

**Before the Hearings Panel**

Under

the Resource Management Act 1991 (the Act)

In the matter of

Proposed Plan Change 65 Outstanding Natural  
Features and Landscapes to the operative  
Manawatu District Plan

**Statement of Evidence of Louise Ruth Allwood for Powerco Limited – Planning**

Dated 11 November 2020

## Statement of evidence of Louise Allwood

### 1 Qualifications and experience ‘

- 1.1 My full name is Louise Ruth Allwood.
- 1.2 I hold a bachelor's degree in Resource and Environmental Planning (Honours) from Waikato University. I am a full member of the NZ Planning Institute.
- 1.3 I am a Technical Lead in planning at GHD Limited (GHD) in Auckland. I have been employed by GHD for more than five years, and prior to that I worked for nine years for various other local authorities both in New Zealand and within the United Kingdom. During this time, I have prepared numerous applications for consent and processed resource consents and planning permissions. While employed by GHD I was seconded into Waikato District Council to assist with the review of the Waikato District Plan for a period of approximately four months.
- 1.4 In my role at GHD I provide assistance to Powerco by providing advice, preparing submissions on plan changes and proposed district plan review processes.

### 2 Involvement with Plan Change 65

- 2.1 I have been engaged by Powerco to prepare expert planning evidence in support of Powerco's submission, further submission and to appear at the hearing in relation to Proposed Plan Change 65: Outstanding Natural Features and Landscapes to the Manawatu District Plan.
- 2.2 The following is a list of abbreviations and acronyms that I have used in my evidence:
- PPC65 – Proposed Plan Change 65: Outstanding Natural Features and Landscapes
  - PC55 – Plan Change 55 District Wide Rules
  - DPC65 – Draft Plan Change 65: Natural Features and Landscapes
  - MDP – Manawatu District Plan
  - ONF – Outstanding Natural Feature
  - ONL – Outstanding Natural Landscape
  - SAF - Significant Amenity Feature
- 2.3 I was not involved in the drafting of Powerco's submission dated 09 August 2016 and the appeal lodged at the Environment Court dated 08 June 2017 for Plan Change 55 (District Wide Rules Chapter) (PC55). I understand the appeal lodged to the Environment Court is on hold pending the consideration of Plan Change 65 through the statutory process.
- 2.4 I prepared Powerco's submission on PPC65 and further submission on PPC65.
- 2.5 I have reviewed all the documents listed on the Manawatu District Council website for this Hearing:
- PC 65 00 Minute No 1 -9 October 2020
  - PC 65 00 Minute No 2 -16 October 2020

- PC 65 01 S42A Report
- PC 65 01.1 S42A Report – Appendix 1 – Officers Recommendations in response to submissions
- PC 65 01.2 S42A Report -Appendix 2 – NFL Chapter showing officers recommendations
- PC 65 01.3 S42A Report -Appendix 3 – Chapter 3A and Chapter 3D showing officers recommendations
- PC 65 01.4 S42A Report -Appendix 4 – NFL-APP1 showing officers recommendations
- PC 65 01.5 S42A Report -Appendix 5 -NFL-APP2 showing officers recommendations
- PC 65 01.6 S42A Report -Appendix 6 – John Hudson Evidence
- PC 65 02.1 Annex 1 Section 32 Report
- PC 65 02.2 Annex 1.01 S32 Appendix 1 New Natural Features and Landscapes Chapter
- PC 65 02.2 Annex 1.01A S32 Appendix 1 APP1 Outstanding Natural Features and Landscapes
- PC 65 02.2 Annex 1.01B S32 Appendix 1.01B APP2 Significant Amenity Features
- PC 65 02.3 Annex 1. S32 Appendix 2 Amended Chapter 3A Network Utilities and 3D Earthworks
- PC 65 02.4 Annex 1 S32 Appendix 3 Planning Maps
- PC 65 02.5 Annex 1 S32 Appendix 4 Consequential Changes
- PC 65 02.6 Annex 1 S32 Appendix 5 Landscape Assessment
- PC 65 02.7 Annex 1 S32 Appendix 6 Consultation Record
- PC 65 02.8 Annex 1 S32 Appendix 7 Iwi Consultation Record
- Commissioners decision of Plan Change 55 dated 22 February 2017, and
- Environment Court Consent Order in relation to Plan Change 55 between Powerco Limited (ENV-2017-WLG-000060) and Transpower New Zealand Limited (ENV-2017-WLG-000064) and Manawatu District Council, dated 02 May 2018.

2.6 I have read the statement of operational evidence filed on behalf of Powerco by Gary Scholfield.

### **3 Code of conduct**

3.1 Although this matter is not before the Environment Court, I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014). I have complied with it in the preparation of this evidence. I also confirm that the matters addressed in this statement of evidence are within my area of expertise.

### **4 Scope of evidence**

- 4.1 My evidence addresses the following:
- Background and planning context
  - Previous Powerco submission and further submission
  - Councils section 42A report, and

- Conclusions.

## 5 Executive summary

5.1 Powerco has provided feedback to Manawatu District Council on the draft Plan Change 65 (DPC65) and made submissions and further submissions on the Proposed Plan Change 65 for Outstanding Natural Features and Landscapes (PPC65). Powerco has also made a submission on PC55 and subsequently lodged an appeal to the Environment Court.

5.2 Powerco's previous submissions (submission to PPC65 and further submission to PPC65) related to:

- The relationship between Chapters 3A Network Utilities and new Chapter Natural Features and Landscapes
- Some policies were convoluted or were not easily interpreted
- Support for definitions relating to functional and operational need within the objective and policy framework
- Maintained its objection to the non-complying activity status of new network utilities within an Outstanding Natural Landscape, and
- Clarity between Outstanding Natural Feature or Outstanding Natural Landscape in NFL – APP1 – Outstanding Natural features and Landscapes.

5.3 In summary, there are three key areas where matters are unresolved with regards to Powerco's submission to PPC65 that I will address in my evidence. A number of Powerco's submission points to PPC65 have been accepted. The three unresolved submission points that I address in my evidence relate to:

- Chapter 3A Network Utilities, Policy 1.5, with regard to the tension between Policy 1.4 and Policy 1.5 in terms of its directiveness. Policy 1.4 "recognises" the location requirements of network utilities whilst Policy 1.5 "ensures" network utilities are located in a manner sensitive to...There is no acknowledgment of the balance between these potential effects and the benefits network utilities provide
- Chapter 3A Network Utilities, Objective 3 with regards to "use and development" is unnecessarily restrictive for existing assets and operational requirements, and
- Chapter 3A Network Utilities, Policy 3.3 with regard to the definition included in the policy, two effects thresholds to be met, and cross reference to another policy. The policy as drafted is unnecessarily complicated to apply.

## 6 Background and planning context

6.1 By way of background, Powerco previously provided a submission on Plan Change 55 which related to the following Proposed District Plan provisions:

- Definitions in Chapter 2
- Objectives and Policies in Chapter 3 District Wide Rules
- Rules, Permitted Activity Standards and the Matters of Discretion in Chapter 3 District Wide

- Rules (Section 3A Network Utilities, Section 3D Earthworks, Section 3E Signs and Section 3F, and
- Temporary Activities).

6.2 On 8 June 2017, Powerco lodged an appeal to the Environment Court in relation to Plan Change 55. As part of considering this appeal the Environment Court issued a Minute dated 2 May 2018 (Powerco Limited (ENV-2017-WLG-000060) with a consent order requesting Plan Change 55 in part be implemented. This instructed some amendments to Chapter 3 District Wide Rules to be implemented in part. The amendments clarified the implementation of this chapter against the zone provisions i.e. superseded the other provisions.

6.3 In July 2019, Powerco made submissions on DPC65. In summary, this submission primarily sought to clarify the relationship of Chapter 3A Network Utilities with the draft Plan Change 65 documents. As both chapters are “District Wide” chapters, Powerco sought to clarify which chapter takes precedence over the other, as tension between the two chapters was evident.

#### **The Resource Management Act 1991**

6.4 Under the Resource Management Act 1991 (RMA), Powerco’s gas and electricity infrastructure is a significant physical resource that must be sustainably managed and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

6.5 For completeness the following sections of Part 2 of the RMA are also relevant to PPC65:

- Section 5(1) is to promote the sustainable management of natural and physical resources
- Section 6 of the RMA sets out the matters of national importance. In particular, 6(b), (e) and (f)
- Section 7 of the RMA sets out other matters, 7(c), (f) and (g), and
- Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

#### **The Regional Policy Statement – the Horizons One-Plan (2014)**

6.6 The Horizons One Plan (which incorporates the Regional Policy Statement) contains relevant provisions in relation to the protection of electricity and gas distribution networks, including:

- Having regard to the benefits of infrastructure and providing for their establishment, operation, maintenance and upgrading (Objective 3-1)
- Ensuring that the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision-making process. (Policy 3-1)
- Ensuring that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable (Policy 3-2), and
- Requiring decision makers to, in managing adverse effects of new infrastructure, take into account a range of factors including the need for the infrastructure, any functional, operation or technical constraints that require the infrastructure to be located or designed in the manner proposed, alternative locations and whether the effects can be off-set (Policy 3-3).

- 6.7 Powerco's electricity and gas distribution networks are recognised in the One Plan as being of regional or national importance. It is, therefore, essential that its management is comprehensively addressed in the MDP.

## **7 PPC65 submissions**

- 7.1 Powerco's submission and further submission to PPC65 are included in Attachment A. The primary concerns raised in the submissions related to:
- The relationship between Chapters 3A Network Utilities and 3D Earthworks and new chapter NFL – Natural Features and Landscapes. The introduction text to Chapter NFL – Natural Features and Landscapes was still unclear which provisions take precedence and prevail
  - Some policies were convoluted, cross reference other policies, contain conflicting effects thresholds or were not easily interpreted
  - Powerco supported the references to functional operational need within the objectives and policies framework
  - Powerco maintained its objection to the non-complying activity resource consent status and 'avoid' policies for construction of new network utilities within an Outstanding Natural Landscape, and
  - The identification and difference between an Outstanding Natural Feature or Outstanding Natural Landscape is unclear in NFL – APP1 – Outstanding Natural Features and Landscapes.

## **8 Planning Officer's Section 42A Report**

- 8.1 In Ms Harris's Section 42A report prepared on behalf of MDC, Powerco Limited is identified as original submitter No. S10 and Further submitter No. FS05. I have reviewed Ms Harris's s42A report and in particular the recommendations identified in Appendix 1 – Officer Recommendations in response to submissions with respect to Powerco's submission points.
- 8.2 In section 6 of Ms Harris's section 42A report she addresses the matters or topics which are still unresolved. Powerco supports a number of Ms Harris's recommendations with regards to Powerco's submissions to PPC65 identified in Attachment B. A number of Powerco's submission points have been accepted and therefore are not discussed below. There are however, three primary submission points which are recommended to be rejected in relation to the provisions contained within Chapter 3A – Network Utilities which I address. These are addressed in turn below, which relate to:
- Chapter 3A – Network Utilities, Policy 1.5, submission number S10/3
  - Chapter 3A – Network Utilities, Objective 3, submission number S10/4
  - Chapter 3A – Network Utilities, Policy 3.3, submission number S10/7

### Policy 1.5 Powerco Submission S10/3

- 8.3 Powerco's submission S10/3 sought to insert a new policy 1.5 to Chapter 3A, which recognised the significant effects of network utilities cannot always be avoided, remedied or mitigated. The requirement to "ensure" construction and location that is sensitive to the amenity and landscape values is quite directive, particularly when read in contrast to Policy 1.4 which only requires the recognition of locational requirements. There is no acknowledgement of the balance between these potential effects and the benefits network utilities provide to the social, economic and wellbeing of a community, by recognising that it is only the significant adverse effects that need to be avoided, remedied or mitigated. Powerco sought to include a new Policy 1.5 set out below.

*Policy 1.5 - To ensure that significant adverse effects on the environment are avoided, remedied or mitigated."*

- 8.4 Ms Harris recommends the below wording for Policy 1.5 remains.

*Policy 1.5 – To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as Significant Amenity Features in NFL-APP2.*

- 8.5 Ms Harris recommends<sup>1</sup> the current wording of Policy 1.5 remains on the basis that it is clearer and more outcomes focussed and it does not add anything more other than what the RMA does. The inclusion of the reference to Significant Amenity Features (SAF) is to provide clarity that those areas are considered under Objective 1 and associated policies rather than the provisions of Objective 3 and associated policies within Chapter 3A.

- 8.6 I do not support Ms Harris's view and suggest the wording be amended in Policy 1.5 to be less directive and to acknowledge the balance between the potential effects that cannot always be avoided, remedied or mitigated. Policy 1.5 is more directive than Policy 1.4 when read together. The inclusion of the reference of SAF only occurs once within the suite of policies that support Objective 1. Policies 1.1 to 1.4 do not read that they all apply to SAF's only Policy 1.5. It does however, provide more emphasis to the SAF areas.

- 8.7 I recommend the below amendments to Powerco's suggested wording of Policy 1.5 as shown below in bold and underline to be more specific to network utilities:

Policy 1.5 – To ensure that significant adverse effects **of network utilities** on the environment are avoided, remedied or mitigated.

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<sup>1</sup> Statement of Evidence by Andrea Harris, Appendix 1 – Officer Recommendations in response to submissions, No. 242, page 64.

### Objective 3, submission number S10/4

- 8.8 Powerco's submission S10/4 sought some amendments to Objective 3 for clarity reasons. The majority of the amendments sought by Powerco were accepted by Ms Harris in her recommendations set out in page 3 of Appendix 3 – Chapter 3A and 3D showing officer recommendations. Powerco sought to delete the reference to “use and development”. In my view including “use and development” within Objective 3 is unnecessarily restrictive for operation, maintenance, and in particular, if minor upgrading of existing assets does not meet the definition of the MDP. Resource consent would be required for new network utilities within and ONL or ONF and the acceptability of operation of that network utility would be established at that time. In addition, there are existing network utilities already operating within ONF's.
- 8.9 I recommend the below amendments to Objective 3 as set out in Appendix 3 - Chapter 3A and 3D of Ms Harris's evidence shown below in bold strikethrough:

Objective 3.3 - The Characteristics and values of the Outstanding Natural features and Landscapes identified in Appendix NFL-APP1 and historic heritage identified in Appendix 1F and 1E, are protected from the inappropriate ~~use and~~ development of new network utilities.

### Policy 3.3, submission number S10/7

- 8.10 Powerco's submission to PPC65 sought amendments to Policy 3.3 to refer to new network utilities and requested the removal of a definition of 'reasonably practicable' that is contained within the policy. Part c) of the definition of 'reasonably practicable' in Policy 3.3 contradicts the requirement of Policy 3.3 to “remedy or mitigate adverse effects on the characteristics and values identified in NFL-APP1.” By stating “development does not have a significant adverse effect on”. Policy 3.3 requires two effects thresholds to be met and set out different appendices.
- 8.11 Ms Harris has accepted some of the suggested amendments to Policy 3.3 including inserting the reference to “new network utilities”. Ms Harris notes in the s42A report<sup>2</sup> that policies 3.2 and 3.3 are interlinked and are required to do so as a result of Policy 6-6: Regionally outstanding natural features and landscapes of the One Plan.
- 8.12 Policy 6-6 of the Regional Policy Statement states:
- The natural features and landscapes listed in Schedule G Table G.1 must be recognised as regionally outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development directly affecting these areas must be managed in a manner which:*
- a. avoids significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes, and*
- b. except as required under (a), avoids adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.*

<sup>2</sup> Statement of Evidence by Andrea Harris, Appendix 1 – Officer Recommendations in response to submissions, No. 264, page 70.

8.13 Policy 3.3 states “except as required by Policy 3.2” which is unclear. Policy 3.2 says to “avoid significant adverse cumulative effects” and Policy 3.3 says to “avoid adverse effects as far as reasonably practicable”. The intention of this is unclear. If the effects tests of Policy 3.3 are met and adverse effects are avoided as far as reasonably practicable but there are significant cumulative effects the activity would be considered to not give effect or be inconsistent with the policies collectively.

8.14 Ms Harris’s recommended amendments to Policy 3.3<sup>3</sup> are set out below in full for ease:

*Except as required by Policy 3.2, avoid adverse effects from new network utilities as far as reasonably practicable and where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F(Sites with Heritage Value).*

*For the purpose of policy 3.3, reasonably practicable means where:*

*a. there is no reasonably practicable alternative location, recognising the functional and operational need of the network utility, and*

*b. the infrastructure is of national or regional importance, and*

*c. the development does not have a significant adverse effect on the sites characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).*

8.15 I recommend amending Policy 3.3 to simplify its application by removing the definition of reasonably practicable within the policy and the second effects threshold located in part (c). It is restrictive to define what reasonable practicable means in a policy as there may be other factors which have not been included in this definition that may be material to a network utility provider such as cost, geotechnical conditions etc. Furthermore, the meaning of reasonably practicable is widely understood and I do not agree that the definition contained in Policy 3.3 provides additional clarity in applying the policy.

8.16 Amendments to Ms Harris’s recommendations, as set out in page 4 of Appendix 3 – Chapter 3A and Chapter 3D officer recommendations, are shown in my evidence as bold strikethrough for deletions and underline bold for additions. My recommended amendments to Policy 3.3 are set out below.

~~Except as required by Policy 3.2, To~~ avoid adverse effects from new network utilities as far as reasonably practicable, ~~and~~ **Where** avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F(Sites with Heritage Value).

~~For the purpose of policy 3.3, reasonably practicable means where:~~

~~a. there is no reasonably practicable alternative location, recognising the functional and operational need of the network utility; and~~

<sup>3</sup> Statement of Evidence by Anrea Harris, Appendix 3 - Chapter 3A and Chapter 3D showing officer recommendations, page 4.

~~b. the infrastructure is of national or regional importance; and~~

~~c. the development does not have a significant adverse effect on the sites characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).~~

## 9 Recommendations to the Hearings Panel

9.1 Deletions are shown in ~~strikethrough~~ and additions are shown in underline to Ms Harris's recommendations set out in Appendix 3 – Chapter 3A and Chapter 3D showing officer recommendations of her evidence.

9.2 Accept Ms Harris's recommendations in relation to Powerco's submission points to PPC65 as set out in Attachment B.

9.3 Delete policy 1.5 and insert a new policy that recognises the significant effects of network utilities cannot always be avoided, remedied or mitigated.

~~To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where are located, including those areas identified Significant Amenity Features in NFL-APP2.~~

"To ensure that significant adverse effects of network utilities on the environment are avoided, remedied or mitigated".

9.4 Amend Objective 3 as set out below.

The characteristics and values of the Outstanding Natural features and Landscapes identified in Appendix NFL-APP1 and historic heritage identified in Appendix 1F and 1E, are protected from the inappropriate ~~use and~~ development of new network utilities.

9.5 Amend Policy 3.3 as set out below.

~~Except as required by Policy 3.2, To~~ avoid adverse effects from new network utilities as far as reasonably practicable. ~~and w~~Where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F(Sites with Heritage Value).

~~For the purpose of policy 3.3, reasonably practicable means where:~~

~~a. there is no reasonably practicable alternative location, recognising the functional and operational need of the network utility; and~~

~~b. the infrastructure is of national or regional importance; and~~

~~c. the development does not have a significant adverse effect on the sites characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).~~

**Attachment A – Powerco’s submissions to PPC65**



**NOTICE OF SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE  
65 OF THE MANAWATŪ DISTRICT PLAN**

**To:** Manawatū District Council  
Private Bag 10-001  
Feilding 4743

Via email: [districtplanreview@mdc.govt.nz](mailto:districtplanreview@mdc.govt.nz)

**Submitter:** Powerco Limited  
PO Box 13-075  
Tauranga 3110

**Address for Service:** Powerco Limited  
Level 2, 152 Devonport Road,  
Tauranga 3110

Attention: Gary Schofield

Phone: (07) 928 5659

Email: [Gary.Scholfield@powerco.co.nz](mailto:Gary.Scholfield@powerco.co.nz)

## A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in distribution in New Zealand spanning more than a century. The Manawatū rural sub-transmission network (ex-Manawatū Oroua EPB) consists of open 33kv rings feeding four substations around the periphery of Palmerston North, and 33kV radial feeders to Sanson and Kimbolton via Feilding. The Feilding substation supplies Feilding's entire load. The 33kV circuits are predominantly overhead construction on concrete poles.
2. Powerco also operates a gas distribution network within the Manawatū district, which includes a network of underground pipes, valves and above-ground facilities such as District Regulator Stations (DRS) and Gas Measurement Systems (GMS). Powerco's gas assets are located in and around Feilding and Sanson and serve both urban and rural areas.
3. Powerco has telecommunication facilities to monitor and control its networks, as well as enabling communications with field crews who undertake work on the Powerco network.
4. Powerco has numerous assets that are located within the Outstanding Natural Landscapes (ONL's), Outstanding Natural Features (ONF's) and Significant Amenity Features (SAF's) overlays. A plan of these assets is included in **Attachment A**. Assets generally consist of 11KV High Voltage overhead lines, transformers and some undergrounded lines.
5. As such, Powerco seeks to ensure that its assets located within the six ONF's/ONL's and two SAF overlays are appropriately provided for to enable the ongoing development, operation, maintenance and upgrading of these networks.

### ***Background***

6. By way of background, Powerco previously provided a submission on Plan Change 55 which related to the following Proposed District Plan provisions:
  - Definitions in Chapter 2;
  - Objectives and Policies in Chapter 3 District Wide Rules;
  - Rules, Permitted Activity Standards and the Matters of Discretion in Chapter 3 District Wide Rules (Section 3A Network Utilities, Section 3D Earthworks, Section 3E Signs and Section 3F Temporary Activities)

7. On 8 June 2017, Powerco lodged an appeal to the Environment Court in relation to Plan Change 55. As part of considering this appeal the Environment Court issued a Minute dated 2 May 2018 (Powerco Limited (ENV-2017-WLG-000060) with a consent order requesting Plan Change 55 in part be implemented as set out in Appendix A of the decision. This instructed some amendments to Chapter 3 District Wide Rules to be implemented in part. The amendments clarified the implementation of this chapter against the zone provisions i.e. superseded the other provisions.
8. In July 2019, Powerco lodged comments on draft Plan Change 65 – Natural Features and Landscapes. In summary, this submission primarily sought to clarify the relationship of Chapter 3A Network Utilities with the draft Plan Change 65 documents. As both chapters are “District Wide” chapters, Powerco sought to clarify which chapter takes precedence over the other, as tension between the two chapters was evident. This remains the case in the notified version of Plan Change 65, as the introduction wording is still unclear.

***The Resource Management Act 1991***

9. Under the Resource Management Act 1991 (RMA), Powerco’s gas and electricity infrastructure is a significant physical resource that must be sustainably managed and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

***The Regional Policy Statement – the Horizons One-Plan (2014)***

10. The Horizons One Plan (which incorporates the Regional Policy Statement) contains relevant provisions in relation to the protection of electricity and gas distribution networks, including:
  - Having regard to the benefits of infrastructure and providing for their establishment, operation, maintenance and upgrading (Objective 3-1);
  - Ensuring that the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision making process. (Policy 3-1);
  - Ensuring that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable (Policy 3-2); and
  - Requiring decision makers to, in managing adverse effects of new infrastructure, take into account a range of factors including the need for the infrastructure, any functional, operation or technical constraints that require the infrastructure to be located or designed in the manner proposed, alternative locations and whether the effects can be off-set (Policy 3-3).

11. Powerco's electricity and gas distribution networks are recognised in the One Plan as being of regional or national importance. It is, therefore, essential that its management is comprehensively addressed in the Manawatū District Plan.
  12. Plan Change 65 partially gives effect to the Regional Policy Statement, insofar as it doesn't fully balance the need for essential infrastructure to sometimes locate within an ONL, ONF or SAF if there is no other option.
- C. THE SPECIFIC PROVISIONS OF PLAN CHANGE 65 – OUTSTANDING NATURAL FEATURES AND LANDSCAPES THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**
13. The submission relates specifically to the following provisions:
    - Identification of Powerco's assets in the newly identified ONF, ONL and SAF overlays;
    - New Definitions contained within Chapter 2 for 'functional' and 'operational' need;
    - Amendments to Chapter 3A Network Utilities and Chapter 3D Earthworks which address network utilities within ONF, ONL and SAF overlays; and
    - New proposed Chapter NFL - Natural Features and Landscapes Chapter.
  14. The specific provisions submitted on, the rationale for Powerco's submission on each of these matters, and the relief sought is contained in **Attachment B**. In the specific relief sought, all additions are shown in underline, with all deletions in ~~strikethrough~~.
  15. In summary, Powerco's primary concerns in relation to Proposed Plan Change 65 – Natural Features and Landscapes are:
    - The relationship between Chapters 3A Network Utilities and 3D Earthworks and new chapter NFL – Natural Features and Landscapes. The introduction text to Chapter NFL – Natural Features and Landscapes states "it should be read alongside" Chapters 3A Network Utilities and 3D Earthworks. It is still unclear which provisions take precedence and prevail;
    - Some policies are convoluted, cross reference other policies, contain conflicting effects thresholds or are not easily interpreted;
    - Powerco supports the references to functional operational need within the objectives and policies framework;
    - Powerco maintains its objection to the non-complying activity resource consent status and 'avoid' policies for construction of new network utilities within an ONL; and
    - The identification and difference between an ONF or ONL is unclear in NFL – APP1 – Outstanding Natural Features and Landscapes. For example, "ONF 3 – Rangitikei River" is referenced as an ONF by virtue of "ONF 3" however the corresponding table heading is "Features of Outstanding Natural Landscape". This should be updated so it is clear if the

feature is one or the other or both, as some of the policies are specifically referencing one or the other. Suggest separate schedules are prepared for ONF's and ONL's (similar to SAF's).

- D. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION**
  
- E. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
  
- F. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

Signature of person authorised to sign on behalf of Powerco Limited



Louise Allwood  
Technical Lead – Planning

*Dated this 4<sup>th</sup> day of March 2020*

## IDENTIFICATION OF POWERCO ASSETS IN RELATION TO ONF'S, ONL'S and SAF'S

### A. Powerco's assets are located in the following ONF's, ONL's and SAF's:

- ONF 3- Rangitikei River – Powerco assets in this area, 11KV High Voltage overhead lines (red lines) cross the river and transformers (blue triangles) are within this area.
- ONF 4 – Mangamako Gorge – Powerco assets in this area are 11KV High Voltage overhead lines and a transformer through this area.
- ONF 7 – Mangaoira and Mangahuia Stream – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- ONF 9 – Upper Pohangina River – Powerco assets in this area are 11KV High Voltage overhead lines and transformers in this area.
- ONF 10 – Totara Reserve – Powerco assets in this area are 11KV High Voltage overhead lines, underground cables (red dashed lines) and transformers.
- ONFL 14 – Pukepuke Lagoon – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- SAF 2 – Upper Oroua River and River Valley – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- SAF 3 – Makiekie Creek – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.

Powerco's asset maps are provided in Attachment A.

<b>Attachment B</b>			
<b>SECTION</b>	<b>PROVISION</b>	<b>COMMENTS ON PROPOSED PROVISIONS</b>	<b>RELIEF SOUGHT</b>
<b>CHAPTER 2 DEFINITIONS</b>	<b>Functional Need</b>	<p>The definition of ‘functional need’ reads as follows:</p> <p><i>FUNCTIONAL NEED: means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i></p> <p>Powerco supports the definition insofar as it provides for Powerco’s functional need to locate their assets in a particular location, i.e. there is nowhere else it can be located. It is consistent with the national planning standards.</p>	<b>Retain the definition</b>
	<b>Operational Need</b>	<p>The definition of ‘operational need’ reads as follows:</p> <p><i>OPERATIONAL NEED: means the need for a proposal or activity to traverse, locate or operate in a particular environment because of a technical, logistical or operational characteristics or constraints.</i></p> <p>The definition of ‘operational need’ is generally supported and is appropriate, as it applies to Powerco’s assets and recognises their operational requirement to locate in a particular location. It is consistent with the national planning standards.</p>	<b>Retain the definition</b>
<b>CHAPTER 3 – 3A NETWORK UTILITIES</b>	<b>Policy 1.5</b>	<p>Powerco maintains its previous submission point in relation to Policy 1.5. The requirement to “ensure” construction and location that is sensitive to the amenity</p>	<b>Delete Policy 1.5 as to ‘ensure’ construction and location that is sensitive to the amenity and landscape values is unnecessarily directive.</b>

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SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		and landscape values is quite directive, particularly when read in contrast to Policy 1.4 which only requires the recognition of locational requirements. Powerco considers that the Policy intent would better be achieved by the deletion of the notified Policy 1.5 and the inclusion of a new Policy 1.5. The proposed amendments to Policy 1.5 by “including those areas identified as Significant Amenity Features in NFL-APP2.” further exacerbates the directness of the policy. There is no acknowledgement of the balance between these potential effects and the benefits network utilities provide to the social, economic and wellbeing of a community, by recognising that it is only the significant adverse effects that need to be avoided, remedied or mitigated.	<p><i>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where are located, including those areas identified Significant Amenity Features in NFL-APP2.</i></p> <p><b>Insert a new Policy (1.5) that recognises that the significant effects on network utilities cannot always be avoided, remedied or mitigated:</b></p> <p><i>To ensure that significant adverse effects on the environment are avoided, remedied or mitigated.</i></p>
	<b>Objective 3</b>	Powerco supports the amendment to Objective 3. The purpose of Objective 3 adequately recognises the development of network utilities whilst seeking to manage effects. The reference to “NFL-APP1” reduces ambiguity in the application of the objective in relation to the ONF’s and ONL’s. Powerco suggests minor amendments to the wording of Objective 3 to reference new network utilities and to clarify interpretation, including by adding a	<p><b>Amend Objective 3 to clarify historic heritage appendices, as follows:</b></p> <p><i>The characteristics and values of the Outstanding Natural Features and Landscapes identified in <u>Appendix NFL-APP1</u> and historic heritage <u>identified in Appendix 1F and 1E,</u> are protected from the inappropriate <del>use and</del> development of <u>new network utilities.</u></i></p>

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<b>SECTION</b>	<b>PROVISION</b>	<b>COMMENTS ON PROPOSED PROVISIONS</b>	<b>RELIEF SOUGHT</b>
		<p>reference to the Appendices which include the lists of historic heritage and commas to identify that this is a compound sentence. Referencing “use and development” is unnecessarily restrictive for maintenance and upgrading of existing assets.</p> <p>Notwithstanding the proposed amendments to Objective 3, duplication remains between Objective 3 and Policy 3.1, as addressed in the next submission point.</p>	
	<b>Policy 3.1</b>	<p>Powerco maintains its previous submission point in relation to Policy 3.1, insofar as its intent and purpose is incorporated into Objective 3 and it is simply a duplication. Delete Policy 3.1. In addition, Policy 3.1 is more restrictive than Objective 3.</p>	<p><b>Delete Policy 3.1 as this policy is now incorporated into the amendments sought to Objective 3, as follows:</b></p> <p><i>To protect the characteristics and values of Outstanding natural Features and Landscapes scheduled in NFL APP1 or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from the effects of network utilities.</i></p>
	<b>Policy 3.2</b>	<p>Powerco understands that the intent of Policy 3.2 is to manage the cumulative effects of new network utilities. Powerco’s previous submission point in relation to the draft Plan Change 65 remains, insofar as it may be difficult to interpret in terms of determining significant adverse cumulative effects. Part of an ONF’s and ONL’s may be</p>	<b>Retain as notified.</b>

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		able to absorb new network utilities locating there if there are existing network utilities in that part of the landscape, as opposed to locating where there are none. In addition, there may also be no practicable alternative.	
	<b>Policy 3.3</b>	<p>Policy 3.3 provides an exception to this where network utilities are unable to avoid the area as far as reasonably practicable and where works cannot be avoided in the ONF's or ONL's any adverse effects should be remedied or mitigated. The main body of Policy 3.3 does not refer specifically to new network utilities. Furthermore, it is not good practice to have a definition embedded within a policy. Policy 3.3 also provides a convoluted test with three parts to it, as set out below:</p> <p><i>“For the purpose of policy 3.3, reasonably practicable means where:</i></p> <ul style="list-style-type: none"> <li><i>a. there is no reasonably practicable alternative location, recognising the functional and operational need to the network utility; and</i></li> <li><i>b. the infrastructure is of national or regional importance; and</i></li> </ul>	<p><b>Amend Policy 3.3 to have one effects threshold and remove definitions within the policy and create a new policy (Policy 3.3A) recognising the functional and operational need of infrastructure;</b></p> <p><i>Except as required by Policy 3.2, To avoid adverse effects from new network utilities as far as reasonably practicable. <del>insofar as there is no reasonable alternative location, and</del> <del>Where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).</del></i></p> <p><i>For the purpose of policy 3.3, reasonably practicable means where:</i></p> <ul style="list-style-type: none"> <li><i><del>a. There is no reasonably practicable alternative location, recognising the function and operational need of the network utility; and</del></i></li> </ul>

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		<p><i>c. the development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1 (Outstanding natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or F1 (Sites with Heritage Value)."</i></p> <p>Part c of Policy 3.3 contradicts the requirement of Policy 3.3 "<i>remedy or mitigate adverse effects on the characteristics and values identified in NFL-APP1.</i>" by stating "<i>development does not have a significant adverse effects on</i>". Policy 3.3 requires two effects thresholds to be met and sets out different appendices. For example Policy 3.3 refers to NFL-APP1 whilst part c of Policy 3.3 refers to "<i>Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value)</i>".</p>	<p><del><i>b. The infrastructure is of national or regional importance; and</i></del></p> <p><del><i>c. The development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).</i></del></p>
	<b>Policy 3.4</b>	Powerco supports Policy 3.4 as it provides for works associated with existing network utilities located within ONF's and ONL's.	<b>Retain as notified</b>

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	<b>Policy 3.5</b>	Policy 3.5 seeks to avoid inappropriate use and development within ONL's which adversely affects the values of the areas. Policy 3.5 is in direct contrast with Policy 3.4 as it is not clear if it is in relation to the construction of new network utilities. Policy 3.5 also generally refers to use and development rather than specifying network utilities. Powerco acknowledges that network utilities can have adverse effects on ONL's but suggests amendments to Policy 3.5 for clarity and application of Policies 3.4 and 3.5. In addition, Policy 3.5 commands a high statutory test and effectively restricts the location of any network utilities within an ONL and more specifically the Manawatū Coastline ONL and Ruahine ONL.	<p><b>Amend Policy 3.5 to clarify and soften its application, as follows:</b></p> <p><i>To avoid inappropriate use and development <u>of new network utilities</u> within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, and adverse effects <u>are unable to be mitigated or remedied</u>, including:</i></p> <ul style="list-style-type: none"> <li><i>a. The extensive unbuilt coastal strip along the Manawatu Coastline Outstanding Natural Landscape.</i></li> <li><i>b. The unmodified and continuous indigenous values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape.</i></li> </ul>
	<b>Section 3A.4.3 Standards for Permitted Activities</b>	Powerco supports the amendment to the permitted activity standard 3A.4.3.j, as it references the new appendices NFL-APP1 and NFL-APP2, however, suggests "Appendices" should be included to provide clarity. A comma is required after 'minor upgrading works' to reflect the compound nature of the sentence.	<p><b>Amend 3A.4.3j (standards for permitted activities) as follows:</b></p> <p><i>Works that are undertaken outside of an existing road corridor carriageway, or that are not in operation, maintenance, replacement or minor upgrading works, must not be located within the areas scheduled in <del>Appendix</del> <u>Appendices</u> 1A (Wetlands, Lakes, Rivers and their Margins),</i></p>

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			<i>1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with heritage Value), 1F (Sites with Heritage Value), Outstanding natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan.</i>
	<b>Section 3A.4.4 Restricted Discretionary Activities</b>	Powerco supports the amendment to the restricted discretionary assessment criteria vi) as it provides clarity to the location of the ONF's and ONL's, however, suggest the word "Appendices" is inserted for clarity.	<b>Amend 3A.4.4 Restricted Discretionary Activities assessment criteria vi), as follows:</b> <i>Whether the activity impacts on the scheduled heritage values in <del>Appendices</del> Appendix 1A Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value), 1F (Sites with Heritage Value), Outstanding natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan, if so, how such impacts are remedied or mitigated.</i>
	<b>Section 3A.4.5 Discretionary Activities</b>	Powerco supports the reduction of activity status from non-complying activity to discretionary activity in relation to the construction of new and upgrading (other than minor upgrading) network utilities in relation to ONF's and	<b>Amend 3A.4.5 Discretionary Activities a., as follows:</b> <i>The following activities shall be a Discretionary Activity</i> <i>a. Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as</i>

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		SAF's. Amendments are suggested to insert the word "appendix" where relevant for clarity.	<i>identified in <u>Appendix NFL-APP1</u> or Significant Amenity Feature identified in <u>Appendix NFL-APP2</u>.</i>
	<b>Section 3A.4.6 Non-Complying Activities</b>	Powerco maintains its previous submission in relation to Plan Change 55 with reference to this rule. Non-complying activity status pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management and fails to take account the traversing of such utilities across a range of environments. When new infrastructure is proposed a robust assessment and route selection process is undertaken. However, it is not always possible to completely avoid sensitive areas such as these.	<b>Amend 3A.4.6 Non-Complying Activities, as follows:</b>  <i>Any new <u>non-linear</u> network utility, including windfarms <del>and new transmission and distribution electricity lines</del> located within Outstanding Natural Landscape identified in <u>Appendix NFL-APP1</u>.</i>
<b>Chapter 3: 3D EARTHWORKS</b>	<b>Policy 1.3</b>	Powerco supports Policy 1.3 as it now refers to management of risk. Suggest minor amendment to include "Appendix" reference for clarity.	<b>Amend Policy 1.3, as follows:</b>  <i>To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in <u>Appendix NFL-APP1</u>, except where earthworks are necessary to manage risk to human health and safety.</i>
	<b>Section 3D.4.4 Discretionary Activities</b>	Powerco notes the exclusion of "the minor upgrading, replacement or maintenance of network utilities" within the definition of earthworks. Thereby excluding these activities from complying with Section 3D – Earthworks. Powerco acknowledges the reduction in activity status	<b>Retain as notified.</b>

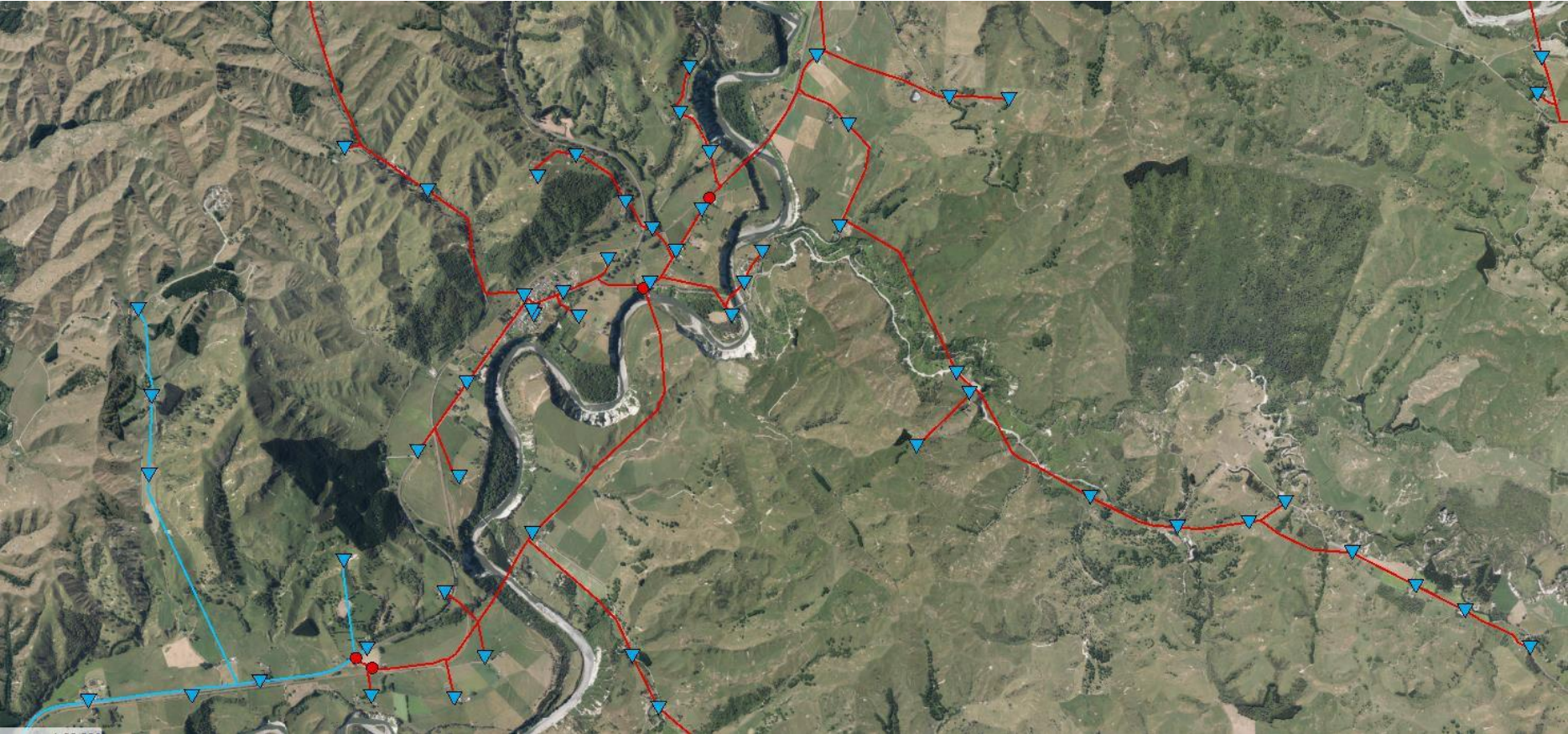
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		from non-complying to discretionary in relation to earthworks located within ONF's and SAF.	
	<b>Section 3D.4.5 Non-Complying Activities</b>	A non-complying activity status for earthworks in an ONL outside of an existing road corridor is opposed for the same reasons set out in section 3A.4.6 Non-Complying Activities	<b>Amend 3D.4.5 Non-Complying Activities as follows:</b> <i>Any earthworks within an Outstanding Natural Landscape identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2.f v) or vi) is a <u>Discretionary Activity</u> <del>Non-Complying Activity</del>.</i>
<b>Chapter NFL – NATURAL FEATURES AND LANDSCAPES</b>	<b>Natural Features and Landscapes</b>	Powerco previously submitted on the draft Plan Change 65. Powerco's primary concern was the relationship between the provisions contained within Chapter 3 District Wide Rules (inclusive of Chapters 3A Network Utilities and 3D Earthworks) and the new Chapter Natural Features and Landscapes. The introduction text at the start of Chapter NFL – Natural Features and Landscapes is still unclear in regards to its application in relation to network utilities. It still instructs the reader to read this chapter "alongside Chapter 3A Network Utilities and Chapter 3D Earthworks". Powerco requests more clarity on the application of the provisions of this chapter in relation to those set out in Chapter 3 District Wide Rules.	<b>Amend introductory text to NFL – Natural Features and Landscapes to provide greater clarity on how the objectives, policies and rules contained in this section apply in relation to Chapter 3A Network Utilities and Chapter 3D Earthworks, as follows:</b>  <i><del>This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks.</del> For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the <del>more</del> <u>specific provisions in Chapter 3A Network Utilities apply and prevail over this chapter.</u> Earthworks associated with <u>network utilities</u> within Outstanding Natural Features and Landscapes are provided for in Chapter 3D Earthworks. <u>These provisions prevail over the provisions contained within this chapter.</u></i>

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<b>SECTION</b>	<b>PROVISION</b>	<b>COMMENTS ON PROPOSED PROVISIONS</b>	<b>RELIEF SOUGHT</b>
Chapter NFL – NATURAL FEATURES AND LANDSCAPES	Natural Features and Landscapes	Powerco has assumed the intent of Chapter NFL – Natural Features and Landscapes does not apply to network utilities located within ONF’s, ONL’s and SAF’s and so has not provided submission points on it. If this understanding is incorrect and the objectives, policies and rules contained within Chapter NFL – Natural Features and Landscapes do apply to network utilities Powerco would like the opportunity to provide comment on them as they are at tension with the provisions contained within Chapters 3A Network Utilities and 3D Earthworks.	<b>Amend introduction text as set out in the above submission point and confirm that Chapter NFL – Natural Features and Landscapes does not apply to Network Utilities.</b>  <b>If this relief is not accepted, Powerco objects to all objectives, policies and rules in the NFL – Natural Features and Landscapes chapters, and seeks they are amended as required to appropriately and adequately provide for the establishment, maintenance, upgrading and operation of electricity distribution lines.</b>

# Attachment A

1) ONF3 - Outstanding Natural Feature - Rangitikei River

Powerco assets in area: 11KV High Voltage overhead lines (red lines) cross the river and transformers (blue triangles) are within the area.





2) ONF4 - Outstanding Natural Feature - Mangamako Gorge  
Powerco assets in area: 11KV High Voltage overhead lines and transformers through area.



### ONF 4 - MANGAMAKO GORGE



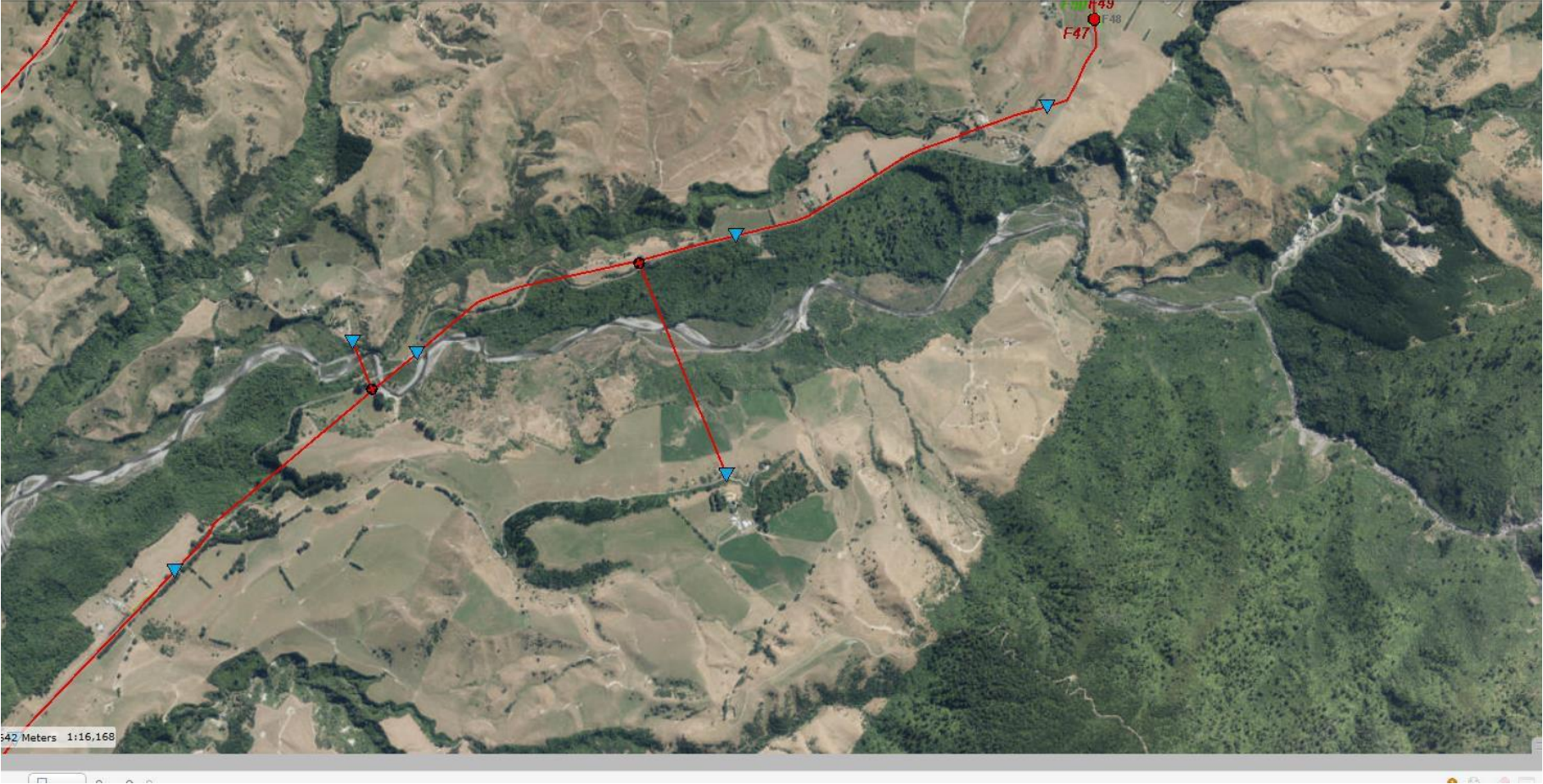
3) ONF7 - Outstanding Natural Feature – Mangoira & Mangahuia Stream  
Powerco assets in area: 11KV High Voltage overhead.



## ONF 7 – MANGOIRA AND MANGAHUIA STREAM



4) ONF9 - Outstanding Natural Feature - Upper Pohangina River  
Powerco assets in area: 11KV High Voltage overhead lines and transformers.

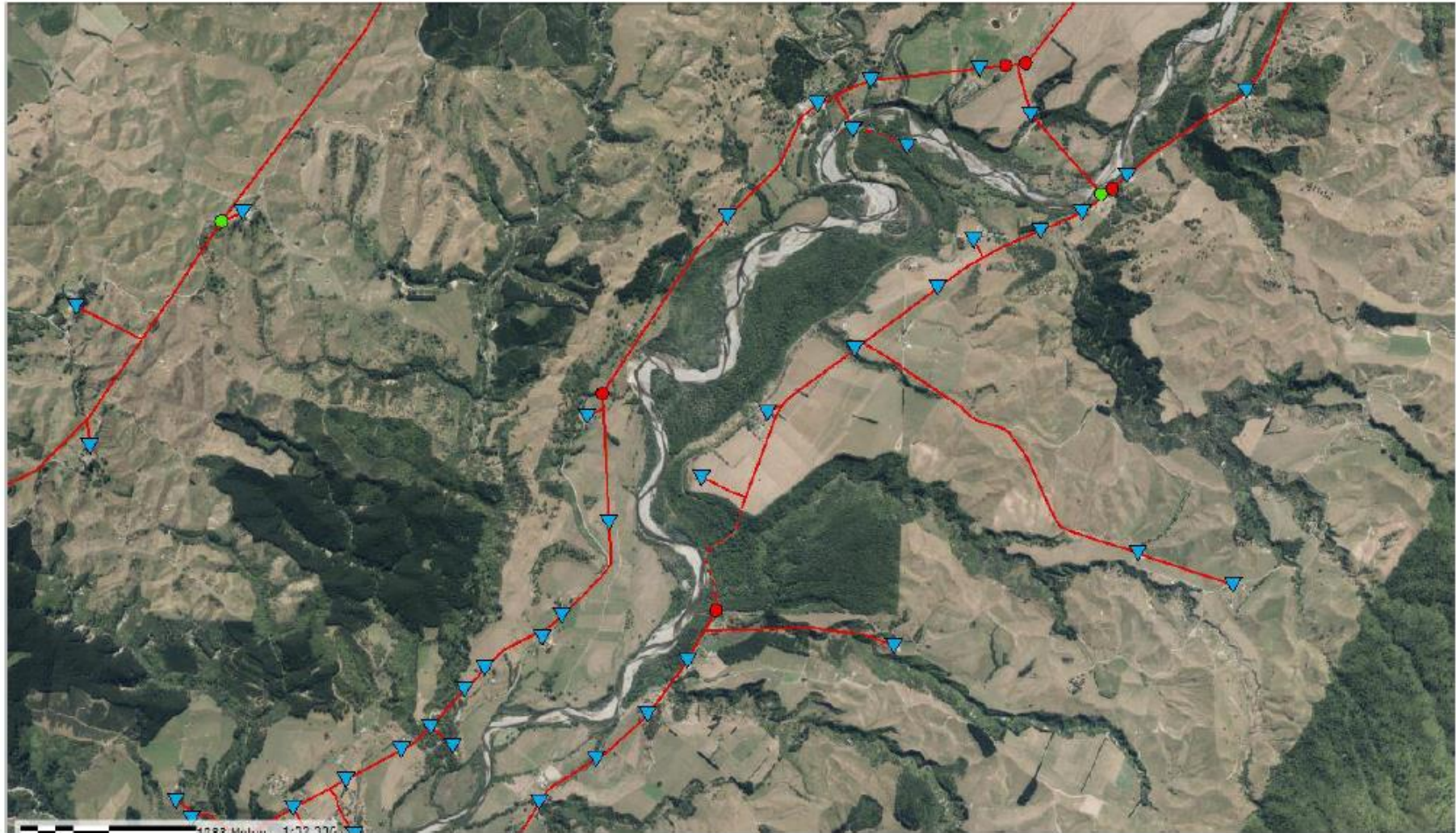


## ONF 9 – UPPER PŌHANGINA RIVER



5) ONF 10 - Outstanding Natural Feature – Totara Reserve

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and underground cables (red dashed lines) and transformers (blue triangles)



### ONF 10 – TŌTARA RESERVE



6) ONFL 14 - Outstanding Natural Feature – Pukepuke Lagoon

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformer (blue triangle)



## ONFL 14 – PUKEPUKE LAGOON



7) SAF2 - Significant Amenity Feature – Upper Oroua River and River Valley

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformers (blue triangles) and crosses river in two areas





8) SAF3 - Significant Amenity Feature - Makiekie Creek

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformers (blue triangles)



### SAF 3 – MAKIEKIE CREEK





12 June 2020

**FURTHER SUBMISSIONS BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 65  
OUTSTANDING NATURAL FEATURES & LANDSCAPES MANAWATŪ DISTRICT PLAN**

To: Principal Planner  
Manawatu District Council  
Private Bag 10-001  
Fielding 4743  
135 Manchester Street, Feilding 4702

Via email: [districtplanreview@mdc.govt.nz](mailto:districtplanreview@mdc.govt.nz)

Name: Powerco Limited (Powerco)  
Private Bag 13-075  
Tauranga 3110

Address for Service: Powerco Limited  
Level 2, 152 Devonport Road,  
Tauranga 3110  
Attention: Gary Schofield  
Phone: (07) 928 5659  
Email: [Gary.Schofield@powerco.co.nz](mailto:Gary.Schofield@powerco.co.nz)

Thank you for providing the summary of submissions on the proposed Plan Change 65 Outstanding Natural Features & Landscapes to the Manawatu District Plan.

Our comments are attached to this letter (Attachment 1). Powerco wishes to be heard in support of this submission. If others make similar further submissions, Powerco would be prepared to consider presenting a joint case at any hearing.

Powerco could not gain an advantage in trade competition through this further submission.

If you have any queries or require additional information please do not hesitate to contact Gary Schofield on [Gary.Schofield@powerco.co.nz](mailto:Gary.Schofield@powerco.co.nz) or ph (07) 928 5659.

Signature of person authorised to sign on behalf of Powerco Limited:

Louise Allwood  
Technical Lead – Planning

*Dated this 12<sup>th</sup> day of June 2020*

A handwritten signature in blue ink, appearing to read 'Louise Allwood', with a horizontal line underneath.

**Attachment 1 – Further submission by Powerco**

**ATTACHMENT 1 – POWERCO FURTHER SUBMISSION**

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
S8/43	Department of Conservation	Policy 1.5	Support. This is considered appropriate. It is consistent with the purpose of s7(c) for the maintenance of amenity values. Retain this policy.	Page 6	Oppose in part	Oppose in part, Policy 1.5 as notified is unnecessarily directive. Suggested rewording this policy to recognise significant effects of network utilities cannot always be avoided, remedied or mitigated.
S12/28	Transpower	Policy 1.5	(Support with amendment) Policy 1.5 has been amended to include specific reference to " <i>those areas identified as Significant Amenity Features in NFL-APP2</i> " in order to (as detailed in the s32 report) clearly provide for SAFs in the policy framework and to recognise the differences in their characteristics and values compared with ONFLs. While the proposed reference to SAF's in Policy 1.5 is not opposed, Transpower is concerned how the policy will be applied given the directive nature of the word 'ensure' and the subjective nature of the wording "in a manner sensitive to...". Given Policy 1.5 is the only policy	Page 28	Oppose in part	Oppose in part. Policy 1.5 as notified is unnecessarily directive. Suggested rewording this policy to recognise significant effects of network utilities cannot always be avoided, remedied or mitigated. Suggested amendments to this policy still don't achieve this. The suggested amendments to this policy only provide flexibility specific to the National Grid.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>specific to Network Utilities within SAF's, Transpower seeks amendment to the proposed wording to reference the benefits and operational constraints of the National Grid to ensure the NPSET is given effect.</p> <p><b>Relief sought:</b> Amend Policy 1.5 as follows: "To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, <u>including those areas identified as Significant Amenity Features in NFL-APP2, acknowledging the benefits, and locational, technical and operational requirements of the National Grid.</u>"</p>			
S26/7	KiwiRail	Policy 1.5	<p>Unstated support or oppose. KiwiRail support recognition for network utilities in Significant Amenity Features as identified in NFL-APP2, however also seek that consistent recognition is given in the policy framework in relation to network utilities in the Outstanding Natural Features and Outstanding Natural</p>	Page 50	Oppose in part	Oppose in part. Policy 1.5 as notified is unnecessarily directive. Powerco's previous submission suggested deleting and rewording this policy to recognise that significant effects of network utilities cannot always be avoided, remedied or mitigated.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>Landscapes as identified in NFL-APP1.</p> <p><b>Relief sought:</b>            "To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as <u>Outstanding Natural Features and Outstanding Natural Landscapes in NFL-APP1 and Significant Amenity Features in NFL-APP2.</u>"</p>			
S12/29	Transpower	Objective 3	<p>Support. The s32 report states that Objective 3 has been amended to provide consistency with the proposed Natural Features and Landscapes chapter and with the National Planning Standards, and states that the overall intent of Objective 3 has not changed since it was introduced under PC55. Transpower notes that Objective 3 is one of the provisions currently on hold pending the review of provisions under PC65. The s32 report also states that this change is considered to provide plan users with greater certainty (an outcome sought</p>	29	Support in part	Support in part. Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>from the appeal on PC55). Objective 3 has been reworded to clarify it specifically relates to the protection of the characteristics and values of the ONFLs identified in NFL-APP1 (and historic heritage) from the inappropriate use and development of network utilities. Transpower supports the reference to "inappropriate use and development" and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p> <p>Retain Objective 3 as amended.</p>			
S26/8	KiwiRail	Objective 3	<p>KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken.</p>	51	Support in part	<p>Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities compared to maintenance and upgrading of existing network utilities. The intent of Powerco's original submission aligns with KiwiRail.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.</p> <p>Amend as follows: "The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and <u>the</u> development of network utilities <u>is facilitated</u>."</p>			
S28/6	Waka Kotahi NZTA	Objective 3	<p>(Support with amendment) The Transport Agency supports the intent of this objective. It does, however, have concerns about how it can be achieved given its qualitative nature and the extent to which it is in conflict with Objective 1. The high threshold of the 'protection' provision may be difficult for linear infrastructure to achieve its economic, environmental and social outcomes as required by the LTA and One Plan Policy 3-1. 'Protection' of characteristics and values is also dependent on how</p>	57	Support in part	<p>Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities compared to maintenance and upgrading of existing network utilities as it was unnecessarily restrictive. Agree there is ambiguity around what inappropriate means.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>the provision of “inappropriate” use and development is assessed by plan users and decision makers and is subject to a fair amount of interpretation uncertainty for applicants.</p> <p>Adopt amended quantitative provisions: "The characteristics and values of ONFL's... from the inappropriate use and development of network utilities are managed through an effects-based hierarchy."</p>			
S8/44	Department of Conservation	Objective 3	<p>Support. This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this objective</p>	6	Oppose in part	Oppose in part, Powerco suggested amendments to Objective 3 so the objective refers to new network utilities. .
S12/30	Transpower	Policy 3.1	<p>Neutral. Transpower supports Policy 3.1 on the basis of the provision of a National Grid specific policy (i.e. Policy 3.6) that is amended to be consistent with the relief sought by Transpower.</p> <p>Retain Policy 3.1 on the basis of the provision of a National Grid specific policy (Policy 3.6) in Chapter 3A that is amended to be</p>	29	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			consistent with the relief sought by Transpower.			
S26/9	KiwiRail	Policy 3.1	<p>Unstated. KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken. Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.</p> <p>Amend as follows: "The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and <u>the</u> development of network utilities <u>is facilitated</u>."</p>	51	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3. The amendments proposed do not alleviate the duplication.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
S28/7	Waka Kotahi NZTA	Policy 3.1	<p>Support. (Support with amendment) The Transport Agency supports the intent of this policy. We do however, have concerns about how it can be achieved given its qualitative nature. The high threshold of the 'protection' provision may not allow our projects to achieve the economic, environmental and social outcomes required by the LTA.</p> <p>Adopt amended provision: "<del>protect</del> <u>recognise and provide for the characteristics and values...</u>"</p>	58	Oppose in part	Oppose in part, Powerco submitted to delete policy 3.1. Noting the removal of "protect" is supported.
S8/45	Department of Conservation	Policy 3.1	<p>Support. This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this policy.</p>	6	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3. The amendments proposed do not alleviate the duplication.
S26/10	KiwiRail	Policy 3.2	<p>KiwiRail is concerned with the adoption of an 'avoid' policy, and the unreasonably high threshold this may establish, which in turn may prevent KiwiRail from carrying out the works necessary to maintain a safe and efficient rail network. In the event of</p>	51	Support in part	Support in part, the proposed amendments allow for a cascade effects based approach if locating within the ONF or ONL's are unavoidable, particularly where significant cumulative effects may occur.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>consent being required, the use of 'avoid' does not enable the management of significant adverse cumulative effects. KiwiRail would support clarity for a consenting pathway where works are required that may need resource consent.</p> <p>Amend as follows: "To avoid, <u>remedy, mitigate or offset</u> significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes."</p>			Powerco's original submission was to retain as notified.
S28/8	Waka Kotahi NZTA	Policy 3.2	(Support with amendment) The Transport Agency does not support the use of the term 'avoid' in this policy. This term sets an unreasonably high, perhaps unachievable threshold, that may prevent the Transport Agency from carrying out its statutory obligations. The term 'avoid' does not provide for the management of significant adverse cumulative effects. The Transport Agency needs a clear decision-making pathway for its projects, which this provision as notified does not provide. Whilst	58	Support in part	Support in part, the proposed amendments allow for a cascade effects based approach if locating within the ONF or ONL's are unavoidable, particularly where significant cumulative effects may occur.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>the Transport Agency will seek to avoid such adverse effects where practicable, the complexities of infrastructure projects (their functional and operational needs and their national and regional importance) may not always allow for 'avoidance'.</p> <p>Furthermore, it is not clear how 'cumulative' effects will be assessed for linear infrastructure.</p> <p>Clarify how cumulative effects will be assessed for linear infrastructure. Adopt the cascading provisions of policy 3.3 within Chapter 3A or amend the provisions: "To avoid remedy or mitigate significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes."</p>			
S13/10	Horizons Regional Council	Policy 3.3	Support. With regard to the proposed district plan provisions, Horizons supports Chapter 3A Policy 3.3 as it gives effect to the other aspects of One Plan Objective 6-2 and Policies 6-6 and 6-7.	35	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			The submitters believe that the proposed rules will enable MDC to implement the effects management hierarchy set in One Plan Policy 6-6(a) and (b) and reflected in Policies NFI-P6, NFL-P7, and 3A 3.2 and 3.3. However, they do not unreservedly support all of the rules proposed in the plan change.			
S26/11	KiwiRail	Policy 3.3	Support. KiwiRail support the policy, specifically that it enables effects to be remedied or mitigated, and provides recognition for infrastructure of national or regional importance.  Retain as notified.	51	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.
S28/9	Waka Kotahi NZTA	Policy 3.3	Support. (Potentially support with clarification) The Transport Agency supports the effects-based hierarchy approach of this policy, specifically that it acknowledges and provides for the complexity and importance of network utilities. There does not appear to be an explanation of footnote '2' and as such, we cannot definitively comment on this provision.	58	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Clarification of footnote 2 in bullet point 'a'.			
S8/47	Department of Conservation	Policy 3.3	<p>This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this policy.</p>	6	Oppose in part	Powerco opposes in part Powerco supports the intent of Policy 3.3, however requests amendments as proposed to provide one effects threshold and remove the definition within the policy.
S16/31	Angela and Alexander McIntyre	Policy 3.4	<p>Should read to add future network utilities and landowner owned. [Note submission refers to NFL-P25 however consider this point relates to 3A P3.4.]</p> <p>Should read: "To enable the operation, maintenance, replacement or minor upgrading of existing <u>or future</u> network utilities <u>and landowner owned</u> located within or adjacent to Outstanding Natural Features and Landscapes and Significant Amenity Features."</p>	43	Oppose in part	Oppose in part. Private or publicly owned infrastructure should not be distinguished within a policy or rule. Retain Policy 3.4 as notified.
S12/34	Transpower	Policy 3.5	Transpower generally supports Policy 3.5 on the basis of the separate provision of a National Grid specific policy (i.e. Policy 3.6) that seeks to give effect to the NPSET. Transpower also supports the reference to "inappropriate	31	Support in part	Support in part, Powerco's original submission is for the retention of this policy with amendments to Policy 3.5 for clarity and to assist in the application of Policies 3.4

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>use and development" within the policy and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p> <p>Retain Policy 3.5 on the basis of the provision of a National Grid specific policy (Policy 3.6) consistent with the relief sought by Transpower.</p>			and 3.5 as one is in contrast to the other.
S8/50	Department of Conservation	Policy 3.5	<p>This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this policy.</p>	6	Oppose in part	Oppose in part, Powerco's original submission is for the retention of this policy with amendments to Policy 3.5 for clarity and to assist in the application of Policies 3.4 and 3.5 as one is in contrast to the other. The amendments seek to refer to new network utilities rather than all.
S8/53	Department of Conservation	Rule 3A.4.5 Discretionary activity	<p>It is considered appropriate for new activities within ONF's to be non-complying activities to be consistent with s6(b) and the below rule.</p> <p>Amend rule to read: "Any new network utility, including windfarms and new transmission</p>	7	Oppose	Oppose, Powerco previously submitted that a non-complying activity is a high threshold to reach and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			and distribution electricity lines within any <del>Outstanding Natural Feature</del> as identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2."			to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S8/54	Department of Conservation	Rule 3A.4.6 Non Complying Activity	<p>It is considered appropriate for new activities within ONF's to be included within the non-complying activities to be consistent with s6(b).</p> <p>Amend the rule to read: "Any new network utility, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural <u>Feature</u> or Landscape identified in NFP-APP1 is a Non-Complying Activity."</p>	7	Oppose	Oppose, Powerco previously submitted that a non-complying activity is a high threshold to reach and pre-empt the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S28/12	Waka Kotahi NZTA	Policy 1.3	<p>(Support with amendment) The Transport Agency supports the intent of this policy however, as all our projects require earthworks we seek clarification as to what 'restrict earthworks' means and how this provision will be quantified and assessed by plan users and decision makers.</p> <p>Clarification of the provision 'restrict' as it relates to earthworks; how this provision</p>	59	Support in part	Support in part, Powerco previously supported this policy with minor amendments. Powerco agrees 'restrict' is ambiguous.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			will be quantified and assessed by plan users and decision makers.			
S8/56	Department of Conservation	Rule 3D.4.4 discretionary activity	<p>Oppose. It is considered appropriate for earthworks within ONF's to be non-complying activities to be consistent with s6(b) and the below rule.</p> <p>Amend rule to read: "Any earthworks within an <del>Outstanding Natural Feature identified in NFL-APP1 or</del> Significant Amenity Feature identified in NFL-APP2."</p>	7	Oppose	Oppose, any earthworks within an ONF as a Non-Complying Activity is a very high standard to meet and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S8/57	Department of Conservation	Rule 3D.4.5 non-complying activity	<p>It is considered appropriate for earthworks within ONF's to be included within the non-complying activities to be consistent with s6(b).</p> <p>"Any earthworks within an <u>Outstanding Natural Feature or Landscape</u> identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2f.v) or vi) is a Non-Complying Activity."</p>	7	Oppose	Oppose, any earthworks within an ONF as a Non-Complying Activity is a very high standard to meet and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
						completely avoid sensitive areas such as these.
S26/1	KiwiRail	Introduction	<p>Support. KiwiRail support the note provided in the Introduction in relation to ensuring that these provisions are read alongside Chapter 3A in relation to Network Utilities, and that clarity is provided that the more specific provisions of Chapter 3A apply.</p> <p>Retain as proposed.</p>	50	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.
S28/2	Waka kotahi NZTA	NFL-O2	<p>Support in part) The Transport Agency supports the intent of Objectives O2 and O4. However, they may be conflicting given O2 seeks to 'protect', which sets a very high threshold, and O4 seeks to 'maintain or enhance'.</p> <p>Nonetheless, it is our understanding (confirmed by MDC Policy Planner) that as there are no Network Utility specific provisions in the new NFL chapter, the specific provisions in amended Chapters 3A and 3D apply to roading activities. This is explained on page 1 of the Introduction to the new NFL chapter.</p>	56	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Retain the explanatory note on page 1 Introduction as notified			
S28/3	Waka Kotahi NZTA	NFL-O4	<p>(Support in part) The Transport Agency supports the intent of Objectives O2 and O4. However, it considers they may be conflicting given O2 seeks to 'protect', which sets a very high threshold, and O4 seeks to 'maintain or enhance'. Nonetheless, it is our understanding (confirmed by MDC Policy Planner) that as there are no Network Utility specific provisions in the new NFL chapter, the specific provisions in amended Chapters 3A and 3D apply to roading activities. This is explained on page 1 of the Introduction to the new NFL chapter.</p> <p>Retain the explanatory note on page 1 Introduction as notified</p>	56	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.
S28/4	Waka kotahi NZTA	Policies – general comment	<p>(Support in part) The Transport Agency understands that there are no Network Utility specific provisions in the new NFL chapter. As such, the specific provisions in amended Chapters 3A and 3D apply to any Network Utility activities, including roads.</p>	57	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>The Transport Agency considers that the wording explaining this on Page 1 within the Introduction section is adequate for plan users to determine which provisions are relevant when applying for, or processing applications, for Network Utilities. Nonetheless, the Transport Agency also seeks to ensure that the policies, read together with Chapters 3A and 3D, are appropriately enabling of the state highway network. The specific amendments to policies required may depend on whether the primary relief sought by this submission (of omitting current/impending state highway designations from the mapped ONFs) is granted.</p> <p>Retain explanatory note on Page 1 Introduction as notified; potentially amend policies to reflect the importance of enabling state highway operations (specific wording may depend on whether primary relief is granted).</p>			
S12/3	Transpower	Introduction	(Support with amendment) Section 4.9.3 of the s32 report for PC65 identifies that as a result of	25	Support in part	Support in part, agree the introduction test is needed however, suggested further

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>PC55 (District Wide Rules), there is an intention that Chapter 3A (Network Utilities) will be standalone at the completion of the Sectional District Plan Review. The changes to Chapter 3A outlined by PC65 are intended to be a step towards this, in relation to ONFLs and SAFs. A specific statement is proposed in the introduction to the new NFL-Natural Features and Landscapes chapter that clarifies for activities involving network utilities within ONFLs and SALs it is the more specific provisions in Chapter 3A (Network Utilities) that apply, and provisions for earthworks within ONFLs are provided in Chapter 3D (Earthworks). Transpower supports the approach of developing a standalone chapter that addresses network utilities as it provides clarity and certainty for plan users in terms of the objective, policy and rules provisions that apply to network utilities activities (including the National Grid), including where such activities are located with ONFLs and SAFs. This approach is</p>			<p>amendments to clarify which provisions prevail.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>also considered to provide consistency with the National Planning Standards. Transpower also supports the statement in the introduction to the NFL- Natural Features and Landscapes chapter that clarifies which rule provisions apply to Network Utilities and earthworks activities within ONFLs and SAFs. Transpower requests a minor amendment to the wording of this statement to ensure clarity for plan users.</p> <p>Retain the statement in the introduction to the Natural Features and Landscapes chapter that clarifies for network utilities. It is the more specific provisions in Chapter 3A that apply; and amend the wording of the last part of the statement relating to earthworks as follows: "This chapter must also read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in</p>			

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes <u>and Significant Amenity Features</u> are provided for in Chapter 3D Earthworks."			

<b>Attachment B Powerco's submission points to PPC65</b>					
<b>Powerco Submission No.</b>	<b>Officers Report Appendix 1 page No.</b>	<b>Provision</b>	<b>Summary of submission</b>	<b>Officer Recommendation (Page Number from Officer Report) additions to provisions <u>underlined</u>. Deletions in <del>strikethrough</del>)</b>	<b>Powerco Comment</b>
S10/1	Page 1	Functional need definition	(Functional need) Powerco supports the definition insofar as it provides for Powerco's functional need to locate their assets in a particular location, i.e. there is nowhere else it can be located. It is consistent with the national planning standards.	Recommend accept the submission	Powerco's submission is given effect to.
S10/2	Page 1	functional need definition ( <u>error should be operational</u> )	(Operational need) The definition of 'operational need' is generally supported and is appropriate, as it applies to Powerco's assets and recognises their operational requirement to locate in a particular location. It is consistent with the national planning standards	Recommend accept the submission	Powerco's submission is given effect to.
S10/17	Page 2	Introduction	Powerco previously submitted on the draft Plan Change 65. Powerco's primary concern was the relationship between the provisions contained within Chapter 3 District Wide Rule (inclusive of Chapters 3A Network Utilities and 3D Earthworks) and the new Chapter Natural Features and Landscapes. The introduction text at the start of Chapter NFL - Natural Features and Landscapes is still unclear in regard to its application in relation to network utilities. It still instructs reader to read this chapter "alongside Chapter 3A Network Utilities and Chapter 3D Earthworks". Powerco requests more clarity on the application of the provisions of this chapter in relation to those set out in Chapter 3 District Wide Rules.	Recommend to accept the submission in part.  The suggested changes add clarity. Note changes are also recommended in response to submission S12/3. Collectively the changes will provide greater certainty for plan users that Network Utility provisions are contained in Chapter 3A, rather than the NFL chapter. This is consistent with the direction in the National Planning Standards. Amend introductory in NFL Chapter as follows: " <del>This chapter must also be read alongside Chapter 3A Network</del>	Powerco's submission is given effect to.

Attachment B Powerco's submission points to PPC65					
Powerco Submission No.	Officers Report Appendix 1 page No.	Provision	Summary of submission	Officer Recommendation (Page Number from Officer Report) additions to provisions <u>underlined</u> . Deletions in <del>strikethrough</del> )	Powerco Comment
				<p><del>Utilities and Chapter 3D Earthworks.</del> For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the <del>more</del> <u>specific provisions in Chapter 3A Network Utilities apply and prevail over this chapter.</u> Earthworks associated with <u>network utilities</u> within Outstanding Natural Features and Landscapes and <u>Significant Amenity Features</u> are provided for in Chapter 3D Earthworks. <u>These provisions prevail over the provisions contained within this chapter.</u>"</p>	
S10/18	Page 2	Introduction	<p>Powerco has assumed the intent of Chapter NFL- Natural Features and Landscapes does not apply to network utilities located within ONF's, ONL's and SAF's and so has not provided submission points on it. If this understanding is incorrect and the objectives, policies and rules contained within Chapter NFL- Natural Features and Landscapes do apply to network utilities Powerco would like the opportunity to provide comment on them as they are at tension with the provisions contained within Chapters 3A Network Utilities and 3D Earthworks.</p>	<p>Recommend to accept the submission in part.</p> <p>The suggested changes add clarity. Note changes are also recommended in response to submission S12/3. Collectively the changes will provide greater certainty for plan users that Network Utility provisions are contained in Chapter 3A, rather than the NFL chapter.</p> <p>This is consistent with the direction in the National Planning Standards.</p>	<p>Powerco's submission is given effect to.</p>

Attachment B Powerco's submission points to PPC65					
Powerco Submission No.	Officers Report Appendix 1 page No.	Provision	Summary of submission	Officer Recommendation (Page Number from Officer Report) additions to provisions <u>underlined</u> . Deletions in <del>strikethrough</del> )	Powerco Comment
				<p>Amend introductory in NFL Chapter as follows:</p> <p><del>"This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in Chapter 3A Network Utilities apply and prevail over this chapter. Earthworks associated with network utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features are provided for in Chapter 3D Earthworks. These provisions prevail over the provisions contained within this chapter."</del></p>	
S10/19	Page 2	Introduction	The identification and difference between an ONF or ONL is unclear in NFL- APP1 - Outstanding Natural Features and Landscapes. For example, "ONF 3- Rangitikei River" is referenced as an ONF by virtue of "ONF 3". However, the corresponding table heading is "Features of Outstanding Natural Landscape".	<p>Recommend to accept the submission in part.</p> <p>The suggested changes would add clarity to the provisions.</p> <p>Recommend that the full terms for Outstanding Natural Landscapes and Outstanding Natural Features be used in the headings of NFL- APP1 for clarity for plan users.</p>	Powerco's submission is given effect to.

Attachment B Powerco's submission points to PPC65					
Powerco Submission No.	Officers Report Appendix 1 page No.	Provision	Summary of submission	Officer Recommendation (Page Number from Officer Report) <b>additions to provisions underlined. Deletions in strikethrough)</b>	Powerco Comment
				Refer to Appendix 4 of my evidence to see the recommended changes.	
S10/3	Page 64	Policy 1.5	Powerco maintains its previous submission point in relation to Policy 1.5. The requirement to "ensure" construction and location that is sensitive to the amenity and landscape values is quite directive, particularly when read in contrast to Policy 1.4 which only requires the recognition of locational requirements. Powerco considers that the Policy intent would better be achieved by the deletion of the notified Policy 1.5 and the inclusion of a new Policy 1.5. The proposed amendments to Policy 1.5 by "including those areas identified as Significant Amenity Features in NFL-APP2." further exacerbates the directness of the policy. There is no acknowledgement of the balance between these potential effects and the benefits network utilities provide to the social, economic and wellbeing of a community, by recognising that it is only the significant adverse effects that need to be avoided, remedied or mitigated.	<p>Recommend to reject the submission.</p> <p>The suggested wording does not add anything more than the wording of the Act and does not reflect any outcome statement.</p> <p>The current wording is considered to be clearer and more outcome focused.</p> <p>Inclusion of the reference to the 3 Significant Amenity Features being introduced in the Plan Change was intended to provide clarity that those areas are considered under Objective 1 and associated policies rather than the provisions of Objective 3 and associated policies within Chapter 3A.</p>	<p>A new policy is recommended with an additional amendment that recognises the significant effects on network utilities cannot always be avoided, remedied or mitigated.</p> <p><b><del>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where are located, including those areas identified Significant Amenity Features in NFL-APP2.</del></b></p> <p><u>"To ensure that significant adverse effects of network utilities on the environment are avoided, remedied or mitigated".</u></p>

<b>Attachment B Powerco's submission points to PPC65</b>					
<b>Powerco Submission No.</b>	<b>Officers Report Appendix 1 page No.</b>	<b>Provision</b>	<b>Summary of submission</b>	<b>Officer Recommendation (Page Number from Officer Report) <u>additions to provisions underlined. Deletions in strikethrough</u></b>	<b>Powerco Comment</b>
S10/4	Page 66	Objective 3	Powerco supports the amendment to Objective 3. The purpose of Objective 3 adequately recognises the development of network utilities whilst seeking to manage effects. The reference to "NFL-APP1" reduces ambiguity in the application of the objective in relation to the ONF's and ONL's. Powerco suggests minor amendments to the wording of Objective 3 to reference new network utilities and to clarify interpretation, including by adding a reference to the Appendices which include the lists of historic heritage and commas to identify that this is a compound sentence. Referencing "use and development" is unnecessarily restrictive for maintenance and upgrading of existing assets. Notwithstanding the proposed amendments to Objective 3, duplication remains between Objective 3 and Policy 3.1, as addressed in the next submission point.	<p>Recommend to accept the submission in part.</p> <p>The majority of the changes suggested are supported. Overall, the changes provide clarity for plan users. Note the changes are also linked to the recommended removal of Policy 3.1 which essentially repeats the objective. Refer also to submission S10/5.</p> <p>Recommend that Objective 3 is amended as follows:</p> <p>"The characteristics and values of the Outstanding Natural Features and Landscapes <u>identified</u> in Appendix NFL-APP1 and historic heritage <u>identified in Appendix 1F and 1E</u>, are protected from the inappropriate use and development of <u>new</u> network utilities."</p>	<p>An amendment is recommended to Objective 3 to provide for use.</p> <p>The Characteristics and values of the Outstanding Natural features and Landscapes identified in Appendix NFL-APP1 and historic heritage identified in Appendix 1F and 1E, are protected from the inappropriate use and development of new network utilities.</p>
S10/5	Page 67	Policy 3.1	Powerco maintains its previous submission point in relation to Policy 3.1, insofar as its intent and purpose is incorporated into Objective 3 and it is simply a duplication. Delete Policy 3.1. In addition, Policy 3.1 is more restrictive than Objective 3.	<p>Recommend to accept the submission in part.</p> <p>This policy essentially repeats the revised wording of Objective 3. On that basis it is recommended that Policy 3.1 be deleted as it does not add further guidance to what the Objective says. A consequential change to Objective 3 to reference</p>	Powerco's submission has partially been given effect to as Policy 3.1 is now deleted. However, one amendment to Objective 3 is outstanding as discussed in submission point S10/4 above.

Attachment B Powerco's submission points to PPC65					
Powerco Submission No.	Officers Report Appendix 1 page No.	Provision	Summary of submission	Officer Recommendation (Page Number from Officer Report) additions to provisions <u>underlined</u> . Deletions in <del>strikethrough</del> )	Powerco Comment
				<p>Appendix 1E and 1F is recommended. Refer also to submission S10/5.</p> <p>Recommend that Objective 3 is amended as follows:</p> <p>"The characteristics and values of the Outstanding Natural Features and Landscapes <u>identified</u> in Appendix NFL-APP1 and historic heritage <u>identified in Appendix 1F and 1E</u>, are protected from the inappropriate use and development of <u>new</u> network utilities."</p> <p>Recommend that Policy 3.1 is deleted and the consequential re-numbering of the remaining policies. Refer to Appendix 3 of my evidence for a copy of the recommended changes within Chapter 3A.</p>	
S10/6	Page 69	Policy 3.2	Powerco understands that the intent of Policy 3.2 is to manage the cumulative effects of new network utilities. Powerco's previous submission point in relation to the draft Plan Change 65 remains, insofar as it may be difficult to interpret in terms of determining significant adverse cumulative effects. Part of an ONF's and ONL's may be able to absorb new network utilities locating there if there are existing network	<p>Recommend to accept the submission.</p> <p>Retention is noted.</p>	Powerco's submission is given effect to.

Attachment B Powerco's submission points to PPC65					
Powerco Submission No.	Officers Report Appendix 1 page No.	Provision	Summary of submission	Officer Recommendation (Page Number from Officer Report) additions to provisions <u>underlined</u> . Deletions in <del>strikethrough</del> )	Powerco Comment
			utilities in that part of the landscape, as opposed to locating where there are none. In addition, there may also be no practicable alternative.		
S10/7	Page 70	Policy 3.3	<p>Policy 3.3 provides an exception to this where network utilities are unable to avoid the area as far as reasonably practicable and where works cannot be avoided in the ONF's or ONL's any adverse effects should be remedied or mitigated. The main body of Policy 3.3 does not refer specifically to new network utilities. Furthermore, it is not good practice to have a definition embedded within a policy. Policy 3.3 also provides a convoluted test with three parts to it, as set out below: "For the purpose of policy 3.3, reasonably practicable means where: (a) there is no reasonably practicable alternative location, recognising the functional and operational need to the network utility; and (b) the infrastructure is of national or regional importance; and (c) the development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or F1 (Sites with Heritage Value)."</p> <p>Part c of Policy 3.3 contradicts the requirement of Policy 3.3 "remedy or</p>	<p>Recommend to accept the submission in part.</p> <p>The intent of this policy was to address new network utilities. Existing network utilities are covered by the provisions under Objective 1 and its associated policies.</p> <p>The matters in clauses a-c are considered necessary to guide what reasonably practicable means in the context of the policy. Deleting these clauses would not provide the guidance sought by parties during the preparation of this plan change, or guide future decision makers on what is considered by the term reasonably practicable. It is also noted that Policy 3.2 and 3.3 are interlinked and both are necessary to be consistent with the direction contained in the One Plan regarding cumulative effects, specifically Policy 6-6: Regionally outstanding natural features and landscapes.</p>	<p>Powerco's submission is not given effect to.</p> <p>Amendments are suggested to clarify the application of the Policy 3.3.</p> <p><u>Except as required by Policy 3.2. To avoid adverse effects from new network utilities as far as reasonably practicable, and wWhere avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with</u></p>

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			mitigate adverse effects on the characteristics and values identified in NFL-APP1." by stating "development does not have a significant adverse effects on". Policy 3.3 requires two effects thresholds to be met and set out different appendices. For example, Policy 3.3 refers to NFL-APP1 whilst part c of Policy 3.3 refers to "Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).	<p>In relation to the submission point on clause c, it is noted that reference to the NFL-APP1 is repeated twice in the Policy. This causes confusions for plan users. The reference to NFL-APP1 in clause c of the policy should therefore be deleted.</p> <p>Recommend that Policy 3.3 is amended as follows:</p> <p>"Except as required by Policy 3.2, avoid adverse effects from new <u>network utilities</u> as far as reasonably practicable and where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in <u>Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F(Sites with Heritage Value).</u>"</p> <p>For the purpose of policy 3.3, reasonably practicable means where:  (a) there is no reasonably practicable alternative location, recognising the functional and</p>	<p><u>Heritage Value) or 1F(Sites with Heritage Value).</u></p> <p><b><u>For the purpose of policy 3.3, reasonably practicable means where:</u></b></p> <p><b><u>a. there is no reasonably practicable alternative location, recognising the functional and operational need of the network utility; and</u></b></p> <p><b><u>b. the infrastructure is of national or regional importance; and</u></b></p> <p><b><u>c. the development does not have a significant adverse effect on the sites characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and</u></b></p>

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				operational need of the network utility; and (b) the infrastructure is of national or regional importance; and (c) the development does not have a significant adverse effect on the sites characteristics and values identified in Appendix NFL-APP1 ( <del>Outstanding Natural Features and Landscapes</del> ), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value)."	<u>Objects with Heritage Value) or 1F (Sites with Heritage Value).</u>
S10/8	Page 72	Policy 3.4	Powerco supports Policy 3.4 as it provides for works associated with existing network utilities located within ONF's and ONL's.	Recommend to accept the submission.  Retention is noted.	Powerco's submission is given effect to.
S10/9	Page 73	Policy 3.5	Policy 3.5 seeks to avoid inappropriate use and development within ONL's which adversely affects the values of the areas. Policy 3.5 is in direct contrast with Policy 3.4 as it is not clear if it is in relation to the construction of new network utilities. Policy 3.5 also generally refers to use and development, rather than specifying network utilities. Powerco acknowledges that network utilities can have adverse effects on ONL's but suggests amendments to Policy 3.5 for clarity and application of Policies 3.4 and 3.5. In addition, Policy 3.5 commands a high statutory test and effectively restricts the	Recommend to accept the submission.  The provisions of Policy 3.5 were intended to apply to new Network Utilities, therefore including reference to new provides additional clarity for plan users. Policy 3.5 is consistent with the direction under the New Zealand Coastal Policy Statement. The additional words relating to effects unable to be mitigated or remedied would not create inconsistency with the NZCPS.	Powerco's submission is given effect to.

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			location of any network utilities within an ONL and more specifically the Manawatū Coastline ONL and Ruahine ONL.	<p>Recommend that Policy 3.5 is amended as follows:</p> <p>"To avoid inappropriate use and development of <u>new network utilities</u> within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, <u>and adverse effects are unable to be mitigated or remedied</u>, including:</p> <p>(a) the extensive unbuilt coastal strip along the Manawatū Coastline Outstanding Natural Landscape.            (b) the unmodified and continuous indigenous values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape."</p>	
S10/10	Page 74	Rule 3A.4.3.j	Powerco supports the amendment to the permitted activity standard 3A.4.3.j, as it references the new appendices NFL-APP1 and NFL-APP2, however, suggests "Appendices" should be included to provide clarity. A comma is required after 'minor upgrading works' to reflect the compound nature of the sentence.	<p>Recommend to accept the submission.</p> <p>The suggested changes are considered to be minor and improve the clarity of the rule.</p> <p>Recommend that Rule 3A.4.3j (standards for permitted activities) is amended as follows:</p> <p>"Works that are undertaken outside of an existing road corridor carriageway <u>or railway corridor</u>, or</p>	Powerco's submission has been given effect to.

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				that are not in operation, maintenance, replacement or minor upgrading works, must not be located within the areas scheduled in <del>Appendix</del> <u>Appendices</u> 1A (Wetlands, Lakes, Rivers and their Margins). 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), <del>4G (Outstanding Natural Features)</del> , 1D (Trees with Heritage Value), 1E (Buildings and Objects with heritage Value), <del>and</del> 1F (Sites with Heritage Value), <u>Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan.</u> "	
S10/11	Page 75	Rule 3A.4.4 Assessment Criteria vi)	Powerco supports the amendment to the restricted discretionary assessment criteria vi) as it provides clarity to the location of the ONF's and ONL's, however, suggest the word "Appendices" is inserted for clarity.	<p>Recommend to accept the submission.</p> <p>The suggested changes are considered to be minor and improve the rule.</p> <p>Recommend Rule 3A.4.4 Restricted Discretionary Activities assessment criteria vi) is amended as follows:            "Whether the activity impacts on the scheduled heritage values in <del>Appendix</del> <u>Appendices</u> 1A (Wetlands, Lakes, Rivers and their</p>	Powerco's submission is given effect to.

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				Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding reserves), <del>1G (Outstanding Natural Features)</del> , 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value), and 1F (Sites with Heritage Value), <u>Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2</u> of this Plan and, if so, how such impacts are remedied or mitigated."	
S10/12	Page 76	Rule 3A.4.5 Discretionary Activity	Powerco supports the reduction of activity status from non-complying activity to discretionary activity in relation to the construction of new and upgrading (other than minor upgrading) network utilities in relation to ONF's and SAF's. Amendments are suggested to insert the word "appendix" where relevant for clarity.	<p>Recommend to accept the submission.</p> <p>The suggested changes are considered to be minor and improve the rule.</p> <p>Recommend that Rule 3A.4.5 is amended as follows:</p> <p>"The following activities shall be a Discretionary Activity  (a) Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in <u>Appendix NFL-APP1 or Significant Amenity</u></p>	Powerco's submission is given effect to.

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				Feature identified in <u>Appendix NFL-APP2.</u> "	
S10/13	Page 76	Rule 3A.4.6 Non Complying Activity	Powerco maintains its previous submission in relation to Plan Change 55 with reference to this rule. Non-complying activity status pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management and fails to take account the traversing of such utilities across a range of environments. When new infrastructure is proposed, a robust assessment and route selection process is undertaken. However, it is not always possible to completely avoid sensitive areas such as these.	<p>Recommend to reject the submission.</p> <p>Approach through drafting, including pre-notification discussions, was to not create additional rules between lineal and non-lineal infrastructure. The Landscapes and Features have different levels of 'tolerance' for development and these should be assessed on a case by case basis. The characteristics and values of the landscapes are different to those of features. The rule framework allows for this by referring to the effects of the activity on the characteristics and values, rather than the straight protection of the landscape.</p> <p>This rule only applies to the Ruahine Ranges and Manawatū Coastline. Both are significant in scale and development could be seen for some distance. Additional policy guidance has been included in Chapter 3A to assist plan users and provide an appropriate consenting pathway for Network Utility operators. In particular the proposed</p>	<p>Powerco's submission is not given effect to.</p> <p>Gary Schofield will be providing evidence on this matter.</p>

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				changes provided through Objective 3 and its Policies 3.1 – 3.6 to enable development to occur within these areas.	
S10/14	Page 78	Policy 1.3	Powerco supports Earthworks 3D Policy 1.3 as it now refers to management of risk. Suggest minor amendment to include "Appendix" reference for clarity.	<p>Recommend to accept the submission.</p> <p>The suggested change is considered minor and adds clarity.</p> <p>Recommend that Policy 1.3 is amended as follows: "To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in <u>Appendix NFL-APP1 Appendix 1-G</u>, except where earthworks are necessary to manage risk to human health and safety."</p>	Powerco's submission is given effect to.
S10/15	Page 79	Rule 3D.4.4 discretionary activity	Powerco notes the exclusion of "the minor upgrading, replacement or maintenance of network utilities" within the definition of earthworks. Thereby, excluding these activities from complying with Section 3D-Earthworks. Powerco acknowledges the reduction in activity status from non-complying to discretionary in relation to earthworks located within ONF's and SAF.	<p>Recommend to accept the submission.</p> <p>Retention is noted.</p>	Powerco's submission is given effect to.
S10/16	Page 79	Rule 3D.4.5 non-complying activity	A non-complying activity status for earthworks is an ONL outside of an existing road corridor is opposed for the same reasons set out in section 3A.4.6	Recommend to reject the submission.	Powerco's submission is not given effect to. Gary Schofield will be providing evidence on this matter.

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			<p>Non-Complying Activities: "Powerco maintains its previous submission in relation to Plan Change 55 with reference to this rule. Non-complying activity status pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management and fails to take account the traversing of such utilities across a range of environments. When new infrastructure is proposed, a robust assessment and route selection process is undertaken. However, it is not always possible to completely avoid sensitive areas such as these."</p>	<p>As discussed earlier, the approach taken through drafting was to recognise that the Landscapes and Features have different levels of 'tolerance' for development and these should be assessed on a case by case basis.</p> <p>The characteristics and values of the landscapes are different to those of features. The rule framework allows for this different approach through the consent classifications used.</p> <p>The NFL chapter, Chapter 3A and Chapter 3D have all consistently differentiated the Outstanding Natural Features and Landscapes through the rule framework. This is considered appropriate for the reasons outlined.</p> <p>New policy pathway for activities within the Ruahine Ranges or the Manawatū Coastline Outstanding Natural Landscapes is contained within Chapter 3A for Network Utilities. This is intended to give effect to the NPSET.</p>	