this is particularly as a result of discussions with stakeholders such as Federated Farmers and Horticulture New Zealand.

33 Progress made since submissions were lodged is reflected in my evidence. My evidence suggests amendments, particularly to Rule 19.6.14, to reflect this accommodation of many stakeholders interests. As I explain below, I support these amendments.

**REPORTING OFFICER REPORT**

34 My review of the Reporting Officer's Report indicates to me a good degree of alignment between Transpower's overall position and that of the Reporting Officer.

35 Overall, I broadly support the Proposed Plan and the Officer's recommendations as these:

35.1 Recognise the NPSET and NESETA and the requirement<sup>17</sup> to recognise and give effect to national instruments, and

35.2 Satisfy relevant RMA assessment and tests, particularly those in section 32. In my opinion the proposed approach:

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<sup>13</sup> Policy 3-2(d).

<sup>14</sup> Policy 3-2(e).

<sup>15</sup> Page 20, September 2012.

<sup>16</sup> Paragraph 31.

<sup>17</sup> In section 75(3) of the RMA.

- (a) Is the most appropriate to achieve the purpose of the Act;
  - (b) Recognises benefits and costs, and risks of acting or not acting; and
  - (c) Assists the Council in achieving the purpose of the RMA.
- 36 The provisions that I support, or support subject to amendments, are outlined in **Appendices A and B**.
- 37 The Officer's Report recommendations which are outlined in **Appendix A** to my evidence are those provisions which are consistent with the relief sought in Transpower's submission. In my opinion, the recommendations outlined in **Appendix A** are appropriate. I recommend the Hearings Panel support those recommendations and amends the Proposed Plan, as required.
- 38 Specific to the Rural Environment provisions are Transpower submissions across the topics of:
- 38.1 Acknowledgement of the ***need for electricity transmission infrastructure in the rural environment***;
  - 38.2 ***Activity status***: ensuring that sensitive activities that cannot meet the permitted activity standards within the National Grid Corridor default to the appropriate activity status (non-complying rather than restricted discretionary as currently proposed in the Officer Report);
  - 38.3 Achieving appropriate ***provision for primary production within the National Grid Corridor***.
  - 38.4 ***Earthworks management*** in relation to electricity transmission infrastructure; and
  - 38.5 ***Vegetation management*** provisions.
- 39 The Officer Report has not recommended accepting all aspects of Transpower's submissions, but in some instances the Officer Recommendations are nonetheless sufficient. My evidence is organised under each of the above topic headings. **Appendix B** sets out the provisions in respect of which I disagree with the Reporting Officer. This Appendix also shows my suggested amendments to the provisions.

## **RECOGNISING AND ACKNOWLEDGING THE NEED FOR ELECTRICITY TRANSMISSION INFRASTRUCTURE IN THE RURAL ENVIRONMENT**

- 40 Transpower's submission<sup>18</sup> sought amendments to Objective 2.5.1 (Land Activities – Nature, Character, Amenity Values and Servicing) to recognise established activities in the rural area which are not primary production or associated activities. While the National Grid infrastructure is not associated with primary production activities and is not necessarily an 'associated rural based land use', it is an established and necessary land use within the rural area<sup>19</sup>. Transpower's submission sought to give effect to Policies 1, 2 and 5 of the NPSET. Transpower sought to amend the objective as follows:

To enable primary production activities and other ~~associated rural based~~ established land uses that have a functional necessity to be located within the rural area to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects, in a way that maintains and enhances the character and amenity values of the rural environment.

- 41 The Officer Report<sup>20</sup> supports in-part the relief sought by Transpower and recommends the deletion of the word 'associated' from the objective.
- 42 In my opinion, the Reporting Officer recommendation is appropriate as a basis for giving effect to Policies 1, 2 and 5 of the NPSET. The recommended amendment to Objective 2.5.1 provides an enabling District Plan policy framework for Transpower's activities in the Rural Zone and this is important as most of Transpower's infrastructure within the district is located in the Rural Zone. It is also likely that any new line development, would also occur in the Rural Zone (although I am not aware of any new transmission lines programmed for the Horowhenua District in the next 10 years).
- 43 I also note and support the Reporting Officer recommendation<sup>21</sup> of a new paragraph in the Explanation and Reasons explaining the reliance of infrastructure on rural locations due to their linear nature and need to traverse the district. I agree with this and consider the

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<sup>18</sup> 99.01.

<sup>19</sup> I note a number of further submitters (514.16, 515.16 and 522.11) are in a similar position to Transpower in terms of not necessarily being a primary production activity nor associated with rural based land uses, support the submission made by Transpower. A further submitter (516.03) opposed this on the basis that deletion of the term 'associated rural based activities' would exclude ancillary rural production activities such as depots.

<sup>20</sup> Pages 46-47.

<sup>21</sup> Page 74. In response to Transpower submission 99.02.

additional text as recommended for inclusion will give effect to the NPSET and in particular Policy 2.

44 I further note there are proposed policies of relevance to Transpower's activities which seek to achieve Objective 2.5.1, namely policies 2.5.3 and 2.5.16. These policies establish the fact that the National Grid is an established rural based land use, and secondly, and in conjunction with Objective 2.5.1 (as recommended for amendment), give effect to the NPSET in my opinion.

45 **Recommendations:** that the Hearings Panel:

45.1 **Accept** the Officer Recommendation<sup>22</sup> in respect of Objective 2.5.1.

To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the character and amenity values of the rural environment.

45.2 **Accept** the Officer Recommendation<sup>23</sup> to insert the following additional text in the Explanation and Principal Reasons to support Objective 2.5.1:

Reverse sensitivity can also exist where sensitive activities locate in close proximity to existing primary production activities, leading to complaints about the existing lawfully established activity.

...

Many other activities (e.g. vegetable and fruit packing, rural contractors yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. In addition, infrastructure can rely on a rural location due to its linear nature and the need to traverse districts and regions (e.g. transmission lines, road and rail). Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated.

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<sup>22</sup> Page 46.

<sup>23</sup> Page 75 in respect of Transpower Submission 99.02.

**ACTIVITY STATUS – RESTRICTED DISCRETIONARY OR NON-COMPLYING FOR ACTIVITIES WITHIN THE NATIONAL GRID CORRIDOR?**

**Rule 19.3<sup>24</sup>**

- 46 Transpower’s submission sought that where the permitted activity standards relating to subdivisions, use and development within the National Grid Corridor are not able to be met, non-complying activity status should be applied (the Proposed Plan afforded a restricted discretionary activity status to such activities).
- 47 The Reporting Officer<sup>25</sup> considers restricted discretionary activity status is appropriate given the types of effects are generally known e.g. safety of the public, operation of the line. The Officer Report considers it unnecessarily stringent to make activities that cannot meet setbacks from high voltage transmissions lines non-complying and to require assessment against the objectives and policies of the Plan.
- 48 I disagree. In my opinion, the application of a restricted discretionary activity status where the permitted activity standards are not met does not give effect to Policies 10 and 11 of the NPSET. In particular, I note Policy 11 of the NPSET states:
- Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will **generally not be provided for in plans and / or given resource consent**. . . . (emphasis added)
- 49 In my opinion non complying activity status better aligns with Policy 11’s “generally not be provided for in plans” direction. This can be contrasted with restricted discretionary applications which are an application class that applicants and the public generally would view as having a reasonable expectation of being granted. Such an expectation:
- 49.1 Would not give effect to Policy 11 of the NPSET; and
- 49.2 Would not reflect the significance of managing risk within the National Grid Corridor.
- 50 Non-complying activity status will also give effect to Policy 10 of the NPSET by ensuring that operation, maintenance, upgrading and development of the electricity transmission network is not compromised. Aspects of Transpower’s suggested permitted activity rule are based on safety requirements, such as those in

<sup>24</sup> Transpower Submission 99.33.

<sup>25</sup> Page 111.

NZEC34:2001. If an activity would not comply with the requirements of NZEC34:2001, then, in my view, it is inappropriate for resource consent to be granted allowing it. Non-complying activity status is consistent with this.

- 51 As the Hearing Panel will be aware, resource consent can be granted for a non-complying activity, but first the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives and policies of the plan or proposed plan.<sup>26</sup> In my view this is appropriate.

### **APPROPRIATE PROVISION FOR PRIMARY PRODUCTION ACTIVITIES WITHIN THE NATIONAL GRID CORRIDOR**

- 52 Transpower's submission<sup>27</sup> sought the retention of requirements in Rule 19.6.14 to comply with NZEC34:2001 within the Transmission Line Corridor. The Officer Report recommends<sup>28</sup> that Transpower's further submission point<sup>29</sup> be accepted. My evidence suggests additional amendments to Rule 19.6.14 to ensure this is achieved.
- 53 Transpower has been in discussions with stakeholders in the context of plan changes elsewhere, and this plan review process can benefit from those discussions. A basis for meeting these various interests is set out below, and in my view is within the scope of the submissions for the Hearings Panel to accept.
- 54 In particular, the amendments would enable crop support and protection structures to establish, and for buildings associated with primary production to be developed, subject to minimum setbacks from transmission structures. This is consistent with the Officer Report recommendations<sup>30</sup> for exemptions for crop support and protection structures.
- 55 Milking sheds are specifically exempted from those primary production buildings which could establish within the National Grid Corridor as a permitted activity. While milking sheds are not specifically listed in the definition of "sensitive activities" in the NPSET, they share many of the same characteristics:

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<sup>26</sup> Section 104D of the RMA.

<sup>27</sup> Page 17. Transpower Submission 99.27 & Further Submissions 518.08, 518.09, 518.10 & 518.11

<sup>28</sup> Page 148, para 5. In addition the Officer Report at page 148 para 4 identifies that "Transpower in their further submission identify that the area they are most interested in is within 12 metres of the 220kV lines and 10 metres on the 110kV lines on single poles and within 12 metres of all support structures".

<sup>29</sup> 518.08.

<sup>30</sup> See page 151.

- 55.1 They are major investments which are very costly to remove or relocate if this was necessary in order to carry out transmission line maintenance or upgrading;
- 55.2 They are used on a daily basis during the milking season, so the impacts on the farming operation if they cannot be used during transmission line maintenance or upgrading could be severe and include animal health impacts; and
- 55.3 For these reasons, there is a high likelihood of reverse sensitivity effects from milking sheds. Policy 10 of the NPSET provides that reverse sensitivity effects should be avoided.
- 56 In any event, the definition of "sensitive activities" in the NPSET is inclusive rather than exhaustive. Some people may consider milking sheds to in fact be "sensitive activities" for the reasons set out above.
- 57 On the basis of the above, I consider these amendments to Rule 19.6.14 will give effect to the NPSET, give effect to the RPS, and are consistent with the purpose of the Act. These amendments are set out below after the discussion of earthworks (which relates to the same rule).

#### **EARTHWORKS MANAGEMENT PROVISIONS WITHIN THE NATIONAL GRID CORRIDOR**

- 58 Transpower's submission sought that Rule 19.6.14 be amended to incorporate permitted earthworks restrictions.<sup>31</sup> The Officer Report<sup>32</sup> has not accepted Transpower's submission on the basis that the earthworks requirements can be found in NZCEP34:2001 and do not need to be duplicated in the Proposed Plan.
- 59 I respectfully disagree with the Officer, as in my opinion this approach:
- 59.1 Does not proactively deliver on requirements of the NPSET;
- 59.2 Does not give effect to Policy 3-2(d) of the RPS, which specifically requires rules to give effect to the safe separation distances in NZECP34:2001;
- 59.3 Will not be effective nor efficient (in terms of section 32 of the Act);

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<sup>31</sup> Transpower Submission 99.27 & Further Submissions 518.08, 518.09, 518.10 & 518.11

<sup>32</sup> Page 151.



- 59.4 Does not reflect the facilitative approach to inclusion of district plan provisions, which is required by the NPSET;
- 59.5 Will not represent sustainable management of the land resource; and
- 59.6 From a practical perspective, misses an opportunity for the District Plan to bring together in one place key information that can lessen the risk of un-informed activity by landowners.
- 60 The earthworks changes I recommend are as per Transpower's original submission and result in Rule 19.6.14 having a new section (c) incorporated. This (together with the amendments discussed above) result in the following amendments to Rule 19.6.14 (both the Officer Report and my amendments are shown using underlining and strike out, but my changes are highlighted):

**19.6.14 ~~National Grid Transmission Line Corridor~~**

- (a) All buildings within a National Grid Corridor (as set out by the distances in (b)(i), (ii) and (iii) below) shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001);
- (b) No building or sensitive activity shall be located closer than:
- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.
- (ii) 12 metres either side of the centreline and support structures of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

The following are exempt from the setback requirements in Rule 19.6.14(b):

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New

Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

- Non-habitable buildings associated with primary production (but not being milking sheds) that meet the requirements of New Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

(c) Earthworks

(i) Around Poles shall be:

- A. no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- B. no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(A) and (c)(i)(B) above.

(ii) Earthworks Around Towers shall be:

- A. no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- B. no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

(iii) Earthworks 12m either side of a high voltage transmission line shall not:

- A. create an unstable batter that will affect a transmission support structure; and/or

B. result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from c (i), c(ii) and c (iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

### VEGETATION MANAGEMENT

- 61 Transpower's submission<sup>33</sup> sought the inclusion of a permitted activity standard providing for trimming, felling and removal of vegetation and non-notable trees. In making this submission, Transpower notes Regulation 30 of the NESETA provides for such activities subject to the activity not being restricted by a rule in a district plan or being in a natural area.
- 62 Transpower's submission<sup>34</sup> also sought the inclusion of a new assessment criterion<sup>35</sup> relating to tree planting as follows:
- 1) whether tree planting within the transmission corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.*
- 63 The Reporting Officer<sup>36</sup> recommends both of these submissions be rejected.
- 64 These submission points are discussed in **Mr Taylor's** evidence. He concludes that while Transpower no longer seeks a new permitted activity rule, it does still seek the assessment criterion. I have considered his reasons for these positions, and agree with them. I also consider that Transpower's approach is consistent with the NPSET and RPS. In particular, the approach is consistent with Policy 3-2(e) of the RPS, which requires the Council to "ensure that any planting does not interfere with existing infrastructure". **Mr Taylor's** evidence is that simple reliance on the Electricity (Hazards from Trees) Regulations 2003 will not achieve this.

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<sup>33</sup> 99.30.

<sup>34</sup> Transpower Submission 99.42.

<sup>35</sup> Within Assessment Criteria 25.2.4 Tree Planting.

<sup>36</sup> Pages 115 and 194.

## **PART 2**

- 65 I have considered the provisions of Part 2 of the Act throughout my evidence in relation to specific provisions. This section of my evidence considers Part 2 in relation to the provisions as a whole.
- 66 I consider that the Rural Environment provisions of the Proposed Plan, amended as shown in **Appendix C**, together with the relevant Utilities and Energy provisions and subdivision restrictions introduced by Plan Changes 20-22, will:
- 66.1 Enable people and communities to provide for their health and safety;
  - 66.2 Sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, with respect to:
    - (a) The crucial importance of electricity within our society and the increasing demand for it;
    - (b) The need to operate, maintain, and upgrade the National Grid;
    - (c) The need to avoid reverse sensitivity effects, which could in turn reduce the operating potential of the National Grid; and
    - (d) Enabling existing activities to continue, and compatible activities to develop near the transmission lines; and
  - 66.3 Manage sensitive activities, and in doing so, maintain and enhance amenity values and the quality of the environment.
- 67 Overall, I consider that the Proposed Plan, amended as I suggest, will accord with Part 2 of the Act and achieve the sustainable management of natural and physical resources.

## **CONCLUSION**

- 68 I endorse the majority of the Reporting Officer's recommendations and I commend these to you as set out in my evidence.
- 69 To the extent that my opinion differs from the Officer Report recommendations this generally relates to what "giving effect" to the NPSET means in the context of the Rural Environment provisions. The means of resolving these matters are generally straightforward in my view.

- 70 I urge the Panel to accept the Reporting Officer's recommendations, with the changes I recommend. In my view that will:
- 70.1 Assist the Council to carry out its functions, including integrated management, in order to achieve the purpose of the RMA;
  - 70.2 Accord with Part 2 of the RMA;
  - 70.3 Be efficient and effective; and
  - 70.4 Weigh the relative costs and benefits of the provisions.

Graham Spargo  
3 May 2013

## APPENDIX A: SUPPORT OUTRIGHT FOR OFFICER RECOMMENDATIONS - RURAL PROVISIONS

Reporting Officer Recommendations Supported Outright		
Transpower Submission Ref	Officer Report Ref	Officer Report Recommended Amendments to Plan Provisions
<b>Objective 2.5.1</b>		
99.01	4.12.4 Page 46	Accept the officer recommendation (page 46) in respect of Objective 2.5.1: "To enable primary production activities and other <del>associated</del> rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects <u>from inappropriately located sensitive activities</u> , in a way that maintains and enhances the character and amenity values of the rural environment".
<b>Explanation &amp; Principal Reasons (Objective 2.5.1)</b>		
99.02	Section 4.27.4 Page 75	Amend paragraph 2 of the Explanation as follows: "Many other activities (e.g. vegetable and fruit packing, rural contractors yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. <i><u>In addition, infrastructure can rely on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail).</u></i> Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated."
<b>Rule 19.1 - Notes</b>		
99.25	Section 4.33.2 Page 86	Accept the officer report recommendation to retain reference to the NESETA in the Rule 19.1 Note.
<b>Rule 19.3 – Restricted Discretionary Activities</b>		
99.32	Section 4.45.2 Page 103	Accept officer report recommendation to include a notification statement to Rule 19.3 to the effect that where activities are proposed within the National Grid Corridor and resource consent is required, Transpower will be considered an affected party. <i>Note: I recommend amendments to Rural Zone permitted activity standards (Rule 19.6.14) which impact on the need for resource consent under Rule 19.3.</i>
<b>Rule 19.6 – Permitted Activity Conditions</b>		
99.30	Section 4.51.2 Page 114	Accept officer report recommendation to not include a specific rule restricting the trimming, felling or removal of non-notable trees.
<b>Assessment Criteria – 25.2.1 General</b>		
99.39	Section 4.73.2 Page 189	Accept officer report recommendation to retain assessment criteria 25.2.1 (e) and (k).
<b>Definition – Primary Production Activity</b>		
518.17	Section 4.77.2 Page 199	Accept the officer report recommendation to not include earthworks associate with agriculture and horticulture in the

		definition of earthworks – cultivation of crops and post holes etc, are excluded from 'earthworks'.
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**APPENDIX B: SUPPORT, SUBJECT TO AMENDMENTS, FOR OFFICER RECOMMENDATIONS OR NOT SUPPORTED - RURAL PROVISIONS**

<b>Reporting Officer Recommendations Supported, Subject to Amendments, or Not Supported</b>		
<b>Transpower Submission Ref</b>	<b>Officer Report Ref</b>	<b>Officer Report Recommended Amendments to Plan Provisions together with my suggested amendments</b>
<b>Policy 2.5.16</b>		
99.03, 518.02 & 518.03	Section 4.25.2  Page 71	Accept the intent of the officer recommendation (page 72) in respect of Objective 2.5.1, subject to an amendment as follows: "Ensure that land use activities, subdivision and development <u>within and</u> adjoining the National Grid <u>Corridor</u> , the State Highway network and the North Island Main Trunk Railway Line avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission, roading and rail networks."
<b>New Policy for Infrastructure in Rural Chapter</b>		
518.00 518.01	Section 4.29.2  Page 78	Accept the officer recommendation in respect of not adding a new policy to provide for infrastructure, subject to accepting the officer recommendations in respect of Objective 2.5.1 and the Explanation and Principal Reasons supporting Objective 2.5.1 (Transpower submission points 99.01 and 99.02).
<b>Rule 19.5 – Non Complying Activity</b>		
99.33	Section 4.50.2  Page 111	Officer Report recommends retention of Restricted Discretionary Activity status for activities not complying with the permitted activity standards within the National Grid Corridor.  I recommend applying a Non Complying activity status to better give effect to Policy 10 and 11 of the NPSET.
<b>Rule 19.6 – Permitted Activity Conditions</b>		
518.08 518.09 518.10 518.11 99.27	Section 4.59.2  Page 147	Accept in part of the Officer Recommendation subject to the following amendments:  <b>19.6.14 National Grid Corridor</b> (a) All buildings within a National Grid Corridor (as set out by the distances in (b)(i), (ii) <u>and (iii) below</u> ) shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001); (b) No building or sensitive activity shall be located closer than: (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps. (ii) 12 metres either side of the centreline <del>and support structures</del> of any high voltage (220kV or more) transmission line shown on the Planning Maps. (iii) <u>12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.</u>



		<p>The following are exempt from the setback requirements in Rule 19.6.14(b):</p> <ul style="list-style-type: none"> <li>• Fences up to 2.5 metres in height</li> <li>• Mobile machinery and equipment</li> <li>• Utilities within a road or rail corridor and electricity infrastructure</li> <li>• Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.</li> <li>• <u>Non-habitable buildings associated with primary production (but not being milking sheds) that meet the requirements of New Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.</u></li> </ul> <p>(c) <u>Earthworks</u></p> <p>(i) <u>Around Poles shall be:</u></p> <p>A. <u>no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and</u></p> <p>B. <u>no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.</u></p> <p><u>Except that:</u>  <u>Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(A) and (c)(i)(B) above.</u></p> <p>(ii) <u>Earthworks Around Towers shall be:</u></p> <p>A. <u>no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and</u></p> <p>B. <u>no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.</u></p> <p>(iii) <u>Earthworks 12m either side of a high voltage transmission line shall not:</u></p> <p>A. <u>create an unstable batter that will affect a transmission support structure; and/or</u></p> <p>B. <u>result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.</u></p> <p><u>The following activities are exempt from c (i), c(ii) and c (iii) above:</u></p>
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		<ul style="list-style-type: none"> <li>• <u>Earthworks undertaken by a Network Utility operator; or</u></li> <li>• <u>Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.</u></li> </ul>
<b>Assessment Criteria – 25.2.1 General</b>		
99.40	Section 4.73.2 Page 189	Accept the intent of the officer report recommendation to include further assessment criteria, subject to an amendment to provide consistent terminology:  whether the development would have an adverse effect on the operation, maintenance, upgrading or development of the <u>National Grid. electricity transmission network.</u>
<b>Assessment Criteria – 25.2.2 Buildings</b>		
99.41	Section 4.74.2 Page 192	Accept officer report recommendation to add a new assessment criteria for buildings within the National Grid Corridor (25.2.2):  Whether development within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the <u>National Grid. electricity transmission network.</u>
<b>Assessment Criteria – 25.2.4 Tree Planting</b>		
99.42	Section 4.75.2 Page 194	Officer Report rejects the inclusion of a new assessment criterion (as sought in Transpower’s submission) to manage tree planting within the National Grid Corridor:  <u>‘whether tree planting within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.</u>  I recommend the assessment criteria be included.

**APPENDIX C –PLAN PROVISIONS RELEVANT SPECIFICALLY TO TRANPSOWER’S  
SUBMISSION AMENDED AS I RECOMMEND**

## **2 OBJECTIVES/POLICIES: Rural Environment**

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### **2. RURAL ENVIRONMENT**

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#### **Issue 2.1 LAND USE ACTIVITIES – NATURE, CHARACTER, AMENITY VALUES AND SERVICING**

Diversity of primary production and non-primary production activities occur in the rural environment. These activities can have a wide range of effects on the nature, character and amenity values of the rural environment, as well as the potential for incompatibility between activities. However, some of these effects are anticipated and expected in a rural environment.

#### **ISSUE DISCUSSION**

The rural environment hosts a diverse range of activities spread throughout a large area. The nature and distribution of primary production is largely determined by natural patterns of landform, climate and soil type, with other activities influenced by other factors such as accessibility and proximity to markets and other facilities. The predominant activities in the rural environment are primary production based, including farming, horticulture and forestry. These primary production activities can vary widely in scale from large scale and extensive beef/sheep and dairying operations through to small scale lifestyle blocks. There are also many activities associated with these primary production activities located in the rural environment, including packing and processing sheds, fertiliser depots and rural contractors. There are other non-primary production activities located in the rural environment including residential, recreation, home occupations, and visitor accommodation. These activities are often more sensitive to external effects from primary production activities and infrastructure.

While there is diversity in the nature and scale of land use activities, the elements which combine to give the rural environment its character and amenity values are listed in Explanation and Principal Reasons under Issue 2.1 above.

Given the nature and scale of some primary production activities in the rural environment, at times these activities may generate external effects which cannot be avoided (e.g. noise, odour and dust). Dogs barking, stock noise, farm machinery noise, stock movements, burning, and spraying are all necessary and usual aspects of life in a rural area.

Other activities in the rural environment should therefore anticipate and expect the amenity values to be modified by such effects. In particular, with the increase in the number of rural-residential "lifestyle" properties within the rural environment, there is greater potential for an increase in conflicts between primary production activities (and their effects) and recent arrivals who hold aspirations for a totally quiet and passive environment. The desire to provide for such lifestyle opportunities and other sensitive activities in a manner that protects the rural character while maintaining and enabling primary production activities to operate without unreasonable restriction is a key challenge in the management of the rural environment.

In managing activities in the rural environment, there are a number of actual or potential adverse effects to be considered. Examples of adverse effects of activities that are of particular concern include:

- Close-density, urban-style residential settlement patterns.

## 2 OBJECTIVES/POLICIES: Rural Environment

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- Inadequate or inappropriate disposal of wastes.
- Noise disturbance.
- Offensive and unabated smell.
- The careless and indiscriminate use of air sprays resulting in spray drift.
- Encroachment into the privacy of rural dwellings.
- Effects of additional traffic and new intersections/entrance ways on the safety of rural roads.
- Inappropriate advertising signage which detracts from visual amenity or road safety.

### Objectives & Policies

#### **Objective 2.1.1 Land Use Activities – Nature, Character, Amenity Values And Servicing**

To enable primary production activities and other ~~associated~~ rural based land uses to function efficiently and effectively in the Rural Zone, while avoiding, remedying or mitigating the adverse effects of activities, including reverse sensitivity effects from inappropriately located sensitive activities, in a way that maintains and enhances the character and amenity values of the rural environment.

#### **Policy 2.1.2**

Provide for the establishment and operation of primary production activities which rely on a location in the rural environment, provided they meet minimum environmental standards reasonably necessary to avoid, remedy or mitigate any adverse effects without unduly affecting landowners' ability to use their land productively.

#### **Policy 2.1.3**

Provide for the establishment and operation of new non-primary production activities and the ongoing operation of existing lawfully established activities which are compatible and/or associated with primary production activities in the rural environment provided they meet minimum environmental standards to avoid, remedy or mitigate any adverse effects.

#### **Policy 2.1.4**

Control and manage the establishment and operation of a range of other land use activities, including sensitive activities, in the rural environment to ensure their adverse effects on the environment are avoided, remedied or mitigated.

#### **Policy 2.1.5**

Manage any activity which does not meet minimum standards by assessing on a case-by-case basis to ensure the adverse effects on the environment are avoided, remedied or mitigated.

#### **Policy 2.1.6**

Ensure that all activities within the rural environment dispose of wastes in a manner that avoids, remedies or mitigates adverse effects.

## **2 OBJECTIVES/POLICIES: Rural Environment**

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### **Policy 2.1.7**

Avoid, remedy or mitigate the impact of buildings on the rural landscape and maintain overall low building density and building height throughout the rural environment.

### **Policy 2.1.8**

Provide for a principal residential dwelling and family flat that supports the primary production and/or lifestyle role of the property, with the family flat a secondary building that is minor in form and scale compared to the principal residential dwelling.

### **Policy 2.1.9**

Manage the effects of additional dwellings on the life-supporting capacity of soils and the character and amenity values of the rural environment, recognising any farm worker accommodation should be located and related to the scale and intensity of the primary production activities on site.

### **Policy 2.1.10**

Avoid, remedy or mitigate adverse effects on rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all buildings, while recognising the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.

### **Policy 2.1.11**

Manage reverse sensitivity conflict between primary production activities and sensitive activities through appropriate separation distances, while giving priority to existing lawfully established activities.

### **Policy 2.1.12**

Avoid, remedy, or mitigate any adverse environmental effects of shading of roads and reduction in rural amenity caused by tree shelterbelts or plantation forestry on adjacent and adjoining properties.

### **Policy 2.1.13**

Avoid, remedy or mitigate any adverse effects upon residential properties or road safety caused by lighting or glare from any source.

### **Policy 2.1.14**

Avoid, remedy or mitigate, where necessary, any adverse odours likely to affect the amenity of residential properties or buildings and other sensitive activities.

### **Policy 2.1.15**

Maintain separation distances between residential activities and effluent storage, treatment and disposal systems so as to minimise adverse effects for both activities.

## **2 OBJECTIVES/POLICIES: Rural Environment**

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### **Policy 2.1.16**

Ensure that land use activities, subdivision and development within and adjoining the National Grid Corridor, the State Highway network and the North Island Main Trunk Railway Line avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the electricity transmission, roading and rail networks.

### **Policy 2.1.17**

Maintain overall day and night time noise conditions at levels compatible with the amenity and activity present in the rural environment.

### **Policy 2.1.18**

Ensure that effects of increased traffic or changed traffic type or change to road access do not compromise the safe and efficient operation of any road or adversely affect the safe and convenient movement of people on public roads.

### **Policy 2.1.19**

Provide for a limited amount of advertising signage located on the site to which the activity relates to minimise the effects on the rural environment.

### **Policy 2.1.20**

Restrict the amount of remote advertising signage in the rural environment and the adverse visual effects on rural amenity through a proliferation of road-side advertising signs.

### **Policy 2.1.21**

Recognise the existence of the Levin Wastewater Treatment Plant in Mako Mako Road as a legitimate activity adjoining the rural zone and protect it from the effects of reverse sensitivity.

### **Explanation and Principal Reasons**

Primary production activities rely on a rural location due to the existence and availability of natural and physical resources. Providing for primary production and other associated activities enables these resources to be utilised in a sustainable manner, without unduly hindering or controlling these activities. Minimum standards are applied to ensure any significant adverse effects of these activities are avoided, remedied or mitigated.

Many other activities (e.g. vegetable and fruit packing, rural contractors yard) are appropriate in a rural setting and can establish and operate without compromising the core primary production activities in the rural areas. In addition, infrastructure can rely on a rural location due its linear nature and the need to traverse districts and regions (e.g. transmission lines, roads and rail). Minimum standards are also applied to these other activities to ensure their adverse effects are avoided, remedied or mitigated.

Conversely, some other activities (e.g. commercial, retail, industrial) are inappropriate in the rural area where they may be incompatible with the rural character and amenity values, or create conflict with other existing lawfully established activities. In addition, these other activities may introduce urban characteristics or features, and they lend themselves to be

## 2 OBJECTIVES/POLICIES: Rural Environment

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more appropriately located in an urban location, where the servicing, infrastructure and facilities can assist in avoiding, remedying or mitigating their adverse effects.

There are various pressures on the character and amenity values of the rural environment from the wide range of activities. Buildings and structures are associated with most activities, and the location, scale and density of buildings can adversely affect rural character and amenity values. Typically, rural character and amenity values are where buildings and structures are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape and spacious and open space qualities of the rural environment are maintained.

Existing areas of smaller rural-residential properties need to be recognised, where the level of spaciousness and privacy is different compared to the typical rural lot sizes. Appropriate levels of development and amenity protection for these denser areas of the rural environment require consideration of context, compared to the areas of the rural environment which display all the attributes listed in Issue 2.5.

Activities can also have external effects which are out of character and unacceptable in the rural environment. These external effects can degrade the characteristics and values of people in the rural environment, including privacy, rural outlook, spaciousness, ease of access, clean air and, at times, quietness. Inappropriate level of vehicle movements and parking, excessive out-of-character noise, and obtrusive or excessive signage can also degrade these values.

With the absence of reticulated services in rural areas, an on-site water supply is required as well as managing and disposing of all wastes. The nature, location and scale of the activities can influence the on-site servicing requirements. The individual water supplies and on-site management of waste can have adverse effects in addition to the activity itself.

Signs are erected for a range of purposes, such as specific identification of any site or building, providing directions or information, or for promoting forthcoming events. Therefore, signs have a role in providing for the needs of the community. However, signs can have adverse environmental effects, particularly on visual amenity, and may conflict with traffic and safety in the District. In particular, rural environment and visual amenity can be compromised by a clutter of signs or signs of an inappropriate character. These effects are especially relevant for remote advertising signs along major transport routes in the District which can create adverse visual amenity effects as well as a hazard to motorists in terms of being a distraction.

Provision is made for signs which are generally accepted as essential for the provision of information with some restrictions on size and location. Forms of signage which are considered to be undesirable because of their potential adverse effects on visual amenity and traffic safety require resource consent. This approach enables Council to consider their suitability with respect to matters of traffic safety and visual amenity.

Habitable buildings within an 800 metre buffer of the Levin Wastewater Treatment Plant, as shown on the Planning Maps, are controlled activities. This provision is necessary to protect the plant from the effects of reverse sensitivity. Reverse sensitivity is a term used that is the effect that new development may have on activities already occurring in an area and usually results from people in a new activity, complaining about the effects of existing activities, in this case the wastewater treatment plant. The concept recognises that it can be appropriate to restrain new activities to existing activities, particularly key infrastructure. The restraint is limited to the control Council can exercise requiring, where appropriate, that resource consents be granted on the condition that the activity be subject to the restraint of a



## 2 OBJECTIVES/POLICIES: Rural Environment

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covenant being registered against the title of the land to be used for the controlled activity, to the effect that owners, lessees or successors entitled, acknowledge the presence of the wastewater treatment plant in the vicinity and will not seek to constrain its continued lawful operation.

### Methods for Issue 2.5 & Objective 2.5.1

#### District Plan

- A Rural Zone will be identified in the Planning Maps.
- Rules will specify permitted activities and conditions and standards derived from the above policies.
- Rules will specify the resource consent requirements for activities that do not meet standards.
- Assessment of environmental effects through the resource consent process for development and subdivision proposals.
- In assessing resource consent applications the Council will have regard to relevant industry codes of practice/guidelines, e.g. EnviroPork™: Pork Industry Guide to Managing Environmental Effects, NZ Pork Industry Board, Version 1, 2005.
- Council will encourage land users to use Codes of Practice and other good practice guidelines.

*Standards expressed as District Plan rules are considered to be the most appropriate and effective method of maintaining minimum standards for the matters over which the Council has jurisdiction. Rules provide certainty for resource users and for neighbours which is important for community understanding of what environmental quality is expected.*

#### Other Statutory Plans

- Horizons Regional Council will control discharge to air, land and water under the provisions of its Proposed One Plan.

## 19 RULES: Rural Zone

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### 19. RURAL ZONE

#### 19.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.6 and Chapters 21, 22, 23 and 24.

- (a) Primary production activities.
- (b) Residential activities.
- (c) Marae and marae based facilities and activities.
- (d) Visitor accommodation for up to four persons within a residential dwelling unit.
- (e) Home occupations.
- (f) Open space.
- (g) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (h) Use of, and internal alterations to, existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.
- (i) Activities on the surface of any water body which is of a recreational nature and may include boating, water-skiing, recreational fishing or other like activity.

*Note: Rule 19.1(i) has immediate legal effect from 14th September 2012.*

- (j) Within land administered by the Department of Conservation:
  - Construction, maintenance and removal of temporary accommodation (huts) and toilets, visitor information signs, staff accommodation, information centres, storage sheds, camping grounds, and sale of retail goods to visitors.
  - Commercial guiding and outdoor recreation activities.
  - Species protection and conservation management work including construction and demolishing enclosures, traps, restoration and revegetation work and scientific research.
  - Noxious plant and pest control.
- (k) The following network utilities and electricity generation activities:
  - (i) The construction, operation, maintenance and upgrading of network utilities.
  - (ii) Wind monitoring masts.
  - (iii) Domestic scale renewable energy device.

## 19 RULES: Rural Zone

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- (iv) The operation, maintenance, refurbishment, enhancement and upgrading of an existing energy generation facility, except where significant external modification is involved.
- (l) ...
- (m) ...
- (n) ...
- (o) ...
- (p) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.
- (q) Temporary activities.
- (r) Temporary military training activities.
- (s) Earthworks within the Coastal Outstanding Natural Feature and Landscape.
- (t) Earthworks (Refer to Rules 19.4.10(a)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure, 19.4.11(a)(ii) Earthworks within a site that is listed in Schedule 2- Historic Heritage, and 19.5.3(a) Earthworks within an Outstanding Natural Feature and Landscape).

Note: National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

**Comment [HDE1]:** Retention of note is supported.

## 19 RULES: Rural Zone

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### 19.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.7 and Chapters 21, 22, 23 and 24. Refer to Rule 19.7 for matters of control and conditions.

- (a) Any subdivision of land (Refer Rule 19.7.1 and 19.7.2).
- (b) Any boundary adjustment subdivision within Flood Hazard Overlay Areas (Refer Rule 19.7.4)
- (c) Road-side sales activities on roads other than State Highways (Refer Rule 19.7.5).
- (d) The placement of any Relocated building and/or accessory building (Refer Rule 19.7.6).
- (e) Habitable buildings within a buffer of 800 metres of the Wastewater Treatment Plant, Mako Mako Road, Levin as identified on the Planning Map (Refer Rule 19.7.7).

Note: The buffer zone shall be measured from and applied to all land within 800 metres of the peripheral boundary of the Levin Wastewater Treatment Plant being Part Section 24, Lot 1 DP 28296 and Lot 1 DP 30808 as designated at D114 in Schedule 1.

- (f) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage (Refer Rule 19.7.8).  
*Note: Rule 19.2(f) has immediate legal effect from 14th September 2012.*
- (g) Any temporary filming activity that exceeds the duration standard set out in Rule **Error! Reference source not found.** Refer (Rule 19.7.9).
- (h) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 19.6.30. (Refer Rule 19.7.10).

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### 19.3 RESTRICTED DISCRETIONARY ACTIVITIES

Where resource consent applications involve activities within the National Grid Corridor, Council will forward copies of applications to Transpower as an affected party.

The following activities shall be restricted discretionary activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.8. Refer to Rule 19.8 for matters of discretion and conditions

#### 19.3.1 Non-compliance with Permitted Activity

- (a) Any permitted activity which fails to comply with any condition in Rule 19.6 or Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary

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activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5. (Refer Rule 19.8.1)

### 19.3.2 Non-compliance with Controlled Activity

- (a) Any controlled activity (excluding subdivision) which fails to comply with any condition in Rule 19.7 or Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5. (Refer Rule 19.8.2)

### 19.3.3 Flood Hazard Overlay Areas (excluding Moutoa Floodway)

- (a) Any permitted activity within a Flood Hazard Overlay Area (excluding Moutoa Floodway) that does not comply with the permitted activity standards in Rule 19.6.11. (Refer Rule 19.8.4)

### 19.3.4 Historic Heritage

- (a) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 19.8.5)
- (b) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 19.8.6)

*Note: Rule 19.3.4 has immediate legal effect from 14th September 2012.*

### 19.3.5 Remote Advertising Signs

- (a) Any remote advertising sign. (Refer Rule 19.8.7)

### 19.3.6 Subdivision in all Rural Landscape Domains

- (a) Within all Rural Landscape Domains, any subdivision that does not comply with any condition in Rules 19.6 and 19.7.2 and Chapters 21, 22, 23 and 24 of this District Plan, provided that the conditions for Controlled Activities in Rule 19.7.3 are met. (Refer Rule 19.8.11)
- (b) Any subdivision with access to a State Highway or Limited Access Road provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.12)
- (c) Any subdivision with access over or under the North Island Main Trunk Railway Line, provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.13)
- (d) Any subdivision that creates a Conservation Lot except in the Hill Country landscape domain, provided the subdivision complies with the all conditions for Controlled Activities in Rules 19.7.2 and 19.7.3 (except for the number of additional lots that can be created and the Parent title issued date or consent issued date), and the conditions for Restricted Discretionary Activities in Rule 19.8.11 are met. (Refer Rule 19.8.14)

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- (e) Any subdivision within 32 metres of the centre line of High Voltage Transmission Lines provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.15)

### 19.3.7 Subdivision and Buildings in Individual Landscape Domains

- (a) Any subdivision within the Foxton Dunefields, Moutoa-Opiki Plains, Tararua Terraces, Levin-Koputaroa, Levin-Ohau, Kuku and Manakau Downlands Landscape Domains that does not comply with any of the conditions for Controlled Activities in Rule 19.7.3, provided that the conditions for Restricted Discretionary Activities in Rule 19.8.17 are met. (Refer Rule 19.8.16)
- (b) Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:

- (i) Buildings, additions and alterations that do not exceed 5 metres in height.
- (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
- (iii) Primary production buildings.
- (iv) Buildings for temporary activities. (Refer Rule 19.8.8)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

- (c) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:

- (i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 30 metres vertically below a ridge or hilltop, measured from the roofline of the house.
- (ii) Primary production buildings.
- (iii) Buildings for temporary activities. (Refer Rule 19.8.9)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

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### 19.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Rural Zone:

#### 19.4.1 General

- (a) Any activity that is not a permitted, controlled, restricted discretionary, or non-complying activity is a discretionary activity.

#### 19.4.2 Residential Density

- (a) Two or more residential dwelling units per site.

#### 19.4.3 Community Entrance Signs

- (a) Community Entrance signs that do not comply with the restricted discretionary activity conditions in Rule **Error! Reference source not found.**

#### 19.4.4 Community Facilities

- (a) New community facilities or external additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.

#### 19.4.5 Buildings and Network Utilities - Outstanding Natural Feature and Landscape

- (a) Any building or network utility with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps.

#### 19.4.6 Network Utilities and Electricity Generation

- (a) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (b) Wind energy facilities.

#### 19.4.7 Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area

- (a) Any buildings, structures and the subdivision of land (excluding boundary adjustments) in the Coastal Natural Character and Hazard Overlay Area identified on the Planning Maps.

For the purposes of this rule, 'structures' does not include permanent or temporary structures designed to assist or restrict pedestrian access (such as fences, bollards, timber walkways and steps) or for passive recreation use (such as picnic tables, barbeques, and rubbish/recycling bins).

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### 19.4.8 Flood Hazard Overlay Area (excluding Moutoa Floodway) ...

- (a) Any activity within the Flood Hazard Overlay Areas (excluding Moutoa Floodway) that is not listed as a permitted or controlled activity, including but not limited to the following:
- (i) Any erection, placement, alteration of or addition to any habitable building or structure.
  - (ii) Any new network utilities.
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 19.2(b)).
  - (iv) Any activity involving use, storage or disposal of hazardous substances.
  - (v) Visitor accommodation.

### 19.4.9 Moutoa Floodway ...

### 19.4.10 Historic Heritage – Buildings and Structures

- (a) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
- (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
  - (ii) Demolition of a Group 2 building or structure.
  - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
  - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
  - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.

*Note: Rule 19.4.10 has immediate legal effect from 14th September 2012.*

### 19.4.11 Historic Heritage – Sites

- (a) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
- (i) New building or the extension of the footprint of an existing building or structure on a site.
  - (ii) Earthworks.
  - (iii) Subdivision of land.

*Note: Rule 19.4.11 has immediate legal effect from 14th September 2012.*



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### 19.4.12 Notable Trees

- (a) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 19.6.27.

### 19.4.13 Subdivision in All Landscape Domains ...

### 19.4.14 Subdivision, Building and Structures in Individual Landscape Domains ...

Discretionary activities will be assessed but not restricted to the relevant assessment criteria set out in Chapter 25 and the matters set out in Rule **Error! Reference source not found.**

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## 19.5 NON-COMPLYING ACTIVITIES

The following shall be non-complying activities in the Rural Zone:

### 19.5.1 Subdivision in all Landscape Domains

- (a) Any subdivision with access to a State Highway or Limited Access Road which does not meet the conditions for Controlled Activities in Rules 19.7.2 and 19.7.3, Restricted Discretionary Activities in Rules 19.8.11, 19.8.16, and 19.8.17 or Discretionary Activity in Rule **Error! Reference source not found.**
- (b) Any subdivision with access over or under the North Island Main Trunk Railway Line, which does not meet the conditions for Controlled Activities in Rule 19.7.2 and 19.7.3, Restricted Discretionary Activities in Rule 19.8.13, or Discretionary Activity in Rule **Error! Reference source not found.**

Note: The Council does not consider level crossing access over the North Island Main Trunk Railway Line to constitute legal and physical access in terms of Section 106(1)(c) of the RMA.

### 19.5.2 Subdivision and Buildings in Individual Landscape Domains

- (a) Any subdivision within the Coastal Environment, Coastal Lakes, and Hill Country Landscape domains that is not a Controlled Activity, or does not comply with the minimum conditions for Discretionary Activities in Rule **Error! Reference source not found.**
- (b) Any subdivision within the Moutoa-Opiki Plains and Kuku Landscape domains that is not a Controlled Activity, Restricted Discretionary Activity, or does not comply with the minimum conditions for Discretionary Activities in Rule **Error! Reference source not found.**

### 19.5.3 Outstanding Natural Features and Landscapes

- (a) Any building or network utility with a height of more than 7 metres, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape

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on the Planning Maps, except for earthworks on land that is within the Coastal Outstanding Natural Feature and Landscape.

Note: Bundling of class of consent will not be applied where a line crosses a stream that is an Outstanding Natural Feature and Landscape.

- (b) Any wind energy facility on any land within an Outstanding Natural Feature and Landscape on the Planning Maps.

### 19.5.4 Historic Heritage – Buildings, Structures and Sites

- (a) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage.

*Note: Rule 19.5.4 has immediate legal effect from 14th September 2012.*

### 19.5.5 Buildings and Activities within the National Grid Corridor

- (a) Any activity not able to meet the permitted activity standards relating to subdivision, use and development within the National Grid Corridor in Rule .

**Comment [HDE2]:** To give effect to Policy 10 and 11 of the NPSET

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## 19.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

### 19.6.1 Residential Dwelling Units and Family Flats

- (a) One residential dwelling unit per site.
- (b) One family flat of up to 70m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.

Except on sites of 5,000m<sup>2</sup> or less, the maximum gross floor area of the family flat shall not exceed 50m<sup>2</sup> plus covered verandah up to 10m<sup>2</sup> per site.

### 19.6.2 Maximum Building Height

- (a) No part of any building intended for residential activities shall exceed a height of 10 metres.
- (b) No part of any other building shall exceed a height of 15 metres.

### 19.6.3 Daylight Setback Envelope

- (a) Where a site adjoins the Residential Zone, the daylight setback requirement for the Residential Zone shall apply as if all buildings on the site were part of the Residential Zone.

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### 19.6.4 Building Setbacks from Boundaries and Separation Distances

(a) All buildings shall comply with the following setbacks:

- (i) 10 metres from any District road boundary;
- (ii) 15 metres from any State Highway boundary;
- (iii) 10 metres from any other site boundary;
- (iv) 15 metres from any bank or stream edge;
- (v) 20 metres from any water body listed in Schedule 12 – Priority Water Bodies.

Except on sites of 5,000m<sup>2</sup> or less, where the following setbacks apply:

- (vi) 10 metres from any District road boundary;
- (vii) 15 metres from any State Highway boundary;
- (viii) 3 metres from any other site boundary;
- (ix) 15 metres from any bank or stream edge;
- (x) 20 metres from any water body listed in Schedule 12 – Priority Water Bodies.

*Note: Rules 19.6.4(a)(iv) 19.6.4(a)(v), 19.6.4(a)(ix) and 19.6.4(a)(x) have immediate legal effect from 14th September 2012.*

(b) All residential dwelling units and sensitive activities shall comply with the following additional setbacks and separation distances:

- (i) 300 metres from any building containing an existing intensive farming activity on any other site;
- (ii) 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site;
- (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.

(c) Any building used for intensive farming activity shall comply with the following setbacks and separation distances:

- (i) 300 metre from any residential dwelling unit, and other sensitive activities on any other site;
- (ii) 50 metres from any site boundary;
- (iii) 600 metres from any Residential, Greenbelt Residential, Open Space, Industrial or Commercial Zone.

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### 19.6.5 Home Occupations

- (a) A home occupation shall not exceed 50m<sup>2</sup> in total gross floor area dedicated to this activity.

### 19.6.6 Noise Insulation ...

### 19.6.7 Noise ...

### 19.6.8 Vibration ...

### 19.6.9 Odour ...

### 19.6.10 Moutoa Floodway

- (a) No earthworks, buildings or structures are permitted in the Moutoa Floodway.

### 19.6.11 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

Except, the earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period.

- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m<sup>2</sup> per site.

Except, the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.

### 19.6.12 Earthworks– Specific Landscape Domains

- (a) Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Feature and Landscape identified on the Planning Maps, shall not exceed the following:

#### (i) Coastal Environment and Coastal Lakes Landscape Domains

- 2.5 metres (cut or fill) measured vertically.
- Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length.

Where the land is a dune, in meeting the requirements of (i) above, the dune shall have a vertical height at any point no greater than 10 metres from toe to summit.

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For the purposes of this rule, these earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

### (ii) Hill Country Landscape Domain

- 2 metres (cut or fill) measured vertically.
- Where earthworks exceed 2 metres (cut or fill) measured vertically, those earthworks shall not exceed 3 metres (cut or fill) measured vertically and shall not exceed a distance of 100 metres in continuous horizontal length.

For the purposes of this rule, earthworks provisions shall not apply to production forestry harvesting where it occurs 30m vertically below a ridge. A ridge is defined as a continuous elevated landform that connects high points over a distance.

### (iii) Foxton Dunefields Landscape Domain

- 3 metres (cut or fill) measured vertically provided that the dune or part of a dune is no greater than 10 metres from toe to summit.

For the purposes of this rule, earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

- (b) All disturbed surfaces shall be revegetated through hydroseeding within 2 months of the completion of the earthworks.

Note 1 : The term earthworks does not include activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores, digging of pits and installation of services where these activities do not reshape or recontour the land.

Note 2: Earthworks does not include gravel extraction and other works within the bed of a water body. These earthworks are managed by Horizons Regional Council.

#### 19.6.13 Sites of Significance to Tangata Whenua

- (a) No activity or development shall lead to the modification, demolition or removal of any site of significance to Maori where such site has been identified to Council prior to the time that any activity or development is proposed.

#### 19.6.14 Transmission Line Corridor

- (a) All buildings within a National Grid Corridor (as set out by the distances in b(i), (ii) and (iii) below) shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).

- (b) No building or sensitive activity shall be located closer than:

- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.

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- (ii) 12 metres either side of the centreline ~~and support structures~~ of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

The following are exempt from the setback requirements in Rule 19.6.14(b):

- Fences up to 2.5 metres in height
- Mobile machinery and equipment
- Utilities within a road or rail corridor and electricity infrastructure
- Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.
- Non-habitable buildings associated with primary production (but not being milking sheds) that meet the requirements of New Zealand Electrical Code Of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.

### (c) Earthworks

#### (i) Around Poles shall be:

- A. no deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- B. no deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

#### Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from (c)(i)(A) and (c)(i)(B) above.

#### (ii) Earthworks Around Towers shall be:

- A. no deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- B. no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

#### (iii) Earthworks 12m either side of a high voltage transmission line shall not:

- A. create an unstable batter that will affect a transmission support structure; and/or

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- B. result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

The following activities are exempt from c (i), c(ii) and c (iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

### 19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting ...

### 19.6.16 Forestry and Timber Harvesting ...

### 19.6.17 Wastes Disposal ...

### 19.6.18 Water Supply ...

### 19.6.19 Surfacewater Disposal ...

### 19.6.20 Engineering Works ...

### 19.6.21 Vehicle Access ...

### 19.6.22 Vehicle Parking, Manoeuvring, and Loading ...

### 19.6.23 Safety and Visibility at Road and Rail Intersection ...

### 19.6.24 Network Utilities and Energy

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other relevant conditions in this part of the District Plan shall also apply to any network utility or associated structure.

### 19.6.25 Hazardous Substances ...

### 19.6.26 Signs ...

### 19.6.27 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or

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- (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
  - (i) The construction of any building or structure.
  - (ii) The laying of overhead or underground services.
  - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
  - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
  - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
  - (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
  - (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with those overhead wires or utility networks.
  - (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
  - (iv) Required as an emergency work.

### **19.6.28 Activities on the Surface of the Water ...**

### **19.6.29 Temporary Activities ...**

### **19.6.30 Temporary Military Training Activities ...**

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## **19.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES**

The matters over which the Council reserves its control and the conditions are detailed below for each controlled activity:

### **19.7.1 Subdivision of Land (Refer Rule 19.2(a))**

#### **(a) Matters of Control**

- (i) The size, shape and location of any allotment including:



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- the avoidance of close density urban patterns of subdivision;
  - the maximisation and consolidation of usable areas of Highly Versatile soils for primary production;
  - the provision of sufficient land for effluent disposal storage and treatment from existing and proposed systems;
  - the ability to construct a future dwelling on any allotment to comply with Rule 19.6.4;
  - the location of existing intensive farming activities;
  - the protection of any natural habitat and any required buffer zone surrounding that habitat required to protect natural values;
  - the relationship of the subdivision to existing or designated high voltage transmission lines;
  - the degree to which a proposed Conservation Lot is likely to avoid, remedy or mitigate the adverse effects on any natural habitat that would be adversely affected by the subdivision.
- (ii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
- (iii) The provision and design of servicing and network utilities, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity.
- (iv) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (v) Effects on significant sites and features, including natural, cultural and historic heritage sites.
- (vi) The degree to which the proposed subdivision would adversely affect the existing landscape character and amenity values of the area, including the effects of development resulting from subdivision such as the siting and design of buildings.
- (vii) The effects of earthworks and modifications to the landscape character, particularly on the values of any outstanding natural feature, outstanding landscape, natural habitat and the Lake Horowhenua and Hokio Stream catchments.
- (viii) Protection and revegetation of the riparian margins of waterways, including the protection and enhancement of the ecological health of waterways.
- (ix) The protection and enhancement of any natural habitat of indigenous species within the subdivision.

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- (x) The management of potential reverse sensitivity effects, including but not limited to noise, vibration, odour, dust and visual effects
- (xi) Site contamination remediation measures and works.
- (xii) Avoidance or mitigation of natural hazards.
- (xiii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (xiv) The staging of development and timing of any works.
- (xv) Subdivision design generally in accordance with the Horowhenua Rural Subdivision Design Guide (Schedule 6).
- (xvi) Compliance with the Horowhenua District Council Engineering requirements.
- (xvii) Those matters described in Sections 108 and 220 of the RMA.

Controlled Activities are to be assessed against the relevant assessment criteria set out in Chapter 25.

### **Note to District Plan Users in Interpreting Subdivision Rules**

*In considering subdivision within the Rural Zone, it is necessary for District Plan users to consider the application of the rules at two different levels.*

*It is first necessary to consider rules that are applicable to any property within the Rural Zone regardless of the location of the property. Requirements relating to all Rural Zone properties are set out under the headings '...All Landscape Domains'.*

*Secondly it is necessary to consider rules that are applicable to the property based on its location within the rural environment. The rural environment has been divided into 10 Landscape Domains (more details about these Domains can be found in Chapter 2 of this District Plan). Each Domain has specific rules and requirements that are applicable to the properties located within that Landscape Domain. The rules and requirements for each Landscape Domain can be found under the headings 'Individual Landscape Domains' where they are then separated into individual domain based headings.*

*Where a proposal may be subject to two different activity status, the more restrictive of the two will apply.*

*As an example, a subdivision proposal within the Foxton Dunefields Landscape Domain complies as a Controlled Activity. However the same proposal also involves creating a new access onto State Highway 1, and therefore under the provisions relating to all Landscape Domains in the whole Rural Zone, the proposal would be a Restricted Discretionary Activity.*

*The more restrictive activity status in this case is the Restricted Discretionary Activity status and therefore although the proposal would need to be considered against both provisions, it would overall be assessed as a Restricted Discretionary Activity.*

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*The more restrictive activity status will also be applied in the situation where a title to be created is located within two or more landscape domains, and would be subject to a different activity status for each domain.*

*i.e. The assessment of any property or new title that falls solely within a single landscape domain would be against the objectives, policies and rules of that domain. However, the assessment of any new title that falls within two or more landscape domains would be against the most restrictive provisions of the applicable landscape domains.*

*Amalgamated Lots: For the purpose of the subdivision rules and conditions where any allotment has been or is to be amalgamated or held together on the same Certificate of Title with another adjoining allotment on the same survey plan, or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with the subdivision rules and conditions within this District Plan.*

### 19.7.2 Subdivision Conditions applying to all Rural Landscape Domains (Refer Rule 19.2(a))

Any subdivision shall comply with all of the following conditions:

- (a) Public Works and Network Utilities: Any lots created exclusively for public works, network utility operations, reserves and access shall not comply with the minimum area requirements and shall not be counted as part of any lot entitlement where they form part of a subdivision creating other lots, except any lot for the exclusive use of network utilities shall not exceed a maximum lot area of 200m<sup>2</sup>.

To avoid any doubt, this exclusion does not apply to lots that would accommodate wind energy generating facilities and ancillary equipment.

- (b) Water Supply, Wastes and Surface Water Disposal, and Other Services: All subdivisions shall comply with the conditions set out in Chapter 24.
- (c) Roads and Access: All subdivisions shall comply with the conditions set out in Chapter 21.
- (d) Financial Contributions for Reserves and Biological Diversity: All subdivisions shall comply with the conditions set out in Chapter 24.
- (e) Esplanade Reserves/Strips: All subdivisions shall comply with the conditions set out in Rule 24.2.6.
- (f) Building Area and Effluent Disposal Area: Any vacant lot (except for those lots to be used exclusively as a site for network utilities or public works including reserves or access) shall contain a Building Area and Effluent Disposal Area in compliance with the requirements below. These areas shall be shown on the Scheme Plan at the time of application. Any lot containing existing buildings and/or an existing effluent disposal system shall ensure that all new boundaries are sited to ensure that the existing buildings and/or effluent disposal system comply with the requirements of Rule 19.2 Conditions for Permitted Activities.

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*Note: For the purpose of the subdivision rules in Chapter 19, an existing dwelling is one that is in existence at 10/01/2009 or has been legally established and constructed prior to 10/01/2009.*

For the purpose of this rule, a Building Area shall comply with the following:

- (i) Shape factor of 18 metres by 18 metres; and
- (ii) Setback of 9 metres from any right of way boundary or road boundary of any road that is not a State Highway; and
- (iii) Setback of 15 metres from the road boundary of any road that is a State Highway; and
- (iv) Setback of 9 metres from any side or rear boundary; and
- (v) Setback of 15 metres from any bank or edge of a river, stream, wetland, or waterway; and
- (vi) Setback of 15 metres from any Significant Natural Area
- (vii) Setback of 20 metres from the inland toe of authorised stopbanks
- (viii) Setback of 32 metres from the centre line of High Voltage Transmission line; and
- (ix) Not located within any flooding or inundation hazard area identified on the Horowhenua Flooding and Ponding Maps.

For the purpose of this rule, an Effluent Disposal Area shall comply with the following:

- (i) Minimum area of 400m<sup>2</sup>;
- (ii) Separate minimum reserve area of 200m<sup>2</sup> on the same lot for future use;
- (iii) 20 metres separation distance between any neighbouring disposal fields;
- (iv) Setback of 1.5 metres from any boundary;
- (v) Setback of 20 metres from any river, lake, natural wetland or artificial water course or coastal marine area;
- (vi) No part of the area shall have a gradient over 18 degrees (3 horizontal – 1 vertical);

OR

- (vii) Be a design for effluent fields based on soil type and other considerations as detailed in Horizons Regional Council Manual for On-Site Wastewater Design and Management which will include:
  - A maximum discharge to land not to exceed 2000 litres/day per disposal field, and

## 19 RULES: Rural Zone

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- Have suitable soils and groundwater conditions, and the loading rate shall not exceed 3 Litres/m<sup>2</sup>/day.

*Note: Once approved, the development of each lot does not necessarily need to be restricted to the Building Areas and Effluent Disposal Areas identified on the proposed Scheme Plan. It should be noted that where an area is to be used that is not within an area identified at the time of the subdivision, then the proposal will require a more stringent assessment prior to the granting of the Building Consent.*

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- 19.7.3 Conditions applying to Individual Rural Landscape Domains ...**
  - 19.7.4 Boundary Adjustments in Flood Hazard Overlay Area (Refer Rule 19.2(b)) ...**
  - 19.7.5 Road-Side Sales Activities (Refer Rule 19.2(c)) ...**
  - 19.7.6 Relocated Buildings (Refer Rule 19.2(d)) ...**
  - 19.7.7 Habitable buildings within the 800 metre buffer zone of the Wastewater Treatment Plant, Mako Mako Road, Levin as identified on the Planning Maps (refer Rule 19.2(e)) ...**
  - 19.7.8 Historic Heritage – Buildings (Refer Rule 19.2(f)) ...**
  - 19.7.9 Temporary Filming Activities (Refer Rule 19.2(g)) ...**
  - 19.7.10 Temporary Military Training Activities (Refer Rule 19.2(h)) ...**
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### **19.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES**

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

- 19.8.1 Non-Compliance with Permitted Activity Conditions (Rule 19.6) and Chapters 21, 22, 23 and 24 (Refer Rule 19.3.1)**
  - (a) Matters of Discretion
    - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.
  
- 19.8.2 Non-Compliance with Controlled Activity Conditions (Rule 19.7) and Chapters 21, 22, 23 and 24 (Refer Rule 19.3.2)**
  - (a) Matters of Discretion
    - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

## **19 RULES: Rural Zone**

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**19.8.3 Home Occupations (Refer Rule 19.3.1) ...**

**19.8.4 Flood Hazard Overlay Areas (excluding Moutoa Floodway) (Refer Rule 19.3.3) ...**

**19.8.5 Historic Heritage – Buildings (Refer Rule 19.3.4(a)) ...**

**19.8.6 Historic Heritage – Signs (Refer Rule 19.3.4(b)) ...**

**19.8.7 Signs (Refer Rule 19.3.5) ...**

**19.8.8 Buildings in Coastal Environment and Coastal Lakes Landscape Domains (Refer Rule 19.3.7(b)) ...**

**19.8.9 Buildings in Hill Country Landscape Domains (Refer Rule 19.3.7(c))**

**19.8.10 Matters of Discretion**

(i) Design, siting, external appearance and landscaping.

(b) Non-Notification:

Applications pursuant to this rule need not be publicly notified or served on affected parties.

**19.8.11 All Rural Landscape Domains (19.3.6) ...**

**19.8.12 All Rural Landscape Domains - Access to a State Highway or Limited Access Road (Refer Rule 19.3.6(b)) ...**

**19.8.13 All Rural Landscape Domains - Access over or under the North Island Main Trunk Railway Line (Refer Rule 19.3.6(c)) ...**

**19.8.14 All Rural Landscape Domains - Creation of a Conservation Lot except in the Hill Country landscape domain (Refer Rule 19.3.6(d)) ...**

**19.8.15 All Rural Landscape Domains - within 32 metres of the centre line of High Voltage Transmission Lines (Refer Rule 19.3.6(e))**

(a) Matters of Discretion

(i) Measures necessary to protect existing high voltage transmission lines and people's health and safety.

(b) Non-Notification

In respect of Rule 19.3.6(e), for the purposes of notification/non-notification, Transpower New Zealand Limited may be identified as a potentially affected party.

## 19 RULES: Rural Zone

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### 19.8.16 Individual Landscape Domains (Refer Rule 19.3.7)

(a) Matters of Discretion

- (i) The matters not complied with in relation to Rule 19.7.3.
- (ii) Design, layout, size, number and location of lots, including frontage width and access.
- (iii) Methods to avoid or mitigate the external effects of primary production activities on the proposed lots, including buffer setbacks, dwelling siting and planting.
- (iv) Design generally in accordance with the Rural Subdivision Design Guide (Schedule 6).

(b) Conditions (refer to Table in 19.8.17)



## **19      RULES: Rural Zone**

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### **19.8.17 Conditions for Individual Landscape Domains ...**

### 25. ASSESSMENT CRITERIA

#### 25.2 ASSESSMENT CRITERIA FOR LAND USE CONSENTS IN THE RURAL ZONE

##### 25.2.1 General

- (a) The extent of the non-compliance(s) and/or any worsening of existing non-compliance(s).
- (b) The physical features of the site and surrounds and any unique characteristics that makes compliance with permitted activity standards unachievable.
- (c) The location, bulk and dominance of the building or structure and the actual and potential adverse affects on the character and amenity of the surrounding area.
- (d) The likelihood of the proposed activity to generate reverse sensitivity effects on the primary production and intensive farming activities, and the potential impact these may have on the continuing effective and efficient operation of the primary production and intensive farming activities.
- (e) The extent to which the design of the building and activity is compatible with the activities, character and amenity of the area.
- (f) The level, duration and frequency of any noise likely to be generated and the degree to which this will contrast with the existing noise environment and the impact of any cumulative increase, taking into account the nature of any measures to mitigate excessive noise levels and the degree to which they are likely to be successful.
- (g) Whether the development would have an adverse effect on the safety and efficiency of the road network, including consideration of the volume and type of traffic which may be generated to the site and the ability of the site to accommodate parking, loading, manoeuvring and access requirements, including the extent to which the frequency and timing of vehicle movements and the impact these may have on the surrounding environment in terms of noise, vibration, and glare from headlights.
- (h) Whether establishment of the activity would adversely affect the efficient functioning of the Rural Zone or other zones, or result in significant social or economic impacts.
- (i) The extent to which the activity promotes the optimum and efficient use of the rural land resource.
- (j) The proposed methods for avoiding, remedying or mitigating adverse effects including the design of the building or structure, the use of materials, design, screening, landscaping.
- (k) The extent to which alternative sites, designs and layout have been considered.
- (l) Whether the development would have an adverse effect on the operation, maintenance, upgrading or development of the National Grid.

## 25 ASSESSMENT CRITERIA

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### 25.2.2 Buildings

- (a) The extent of any adverse effects on the environment from exceeding maximum height and in particular the effect of any increased building height on the visual character of the area and its compatibility with the scale of adjoining buildings.
- (b) The degree to which the building has an adverse effect on the rural character of the site and the surrounding area.
- (c) The design and appearance of the building and its compatibility with the surrounding environment in terms of design, height, and scale.
- (d) The need for two or more residential dwelling units on a site to provide for farm worker accommodation.
- (e) The extent to which encroachment of a building setback or separation distance to enable more efficient, practical and/or pleasant use of the remainder of the site.
- (f) The extent to which alternative practical locations or designs are available for the building.
- (g) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings on the outlook from adjoining sites and buildings, which is out of character with the local environment.
- (h) Any adverse effects on adjoining sites of the proximity of the building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the surrounding environment.
- (i) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, smell, dust, glare or vibration.
- (j) The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.
- (k) Whether development within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the National Grid.

### 25.2.3 Second Residential Dwelling Units and Family Flats

- (a) The ability to meet the bulk and location standards including building setbacks, separation distances, parking and manoeuvring.
- (b) The scale of the family flat building and the extent to which the family flat remains clearly secondary to the principal residential dwelling unit on site.
- (c) The ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic.
- (d) Any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater.

## 25 ASSESSMENT CRITERIA

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- (e) The extent to which the additional dwelling or family flat would be compatible with the rural character of the surrounding area.

### 25.2.4 Tree Planting

- (a) The proximity to and potential effects on residential dwellings, roads, and/or utilities from established trees in terms of tree debris, shading and icing of roads, residential and rural amenity.
- (b) Whether tree planting within the National Grid Corridor would have an adverse effect on the operation, maintenance, upgrading or development of the electricity transmission network.

### 25.2.5 Intensive Farming

- (a) The size and scale of the proposed activity, and the proposed location of various activities within the site and in relation to residential activities on adjoining sites.
- (b) The adverse effects on character or amenity of neighbouring properties and the surrounding area.
- (c) Proximity to existing residential activities and other existing sensitive activities located in the Rural Zone.
- (d) The likely effects on persons living and working in the locality from noise, odour, traffic, and nuisances such as vermin and flies.
- (e) Whether the proposal complies with any current adopted codes of practice for the relevant industry.
- (f) The likely effectiveness of any proposed mitigation methods to address potential adverse effects.
- (g) The prevailing wind where any reduction in setback or separation distance relates to housing or keeping of animals.

### 25.2.6 Non-Primary Production Activities

- (a) Actual or potential effects (including cumulative effects) on the sustainable management of the rural land resource and, in particular, versatile land.
- (b) Whether the development has a functional need to locate in the Rural Zone, and whether the development meets an identified need within the local community.
- (c) Whether alternative locations (including possible locations in urban areas) have been considered.
- (d) Whether the scale of the development is in keeping with the rural character of the area.
- (e) Whether the proposal will adversely affect the open space and rural character of the surrounding area.
- (f) The extent to which the non-primary production activity generates reverse

## 25 ASSESSMENT CRITERIA

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sensitivity effects and reduces the efficient and effective use of the Rural Zone by primary production activities.

- (g) Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.
- (h) The hours of operation of the activity and the effect it may have on the amenity enjoyed by the existing and future residents of the locality.
- (i) Actual or potential adverse effects on the occupants of nearby dwellings (e.g. noise, odour, and glare).
- (j) The advantages of the development with respect to the processing of local products or materials on or near their sites of origin, if applicable.

**APPENDIX D - NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION**

## NATIONAL POLICY STATEMENT

# on Electricity Transmission

*Issued by notice in the Gazette on 13 March 2008*

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## Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

## 1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

## 2. Commencement

This national policy statement comes into force on the 28<sup>th</sup> day after the date on which it is notified in the *Gazette*.

## 3. Interpretation

In this national policy statement, unless the context otherwise requires:

**Act** means the Resource Management Act 1991.

**Decision-makers** means all persons exercising functions and powers under the Act.



**Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system** all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

**National environmental standard** means a standard prescribed by regulations made under the Act.

**National grid** means the assets used or owned by Transpower NZ Limited.

**Sensitive activities** includes schools, residential buildings and hospitals.

## 4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

## 5. Objective

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

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

## 6. Recognition of the national benefits of transmission

### POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

## 7. Managing the environmental effects of transmission

### POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

### POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

### POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

### POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

#### POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

#### POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

#### POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

#### POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

## 8. Managing the adverse effects of third parties on the transmission network

#### POLICY 10

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

#### POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

## 9. Maps

#### POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

## 10. Long-term strategic planning for transmission assets

#### POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

#### POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

#### Explanatory note

*This note is not part of the national policy statement but is intended to indicate its general effect*

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

## **APPENDIX E – RELEVANT PROVISIONS OF THE PROPOSED ONE PLAN**

### **Objective 3-1: Infrastructure and other physical resources of regional or national importance**

To have regard to the benefits of infrastructure and other physical resources of regional or national importance by enabling their establishment, operation, maintenance and upgrading.

### **Objective 3-1B: The strategic integration of infrastructure with land use**

Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.

### **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:...

(ia) The National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity.

### **Policy 3-2: Adverse effects of other activities on infrastructure and other physical resources of regional or national importance**

The Regional Council and Territorial Authorities must ensure that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:

(a) Ensuring that current infrastructure, infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in resource management decision-making, and any development that would adversely affect the operation, maintenance or upgrading of those activities is avoided as far as reasonably practicable,

(b) Ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents or other RMA authorisations,

(ba) Ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents or other RMA authorisations,

(c) Notifying the owners of managers of infrastructure and other physical resources of regional or national importance of consent applications that may adversely affect the resources that they own or manage,

(d) Ensuring safe separation distances are maintained when establishing rules and considering applications for buildings, structures and other activities near overhead electric lines and conductors e.g, giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001), prepared under the Electricity Act 1992, and the Electricity (Hazards From Trees) Regulations 2003 prepared under the Electricity Act,

...

(e) Ensuring that any planting does not interfere with existing infrastructure, e.g, giving effect to the Electricity (Hazards From Trees) Regulations 2003 promulgated under the Electricity Act 1992....

**Policy 3-3: Adverse effects of infrastructure and other physical resources of regional or national importance on the environment**

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure, or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- (a) Allow the operation, maintenance and upgrading of all such activities once they have been established, no matter where they are located,
- (b) Allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and
- (c) Avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:
  - (i) The need for the infrastructure or other physical resources of regional or national importance,
  - (ii) Any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,
  - (iii) Whether there are any reasonably practicable alternative locations or designs, and
  - (iv) Whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.