

RMA Form 6

Further submission – Proposed Porirua District Plan

Clause 8 of First Schedule, Resource Management Act 1991

To: Porirua City Council
Email to: dpreview@porirua.govt.nz
Subject: Further submission - PDP
Post: Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY
Delivery: Ground Floor, Council Administration Building, Cobham Court, Porirua City, marked "Attention: Proposed District Plan, Environment and City Planning"

Closing date for further submissions is 5pm Tuesday, 11 May 2021

Submissions, a summary of decisions requested and submitter contact details can be viewed at:

www.porirua.govt.nz/proposeddistrictplan

Further Submitter Contact Details			
Full Name	<i>Last Name</i>		<i>First Name</i>
	<i>[insert additional rows if needed]</i>		
Or Company/Organisation Name <i>if applicable</i>	Wellington Electricity Lines Limited		
Contact Person <i>if different</i>	Tim Lester		
Email Address for Service	tim.lester@edison.co.nz		
Address	<i>Hamilton</i>		<i>Postcode</i>
Mail Address for Service <i>if different</i>			
Phone	<i>Mobile</i>	<i>Home</i>	<i>Work</i>
	021993223		
Attendance and wish to be heard at the hearing: <i>you must fill in both rows below</i>			
<input type="checkbox"/> I do not wish <input checked="" type="checkbox"/> I wish To be heard in support of my further submission <i>(Please tick relevant box)</i>			
<input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not consider presenting a joint case with other submitters, who make a similar further submission, at a hearing. <i>(Please tick relevant box)</i>			

Relevance - you must select one box that applies to you:

- I am a person representing a relevant aspect of the public interest
- I am a person who has an interest in the proposal that is greater than the interest the general public has
- I am the local authority for the relevant area

Explain/specify the grounds for saying that you come within this category (you must fill this in):

Submitter owns and operates the Electricity Distribution Network across the Porirua District.

Note to person making further submission:

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

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:*
- it discloses no reasonable or relevant case:*
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- it contains offensive language:*
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

Privacy note:

When a person or group makes a submission or further submission on the Proposed District Plan this is public information. Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to PCC. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential please contact the Environment & City Planning Team at dpreview@porirua.govt.nz.

Signature of person making further submission
(or person authorised to sign on behalf of
person making further submission)

Tim Lester

Date 10 May 2021

(A signature is not required if you make your submission by electronic means.)

Your further submission:

Please complete section below and insert additional rows per submission point or submitter if required by using the enter button
Delete examples provided and enter your own further submission points

Submitter Name/ Submission Number <i>[See submission contact list]</i>	Submitter Address/Email <i>[if provided]</i>	Support or Oppose <i>[Only choose support or oppose]</i>	The particular parts of the submission I support or oppose are: <i>[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal]</i>	The reasons for my support or opposition are: <i>[give reasons]</i>	Allow or disallow <i>[Only choose allow or disallow]</i>	I seek that the whole or part (describe part) of the submission be allowed or disallowed: <i>[give precise details]</i>
Carrad John [Submission 231.19]	bryce@landmatters.nz	Oppose	Submitter seeks to replace wording in regard to the requirement for infrastructure to be in place at the time an allotment is created following SUB-P5	WELL contend that the provision of infrastructure at the time of title issuance, and that this requirement is not be diminished through ambiguous wording such as "Encourage" or "Generally"	Disallow	That ambiguous wording in regard to the provision of infrastructure before Record of Title issuance is not included in SUB-P5. That Council reject this proposed amendment
Carrad John [Submission 231.20]	bryce@landmatters.nz	Oppose	Submitter seeks to replace wording in regard to the requirement for infrastructure to be in place at the time an allotment is created following SUB-P7	WELL contend that the provision of infrastructure is a critical consideration in providing for urban growth. WELL does not support out of sequence development – particularly in regard to a reduced requirement for infrastructure to be provisioned in advance of urban developments in greenfield areas	Disallow	That wording in SUB-P7 does not provide for out of sequence development, or development without appropriate infrastructure capacity being in place.
Kāinga Ora – Homes and Communities [Submission 81.262]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Oppose	WELL consider that the use of, and reference to, the National Code of Practice for Utility Operators in the PDP is appropriate and unambiguous. Use of the transportation corridor for services is appropriate and commonly accepted by Network Utility Operators.	Retaining reference to the National Code of Practice for Utility Operators' is appropriate for works within the transportation corridor. The PDP acknowledgement of the code of practice is beneficial for defining works and process with the safe and efficient operation of the transportation corridor – and hence should be retained	Disallow	That INF-P16 is not deleted.
Kāinga Ora – Homes and Communities [Submission 81.273]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Oppose	The Submitter seeks to amend a proposed rule (INF-R1) by removing reference to non-compliance with the rule not being notified. The rule applies to compliance with accepted international guidelines – to which failure to comply with the International Commission on Non-ionising Radiation Protection would default the activity to a noncomplying activity. Given the technical context of the rule, the non-notification clause is appropriate from the perspective of WELL.	WELL contend that retaining the non-notification clause is appropriate given the context of INF-R1.	Disallow	WELL seek that this submission point is not accepted and that INF-R1 is retained as drafted in regard to the non-notification clause.
Kāinga Ora – Homes and Communities [Submission 81.277]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Oppose	The submitter indicates that they consider it unnecessary for the District Plan to state that the operation of existing infrastructure may rely on existing use rights. WELL disagree that referencing existing use rights in INF-R5 is unnecessary.	WELL consider that the use of the advice note is helpful to plan users and administrators in confirming and maintaining the status of existing infrastructure.	Disallow	The note stating "The operation of legally established existing infrastructure may rely on existing use rights or any resource consent obtained for that infrastructure." (INF-R5) is retained unaltered.

Your further submission:

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Kāinga Ora – Homes and Communities [Submission 81.287]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Support	WELL contend that the reference to Public notification adequately encapsulates limited notification; however, specifying Limited Notification also will assist in interpreting the intent of INF-R15	WELL contend the sought amendments are appropriate as added assurance can be provided as to the effect section 95 of the RMA will have for the provision of infrastructure and scope of public notification.	Allow	Specifying the scope of notification under s95 of the RMA is beneficial to plan users. WELL seek that the submission point 81.287 is accepted in full by Council.
Kāinga Ora – Homes and Communities [Submission 81.476]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Oppose	The Submitter generally supports the intent of SUB-S7 – however, they note that fibre optic connections may not be available in all locations (particularly rural locations). WELL does not disagree to the extent fibre optic connections are available to newly created allotments; however, the Submitter also seeks to amend SUB-S7 in regard to new allotments connectivity to the electricity distribution network. WELL do not support the amendments to SUB-S7 (2)	Whilst WELL agree that it is important for network utility services to be available at the time of subdivision, it is difficult to understand how the proposed amendments to SUB-S7 will ensure this is to occur in consideration of the submission's proposed wording - particularly in regard to the electricity supply: "2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside." It is considered that the suggested wording is confusing particularly in regard to transformers and ancillary services.	Disallow	Disallow the submission unless more explicit clarification is provided by the submitter in regard to ensuring that a connection to the local electricity distribution network is available to the allotment boundary at or prior to new land titles being issued. Unless further clarification is provided, WELL seek the retention of SUB-S7 (2) as originally proposed.
Kāinga Ora – Homes and Communities [Submission 81.488]	KWilliams@propertygroup.co.nz developmentplanning@hnzc.co.nz	Support	The submitter seeks to remove unnecessary earthwork consenting requirements for activities that are otherwise already suitably controlled. WELL undertake earthworks associated with developing and maintain the electricity supply network and also submitted on clearly exempting minor earthwork for such works. WELL are supportive of the submission to the extent that it emphasizes the exempt status for Network Utility Operators such as WELL in undertaking minor soil disturbing activities	WELL support the submission as it seeks to clearly exempt soil disturbance activities undertaken by WELL associated with operating and maintaining the Districts electricity distribution network.	Allow	WELL seek that the amended advisory note is retained in that it recognizes utility related earthworks provided for in Infrastructure chapter of the Plan.
Porirua City Council [Submission 11.13]	dpreview@pcc.govt.nz	Oppose	WELL support additional setbacks of street trees from underground electricity distribution cables; however the recommended 1.0m setback is not far enough to ensure the uninterrupted supply of electricity supply in the event tree root interference.	The submission provides greater protection to underground infrastructure such as electricity distribution and reflects recent common practice; however, WELL (in supporting Powerco Limited (Submission point 83.83) seek that an increased separation distance of 3.0m is provided for all street trees (regardless of maturity height/diameter).	Disallow	WELL seek that the additional 0.5m setback for street tree planning from underground electricity distribution infrastructure should be increased to 3.0m and applicable to all street trees.

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Powerco Limited [Submission 83.12]	planning@powerco.co.nz	Support	The submitter opposes in part the definition for trenching as the activity is associated with underground to overhead conversion of linier infrastructure. WELL agree that the sought amendment is appropriate and will benefit interpretation of the District Plan in regard to the provision and maintenance of Infrastructure.	WELL contend that removing explicit reference to 'underground' in the Trenching definition is appropriate given the nature of underground to overhead conversion commonly undertaken by linear network utility operators.	Allow	WELL seeks the submission 83.12 is accepted by Council
Powerco Limited [Submission 83.83]	planning@powerco.co.nz	Support	WELL support this submission in that appropriate mitigation will be provided in regard to roots from street trees adversely impacting on underground electricity distribution infrastructure that is located within road reserve. WELL agree with the Submitter that in INF-Table 2 the minimum horizontal setback distances are inadequate to reasonably protect underground services from tree-root damage. WELL support the imposition of a 3.0m setback of all new street trees from existing or proposed electricity distribution cables.	WELL support the submission point 83.83 as appropriate mitigation will be provided to underground network utility infrastructure that can be sensitive to street-tree root damage. WELL are also supportive of the advisory note stating that all street-trees are to have root guards.	Allow	WELL seek that submission point 83.83 is accepted by Council.
Royal Forest and Bird Protection Society [Submission 225.107]	a.geary@forestandbird.org.nz	Oppose	The submission indicates uncertainty as to the environmental benefits of Regionally Significant Infrastructure, and as a result of this uncertainty that INF-P1 is to be amended to remove 'environmental' benefits. WELL contend that the environmental benefits of Regionally Significant Infrastructure can be taken to include indirect benefits such as vegetation management, provision or firefighting through shared access, biodiversity offsetting, public education and so forth. WELL seek the retention of the word "environmental" in INF-P1 as the benefits of infrastructure relate to all facets of the environment (directly and indirectly).	WELL do not support this submission point as it seeks to diminish the role Infrastructure and RSI plays in providing for all facets of the environment (including the natural environment). The submission fails to recognize indirect benefits associated with Regionally Significant Infrastructure.	Disallow	WELL seek the submission point is rejected in its entirety (both to delete the Policy and/or the sought amendments). WELL seek that policy INF-P1 is retained as currently drafted.

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Royal Forest and Bird Protection Society [Submission 225.108]	a.geary@forestandbird.org.nz	Oppose	The Submitter indicates uncertainty as to what “other infrastructure” is taken to include. WELL contend that that other infrastructure is determined by default as not being definitively identified as Regionally Significant Infrastructure. WELL further contend that this submission point be addressed by clarification to the definitions section of the Proposed District Plan and not be applied to INF-P2.	WELL contend that this submission point should have been addressed at the definition section of the Proposed District Plan and not directed at INF-P2.	Disallow	WELL seek the submission point is rejected in its entirety (both to delete the Policy and/or the sought amendments). WELL seek that policy INF-P2 is retained as currently drafted.
Royal Forest and Bird Protection Society [Submission 225.109]	a.geary@forestandbird.org.nz	Oppose	The Submitter seeks to conflate the safe and efficient provision of infrastructure under INF-P3 to urban growth areas with the protection of significant and outstanding natural values which are to be protected. WELL contend that the location of urban growth should take into account the effects on significant and outstanding natural values, as opposed to directing the focus on the infrastructure that will be required to service the growth areas,	WELL contend that this submission point is ill-directed as the policy (INF-P3) is in relation to Infrastructure and not the protection of significant and outstanding natural values.	Disallow	WELL seek the submission point and sought amendments are rejected in their entirety as they are out of context for the Infrastructure Chapter. WELL seek that policy INF-P3 is retained as currently drafted
Royal Forest and Bird Protection Society [Submission 225.110]	a.geary@forestandbird.org.nz	Oppose	The Submitter seeks to conflate the Infrastructure Chapter of the Proposed District Plan (INF—P4) with the Natural Environment Values Section of the PDP. WELL contend that – when applicable the appropriate weighting between the various District Wide provisions will occur through the consenting process and Assessment of Environmental Effects. WELL oppose this submission in its entirety.	WELL oppose submission 225.109 as it seeks to dilute the effectiveness of the Infrastructure Chapter of the PDP with the Natural Environment Values District Wide Chapter; and hence the submission point is considered to be out of scope for the Infrastructure section of the PDP.	Disallow	WELL seek the submission point and sought amendments are rejected in their entirety (both to delete the Policy and/or the sought amendments) as they are out of context for the Infrastructure Chapter. WELL seek that policy INF-P4 is retained as currently drafted.
Royal Forest and Bird Protection Society [Submission 225.113]	a.geary@forestandbird.org.nz	Oppose	INF-P8 provides an important direction in relation to all infrastructure across the District and takes account of where it is developed or operated outside of overlays. The submission point is taken from an overly restrictive and theoretical	WELL oppose submission 225.109 as it seeks to dilute the effectiveness of the Infrastructure Chapter of the PDP with the Natural Environment Values - District Wide Chapter, and hence the submission point is out of scope.	Disallow	WELL seek the submission point and sought amendments are rejected in their entirety (both to delete the Policy and/or the sought amendments) as they are out of context for the Infrastructure Chapter. WELL seek that policy INF-P8 is retained as currently drafted.

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			<p>ecological perspective and is out of scope in regard to the intent of the policy direction.</p> <p>WELL contend that the submission point attempts to restrict the safe and effective provision of infrastructure based on theoretical, or potential, ecological values of any given area; consequently, the sought amendments are inappropriate for inclusion in the Infrastructure section of the PDP.</p>			
<p>Royal Forest and Bird Protection Society</p> <p>[Submission 225.114]</p>	<p>a.geary@forestandbird.org.nz</p>	<p>Oppose</p>	<p>INF-P9 recognizes the operational needs and functional needs of infrastructure and has been through a lengthy pre-consultation development that WELL has been involved with.</p> <p>The submission point states that policy INF-P9 is inappropriate to other infrastructure and reasons this against high-level National and Regional Environmental Policy documents.</p> <p>The PDP implements National and Regional Policy Documents, and hence the elements specified under INF-P9 are, in WELL's opinion, appropriate for plan users and administrators.</p> <p>In consideration of the above WELL oppose the submission point in its entirety.</p>	<p>WELL disagree with the intent behind the submission as the purpose of the PDP is to implement higher-level policy documents.</p> <p>Retaining INF-P9 will assist plan users and administrators in giving effect to higher-level National and Regional environmental policy documents.</p>	<p>Disallow</p>	<p>WELL seek the submission point and sought deletion of INF-P9 is rejected in their entirety.</p> <p>WELL seek that policy INF-P9 is retained as currently drafted.</p>
<p>Royal Forest and Bird Protection Society</p> <p>[Submission 225.122]</p>	<p>a.geary@forestandbird.org.nz</p>	<p>Oppose</p>	<p>The Submitter seeks to conflate the Infrastructure Chapter of the Proposed District Plan (INF-P20) with the Natural Environment Values (ECO) Section of the PDP.</p> <p>WELL contend that – when applicable the appropriate weighting between the various District Wide provisions will occur through the consenting process and Assessment of Environmental Effects as they explicitly relate to any given area.</p> <p>WELL oppose this submission point in its</p>	<p>WELL oppose submission 225.122 as it seeks to dilute the effectiveness and application of the Infrastructure Chapter of the PDP with the Natural Environment Values (ECO) District Wide Chapter, and hence the submission point is out of scope.</p> <p>The Submitter has presented an alternative to deleting INF-P20 in which amendments to the text is sought.</p> <p>WELL are equally opposed to the sought amendments to the provisions of INF-P20 for the reason stated above.</p>	<p>Disallow</p>	<p>WELL seek the submission point and sought amendments are rejected in their entirety (both to delete the Policy and/or the sought amendments) as they are out of context for the Infrastructure Chapter.</p> <p>WELL seek that policy INF-P20 is retained as currently drafted, with its application relating to all Infrastructure.</p> <p><i>Operational need and functional need</i> mean two different things in regard to linear infrastructure; hence both terms should be retained in INF-P20.</p>

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			entirety.			
Royal Forest and Bird Protection Society [Submission 225.125]	a.geary@forestandbird.org.nz	Oppose	The submission point seeks to constrain infrastructure upgrading in areas on natural hazard. WELL own and operate RSI (i.e., the sub-transmission network) and non-RSI (local level supply lines and substations) in natural hazard areas (i.e., costal zones), and the sought amendment would unreasonably constrain WELL from providing a secure supply of electricity to Porirua communities. WELL oppose submission point 225.125 in its entirety.	The submission point will fundamentally restrict WELL in operating and maintaining the electricity distribution network across the Porirua District.	Disallow	WELL seek the submission point and sought amendments are rejected in their entirety. WELL seek that policy INF-P23 is retained as currently drafted with its application relating to all Infrastructure.