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Posted At: Wednesday, 27 November 2013 16:51
Conversation: Submission by Transpower on Matamata Piako Proposed Plan Change 44
Posted To: Submissions (Corporate Planning)

Subject: Submission by Transpower on Matamata Piako Proposed Plan Change 44

Categories: Green Category

Please find attached a submission by Transpower on Matamata Piako Proposed Plan Change 44.

Kind regards



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Submission by Transpower NZ Limited on the Matamata Piako Proposed Plan Change 44

November 2013

Keeping the energy flowing



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SUBMISSION BY TRANSPOWER NZ LTD ON PLAN CHANGE 44 TO THE MATAMATA PIAKO DISTRICT PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991.

INTRODUCTION

Transpower New Zealand Limited (“Transpower”) is the State Owned Enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the “National Grid”) which links generators to distribution companies and major industrial users. The grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.

The National Grid comprises some 12,000 km of transmission lines and 182 substations. The national control centres, located in Wellington and Hamilton, operate a network of some 300 telecommunication sites which link together the components that make up the National Grid.

Statutory Framework for Electricity Transmission

Transpower's electricity infrastructure is a significant physical resource that must be sustainably managed under the Resource Management Act 1991 (RMA), and any adverse effects on that infrastructure must be avoided, remedied or mitigated. Section 31 of the RMA sets out the responsibilities of district councils, including at section 31(1)(a) 'the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district'.

The National Policy Statement on Electricity Transmission 2008 (NPSET) confirms the national significance of the resource and the need to appropriately manage activities and development close to it¹. The objective of the NPSET is as follows:

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

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network”.*

¹ The Ministry for the Environment has prepared guidance for local authorities on how to implement the NPSET in plans and policy statements. See~
<http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-implementation-guidance-jan2010/index.html>

The NPSET refers to the electricity transmission network; this is the National Grid. Transpower's discussions with stakeholders is that people understand the term National Grid but not necessarily the electricity transmission network. Transpower supports the use of the term National Grid as it is more widely understood. Sections 55 and 75(3)(a) of the RMA require a District Plan to give effect to a National Policy Statement (NPS).

The RMA amendment to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (clause 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009 (NES-ET) came into effect on 14 January 2010. The standards:

- Specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- Specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NES-ET applies to the high voltage National Grid transmission lines in existence on 14 January 2010. The standards in the NES-ET recognise and provide for the effective operation, maintenance and upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NES-ET does not apply to new lines.²

It is important, given its national and regional significance, that the National Grid's management is properly addressed in the Matamata Piako District Plan. The national significance of the National Grid should be recognised in Proposed Plan Change 44 ("PPC44") through appropriate objectives and policies, and provisions which protect the National Grid transmission corridor.

Transpower thanks Council officers for the opportunity to meet before the development of this Plan Change and post its notification to provide an update on the current transmission corridor provisions. These provisions have been updated as a result of Transpower consultation with Federated Farmers of New Zealand and the general approach agreed to with Horticulture New Zealand. It is these updated provisions that are sought in this submission.

² The Ministry for the Environment has prepared guidance to assist local authorities with reviewing and amending plans to fully incorporate the NES-ET.
See~<http://www.mfe.govt.nz/publications/rma/neselectricitytransmissionregulations/plans1.html>.

Matamata Piako National Grid Transmission Assets

The following National Grid transmission assets are located within the Matamata Piako District (refer to location map in Attachment A):

- Hamilton – Waihou A (HAM-WHU A) 110kV transmission line on towers;
- Waihou – Waikino (WHU-WKO A) 110kV transmission line on towers;
- Piako Tee A (PAO-TEE A) 110kV transmission line on single poles;
- Hinuera – Karapiro A (HIN-KPO A) 110kV transmission line in pi-poles;
- Brownhill Road – Whakamaru North A (BHL-WHN A) 400kV capable transmission line on towers;
- Piako and Waihou substations.

These assets are correctly located on Matamata Piako Plan Change 44 proposed Planning Maps 3, 6, 7, 8, 10, 16, 23, 28, 29 and 30. The BHL-WHN A and PAO-TEE A lines and the two substations are designated in the District Plan.

1.0 GENERAL COMMENTS

1.1. For Transpower, the provisions of the PPC44 need to ensure:

- That the NPSET is given effect to;
- Appropriate recognition is given to the provisions of the NES-ET;
- The sustainable management of the National Grid as a physical resource;
- The benefits of the National Grid to the district are recognised;
- Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed;
- That the existing network can be upgraded in order to meet growth in energy demand;
- The protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and
- Appropriate provision for the planning and development of new lines (notwithstanding that no new lines are currently planned).

1.2. Transpower is satisfied that the PPC44 will achieve most of the outcomes set out above. In particular, PPC44 recognises the lines of National Grid as essential infrastructure for the district. Part A of PPC44 includes strong objectives, which recognise the importance of such network utilities for the district and the need to ensure that their safe, secure and efficient use and operation is protected from the adverse effects of other activities.

1.3. The lines of the National Grid are correctly shown on the planning maps. The policies which follow the above objectives in Part A seek to encourage the establishment, operation, maintenance and upgrading of network utilities, which these comments support. There are a number of amendments suggested however to the policies, to better achieve the requirements of the NPSET.

- 1.4. Similarly, PPC44 establishes an electricity transmission buffer corridor management approach, which is strongly supported by Transpower. Since the development of these provisions however, Transpower has continued discussions with key stakeholders and refined further its transmission corridor management approach. These stakeholders have included Federated Farmers of New Zealand and Horticulture New Zealand, and as a result the transmission buffer corridor management approach relating to rural areas has been further refined to meet issues raised by these stakeholders.
- 1.5. Transpower understands that Federated Farmers of New Zealand are in agreement with the new buffer corridor provisions as reflected in this submission. This refined approach is discussed further in this submission along with new district plan provisions sought by Transpower.
- 1.6. While no new transmission assets are planned within the District at this stage, Transpower also considers it important to ensure that the Matamata Piako District Council makes appropriate allowance for new transmission assets to properly establish a planning framework for this eventuality in line with the NPSET.
- 1.7. Overall, while generally supported by Transpower, some modifications and/or clarifications are required to Proposed Plan Change 44 in order to address all of the relevant general resource management issues identified in paragraph 1.1 above. The specific changes required to achieve this are outlined in the balance of this submission. Firstly however there are a number of general matters which apply to the PPC44 as a whole which are addressed in this section. These are dealt with in turn below, before the comments relating to specific sections.

Planning Maps

- 1.8. Transpower supports the notation on the proposed planning maps (maps 3, 6, 7, 8, 10, 16, 23, 28, 29, 30) of the Matamata Piako section of the National Grid. This fulfils Policy 12 of the NPSET, which requires territorial authorities to identify the electricity transmission network on there relevant planning maps, whether or not the network is designated.

Designations

- 1.9. As stated above two of Transpower's lines and two substations are designated. All of these designations have been given effect to. Transpower's expectation is that the designation rollover process will occur prior to the notification of any proposed plan in accordance with schedule 1 of the RMA, at which time Transpower will formally confirm its intention to rollover the designation.

Infrastructure rules overlay the underlying zone rules

- 1.10. It is unclear whether the infrastructure rules in part B of PPC44 (specifically rules 3.5.1 and 3.5.2) are an overlay (and therefore the provisions of the underlying zoning still apply, unless the overlay specifically modifies these). In this regard it is assumed that that normal rural activities, otherwise allowed in the Rural Zone (specified in section 3.2 of the Matamata Piako District Plan), apply unless the additional requirements of rules 3.5.1 and 3.5.2 apply.
- 1.11. Transpower seeks the Plan Change be amended to clarify that the underlying zones rules still apply unless specifically modified by rules 3.5.1 and 3.5.2 provide an additional overlay.

Proposed new wording

- 1.12. Throughout this submission, there will be reference to a new suite of terms as explained in the section on definitions. These include the following:
- National Grid Yard – similar to the current “Red zone”;
 - National Grid Subdivision Corridor – similar to the current “Buffer Corridor or “Green zone” and “Red zone” combined;
 - Distribution line – the same as the current “sub-transmission” line.
- 1.13. These are explained further throughout the submission. In particular, in relation to rules 3.5.1 and 6.1.1 of PPC44.

1. GENERAL RELIEF SOUGHT

1. Full effect is given to the National Policy Statement for Electricity Transmission 2008;
2. Recognise the National Environmental Standards for Electricity Transmission Activities and ensure that there are no conflicts with provisions of the District Plan and NES-ET (s44A of the RMA);
3. **Retain** notation on the draft planning overlay maps (proposed maps: 3, 6, 7, 8, 10, 16, 23, 28, 29, 30) of the HAM – WHU A, WHU - WKO A, HIN-KPO A, PAO-TEE A and BHL-WHN A transmission lines.
4. **Insert** clarification that rules 3.5.1 and 3.5.2 are an overlay on top of the underlying zone rules.
5. **Provide** new definitions for “National Grid Yard”, “National Grid Subdivision Corridor” and “distribution line”.
6. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

2.0 SECTION 15 DEFINITIONS

- 2.1. Transpower seeks that the definitions are updated in line with the new terminology proposed. Transpower submits that these terms are better understood by Plan users and better reflect the matters sought to be controlled. See below for specific details however broadly, the following changes are sought:
- National Grid Yard – similar to the current “Red zone”;
 - National Grid Subdivision Corridor – similar to the current “Transmission Line Buffer Corridor”.
- 2.2. Transpower supports with definition of “Sensitive Activity” with the inclusion of the words “...the National Grid”. It is noted that in particular, Transpower consider the following to be sensitive activities in relation to the National Grid transmission lines:
- Residential activities;
 - Childcare and preschool facilities;
 - Schools;
 - Retirement village accommodation; and
 - Hospitals.
- 2.3. Transpower has suggested a new definition of NZECP34 to enable an abbreviated reference to the document to be used throughout the Plan.

2. SECTION 15 DEFINITIONS

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Delete** “Buffer Corridor”:

~~“**Buffer corridor**” means a corridor comprising the “red zone” and the “green zone” as follows:~~

- ~~(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.~~
- ~~(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.~~

2. **Insert** a new definition for “NZECP34”:

Means the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.

3. **Delete** “Green zone”:

~~“**Green Zone**” means a buffer corridor:~~

- ~~(i) Extending 4m either side of the Red Zone that applies to the HIN-KPO A transmission line identified on the Planning Maps;~~
- ~~(ii) Extending 20m either side of the Red Zone that applies to the HAM-WHU A and WHU-WKO A transmission lines identified on the Planning Maps.~~

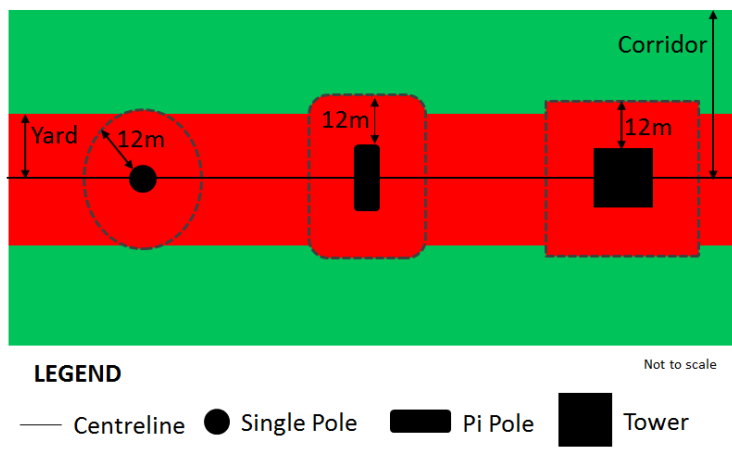
4. **Retain** the “Intensive Farming” definition as notified.
5. **Retain** the “National Grid” definition as notified.
6. **Insert new** “National Grid Subdivision Corridor” definition as follows:

National Grid Subdivision Corridor (shown in diagram below)

Means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers

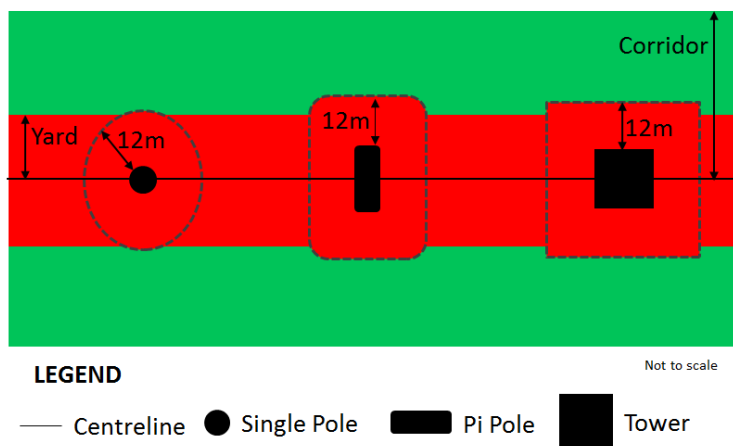
Note: The National Grid Subdivision Corridor and National Grid Yard do not apply to underground cables or any National Grid lines (or sections of line) that are designated.



7. **Insert** “National Grid Yard” definition as follows:

National Grid Yard (shown in the diagram below) means:

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line;



8. **Delete** “Red zone”:

~~“Red Zone” means a buffer corridor extending 12m either side of the centreline of the HINKPO A, HAM-WHU A, and WHU-WKO A transmission lines identified on the Planning Maps.~~

9. **Amend** “Regionally Significant Infrastructure” point (iv) as follows:

“Regionally significant infrastructure” means:

~~(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;~~

10. **Amend** “Sensitive Activity” as follows:

“Sensitive activity” means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity, and in the context of state highways, the National Grid and railway lines includes any dwelling, papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres.

Or include a new definition for sensitive activities around the National Grid that only captures: dwellings, papakainga, boarding houses, retirement villages, supported residential care, pre-schools, schools and hospitals.

11. **Delete** “Transmission Line Buffer Corridor”:

~~“Transmission line buffer corridor”~~—see “buffer corridor”.

12. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

PART A – ISSUES, OBJECTIVES AND POLICIES

3.0 SECTION 2.3 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

- 3.1. Transpower supports Issue 2.3.6 and Issue 2.3.7 as they seek to manage adverse environmental effects of infrastructure networks on the local receiving environment. In particular, they seek to ensure new development does not compromise the operation, maintenance, upgrading or development of infrastructure networks.
- 3.2. This recognises that a variety of land uses and developments are able to co-exist in the rural areas without conflict and make efficient use of natural and physical resources. Utilities such as transmission lines are an example of important land uses other than primary production that occur in rural areas.

- 3.3. In this regard, Issue 2.3.6 and 2.3.7 support the NPSET overarching Objective which seeks to ensure that the operation, maintenance and upgrade of the existing and proposed transmission network, while *“managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network”*.
- 3.4. They are consistent with Policy 10 of the NPSET which notes that *“decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”*

3. SECTION 2.3 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Issue 2.3.6 as notified.
2. **Retain** Issue 2.3.7 as notified.
3. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4.0 SECTION 2.4.6 SUSTAINABLE MANAGEMENT STRATEGY – INTEGRATING LANDUSE AND INFRASTRUCTURE

- 4.1. Section 2.4.6 sets out objectives, policies, methods and explanations for a “Sustainable Management Strategy”. This section identifies that the integration of land use and infrastructure will help ensure sustainable use of land.
- 4.2. Transpower seek the inclusion of the word “subdivision” in Objective 1. This will better support the second bullet point in the objective which references “infrastructure and subdivision, land-use and development”.

- 4.3. In this regard, Policy 11 of the NPSET requires that a buffer corridor be identified where it can be expected that sensitive activities will generally not be provided for. The design and layout of a subdivision are often key stages of giving effect to this provision. If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the lines, and subsequent development / land use. In extreme circumstances, poorly controlled subdivision has given rise to circumstances where unbuildable lots have been created and/or maintenance and access to the lines is compromised. In other circumstances, it has given rise to situations where lines aerially bisect lots, thus inappropriately limiting their development potential.
- 4.4. Transpower supports policy 2 and 4 as they are consistent with Policies 10 and 11 of the NPSET, which requires RMA decision makers to manage activities to avoid reverse sensitivity effects on the National Grid and ensure sensitive activities are avoided within National Grid Yard.

4. SECTION 2.4.6 SUSTAINABLE MANAGEMENT STRATEGY – INTEGRATING LANDUSE AND INFRASTRUCTURE

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** Objective 1 as follows:

Objective 1

Land-use , subdivision and infrastructure are planned in an integrated manner that:

- *Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;*
- *Recognises the need for the provision of infrastructure and subdivision, land-use and development to be co-ordinated; and*

Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.

2. **Retain** policy 2 as notified.
3. **Retain** policy 4 as notified.
4. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.0 SECTION 2.4.7 SUSTAINABLE MANAGEMENT STRATEGY – REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 5.1. Section 2.4.7 sets out objectives, policies, methods and explanations for a “Sustainable Management Strategy”. Regionally significant infrastructure such as the National Grid is critical to the economic and social wellbeing of the local community and the whole country, and therefore they must be protected appropriately.
- 5.2. Transpower support Objective 1 which seeks to ensure that national, regional and local benefits of the National Grid are recognised and protected.
- 5.3. Transpower generally supports the intent of Objective 2 which seeks to ensure that operation, maintenance, upgrading and development of the National Grid is enabled. Transpower seeks that Objective 2 be amended to delete the word “greatest” before “extent practicable”. The inclusion of “greatest” could result in an expectation that Transpower undertake onerous mitigation; i.e. undergrounding sections of the National Grid.
- 5.4. Transpower has suggested an additional policy. Policy 10 of NPSET notes that activities must be managed to avoid reverse sensitivity effects on the electricity transmission network. The existing Objective 3 which encompass all regionally significant infrastructure seeks adverse reverse sensitivity effects to be avoided, remedied, or mitigated. Transpower suggested an additional policy which relates specifically to the National Grid.
- 5.5. Transpower generally supports Policy 2, but seeks to insert the word “major” into Policy 2. This signals that minor upgrades are permitted activities as signalled in Activity table 8.2.1. This will ensure that only the adverse effects arising from major upgrades of regionally significant infrastructure should be avoided, remedied or mitigated. The test of avoiding, remedying or mitigating all adverse effects from all infrastructure upgrades (be they major or minor) will not achieve the outcome sought by objective.
- 5.6. Transpower supports Policy 1, 4, 5 and 6 and the Anticipated Environmental Effects because they are consistent with the NPSET as they seek to recognise and protect the National Grid.

5. SECTION 2.4.7 SUSTAINABLE MANAGEMENT STRATEGY – REGIONALLY SIGNIFICANT INFRASTRUCTURE

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Objective 1 as notified.

2. **Amend** Objective 2 as follows:

Objective 2

Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected to promote the economic, social, and cultural wellbeing of national, regional and local communities, while avoiding, remedying or mitigating adverse effects on the environment to the ~~greatest~~ extent practicable.

3. **Include** a new Policy as follows:

Policy 7

Adverse effects including reverse-sensitivity effects on the National Grid are avoided.

4. **Retain** Policy 1 as notified.

5. **Amend** Policy 2 as follows:

Policy 2

Require the development and major upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the:

- Health, safety, and wellbeing of people;*
- Visual and amenity values;*
- Natural and physical environment;*
- Intrinsic values of scheduled sites; and*
- Existing sensitive activities.*

6. **Retain** Policy 4 as notified.

7. **Retain** Policy 5 as notified.

8. **Retain** Policy 6 as notified.

9. **Retain** the Anticipated Environmental Results as notified.

10. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

PART B – RULES

6.0 SECTION 1 – GENERAL PROVISIONS

1.1 Information requirements for resource consent applications

- 6.1. Transpower seeks to be included in section 1.1.1(vi) which lists potential consultation parties for resource consent applications. This is to ensure that the National Grid is considered by applicants when preparing resource consent applications (where relevant).

6. SECTION 1 – GENERAL PROVISIONS

(all amendments shown in **italics & underline** and deletions shown in **strikethrough**)

1. **Amend** 1.1(vi) - Information requirements for resource consent applications:

As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:

- The owner(s) and occupier(s) of the subject land;
- Persons likely to be directly affected by the proposed activity;
- The District and Regional Council;
- New Zealand Transport Agency;
- New Zealand Railways Corporation (KiwiRail);
- The Department of Conservation;
- The New Zealand Historic Places Trust;
- Iwi authorities;
- Community Health;
- Fish & Game Council;
- Environmental Futures;
- Federated Farmers;
- Royal Forest & Bird Society;
- Te Aroha Earthwatch;
- *Transpower NZ Limited*;
- Other authorities or organisations as relevant.

2. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

7.0 SECTION 3.5 ACTIVITIES ADJACENT TO TRANSMISSION LINES (ALL DISTRICT PLAN ZONES)

- 7.1. Transpower seeks to amend the rules relating to activities adjacent to transmission lines and also the name of the rule. To be consistent with other wording changes proposed throughout this submission, Transpower seeks to name section 3.5, "Activities Adjacent to the National Grid".
- 7.2. Transpower seeks to delete rule 3.5.1 "Activities within the red zone", in its entirety. A new rule is proposed to be inserted for activities within the National Grid Yard. This rule covers all zones.
- 7.3. However, there is one parcel of land within the National Grid Yard which is already developed and occupied and the provisions proposed below recognise this. Transpower propose a separate set of provisions for that site located between Bolton Road and Morrinsville- Walton Road identified as Lot 1 DPS18429.

7. SECTION 3.5 ACTIVITIES ADJACENT TO TRANSMISSION LINES (ALL DISTRICT PLAN ZONES)

(all amendments shown in *italics* & underline and deletions shown in ~~strikethrough~~)

1. **Amend** title of section 3.5 as follows:

Section 3.5 Activities Adjacent to ~~Transmission Line~~ *The National Grid*.

2. **Delete** Rule 3.5.1 – Activities within the Red Zone:

3.5.1 Activities within the Red Zone

(i) Permitted activities

~~The following activities are permitted within the Red Zone:~~

- ~~(a) Earthworks;~~
- ~~(b) Buildings or structures with a maximum height of 2.5m and a gross floor area not exceeding 10m²;~~
- ~~(c) Alterations to an existing building where the existing floor area and building envelope are not exceeded;~~
- ~~(d) Alterations and new buildings or structures for non-sensitive activities where it has been demonstrated that the building or structure complies with NZECP 34:2001.~~

(ii) Restricted discretionary activities

~~The following activities are restricted discretionary activities in the Red Zone:~~

- ~~(a) A new building or structure for a sensitive activity that does not comply with the permitted activity standards in (i)(b) or (i)(c) above, provided it has been demonstrated that the building or structure complies with NZECP 34:2001; and;~~
- ~~(b) Conversion of an existing building or structure that does not comply~~

with the permitted activity standards in (i)(b) or (i)(c) above, to a sensitive activity, provided it has been demonstrated

(iii) Matters of discretion

The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:

- (a) The ability for upgrading, maintenance and inspection of lines, including ensuring access;
- (b) The risk to people and property posed by the operation of the line;
- (c) The risk to people and property posed, should the line fail;
- (d) The extent to which the adverse effects from the line, and of the new activity can be avoided, remedied, or mitigated;
- (e) The outcome of any consultation with the affected line owner/operator.

(iv) Non-notification

Applications utilising Rule 3.5.1(ii) that do not simultaneously trigger other consent requirements shall not be publicly notified and shall not be served on any party other than the electrical line owner and/or operator.

(v) Non-complying activities

Alterations and new buildings/structures that fail to demonstrate compliance with NZECP 34:2001 are a non-complying activity.

3. Include a new rule 3.5.1 for all zones as follows:

3.5.1 National Grid Yard

(i) Permitted Activities

1. Under the National Grid Conductors (wires):

- (a) On all sites within any part of the National Grid Yard any buildings and structures must:
 - (i) If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or
 - (ii) Be a fence; or
 - (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
 - (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, commercial greenhouse or intensive farming building (excluding ancillary structures)); or
 - (v) Be an uninhabited horticultural building (but not a commercial greenhouse) or structure; or
 - (vi) Be any public sign required by law or provided by any statutory body in accordance with its powers under any law.
- (b) All buildings or structures permitted by a) must comply with at least one of the following conditions:
 - (i) A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or

- (ii) Demonstrate that safe electrical clearance distances required by NZECP34 are maintained under all National Grid line operating conditions.

2. Around National Grid support structures:

Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:

- (a) Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.
- (b) Fence less than 2.5m in height and more than 5m from the nearest support structure.
- (c) Horticultural structure between 8m and 12m from a pole support structure that:
- (i) Meets the requirements of the NZECP34 for separation distances from the conductor;
 - (ii) Is no more than 2.5m high;
 - (iii) Is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and
 - (iv) Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

3. Earthworks; subject to compliance with the following:

- (a) That they be no deeper than 300mm within 12m of any National Grid support structure foundation;
- Except that Vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt.
- (b) Not create an unstable batter that will affect a National Grid support structure; and
- (c) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

Provided that the following are exempt from point (c)(i) above:

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

Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.

(ii) Restricted Discretionary Activities

1. Within the National Grid Yard any earthworks not permitted by 3.5.1(i)3(a).

(iii) Non-Complying Activities

1. Within the National Grid Yard:

- (a) Any building or addition to a building for a sensitive activity.
- (b) Any change of use to a sensitive activity or the establishment of a new sensitive activity.
- (c) Intensive farm buildings and dairy/milking sheds, commercial greenhouses or buildings excluding associated ancillary structures.
- (d) Any earthworks not permitted by 3.5.1(i) 3.(b) or (c).
- (e) Any building or structure that is not permitted under Rule 3.5.1 (i).

For the site located between Bolton Road and Morrinsville – Walton Road legally described as Lot 1 DPS18429 the following exemptions in rule 3.5.2 shall apply:

3.5.2 National Grid Yard

Note: This rule only applies to the site legally described as Lot 1 DPS18429.

(i) Permitted Activities

Any building less than 2.5m high and 10m² in area is permitted.

(ii) Discretionary Activities

Any building or structure not permitted by Rule 3.5.1 or non-complying under Rule 3.5.1(iii)1(a) to (d) above shall be a discretionary activity.

Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.

4. **Delete** Rule 3.5.2 – Activities within the Green Zone:

3.5.2 Activities within the Green Zone

(i) Permitted activities

~~Any building or structure where compliance with NZECP 34:2001 has been demonstrated is a permitted.~~

(ii) Non-complying activities

~~Any building or structure where compliance with NZECP 34:2001 has not been demonstrated is a non-complying activity.~~

~~**Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with NZCEP 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.**~~

~~**Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, the line operator should be contacted.**~~

5. **Amend** section (iii) Matters for discretion as follows:

(iii) Matters of discretion

The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:

- (a) The ability for operating, upgrading, maintenance and inspection of lines, including ensuring access;*
- (b) The risk to people and property posed by the operation of the line;*
- (c) The risk to people and property posed, should the line fail;*
- (d) The extent to which the adverse effects from the line, and of the new activity on the line can be avoided, remedied, or mitigated;*
- ~~*(e) The outcome of any consultation with the affected line owner/operator.*~~
- (e) Any technical advice provided by the line owner/operator.*

6. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

8.0 SECTION 6 SUBDIVISION

- 8.1. Inappropriate subdivision can adversely affect the National Grid and therefore it is important that the District Plan provides at a minimum some guidance as to appropriate subdivision in proximity to transmission lines.
- 8.2. Policy 10 requires that reverse sensitivity effects are managed and that the operation and maintenance of the National Grid is not compromised. Policy 11 of the NPSET requires that a buffer corridor be identified where it can be expected that sensitive activities will generally not be provided for. The design and layout of a subdivision are often key stages of giving effect to these provisions. If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the lines, and subsequent development / land use. In extreme circumstances, poorly controlled subdivision has given rise to circumstances where unbuildable lots have been created and/or maintenance and access to the lines is compromised. In other circumstances, it has given rise to situations where lines aerially bisect lots, thus inappropriately limiting their development potential.
- 8.3. Transpower does not seek to stop all subdivision around the National Grid. Transpower simply seeks that any subdivision around the National Grid is appropriately designed so that it does not result in allotments that cannot safely be developed and ensures that the operation and maintenance of the National Grid is not compromised through the development pattern that is established at the time of subdivision.

8. SECTION 6 SUBDIVISION

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** section 11 of Activity Table 6.1.1 as follows:

11. *Subdivision within one or more new vacant developable lots:*

- *Within a ~~transmission line buffer~~ National Grid subdivision corridor;*
- *Within 20m either side of the centreline of a ~~sub-transmission~~ distribution line.*

2. **Retain** section 6.1.3 (ix) as notified with the exception of the terminology changes sought elsewhere in the submission.

(ix) Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a ~~sub-transmission~~ distribution line.

(a) Performance standards

For subdivisions utilising Rule 6.1.1.11 the following performance standards shall apply:

(i) Subdivision within a National Grid subdivision ~~buffer~~ corridor must nominate within each new vacant developable lot a designated building envelope (footprint and height) that is outside the ~~red-zone~~ National Grid Yard and complies with NZECP34 34:2001.

(ii) Subdivision within 20m either side of the centreline of a ~~sub-transmission-distribution~~ line must nominate within each new vacant developable lot a designated building envelope (footprint and height) that complies with NZECP 34:2001.

(b) Matters to which discretion is restricted

For applications utilising Rule 6.1.1.11, the Council has restricted its discretion to the following matters and if consent is granted, may impose conditions relating to these matters:

(i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing ~~transmission~~ National Grid and ~~sub-transmission~~ distribution lines, for example through the location and design of roads, reserves and landscaping under the route of the line;

(ii) The ability for maintenance and inspection of National Grid ~~transmission~~ and distribution ~~sub-transmission~~ lines including ensuring access;

(iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;

(iv) The extent to which potential adverse effects from the line, including risks, reverse-sensitivity, and visual effects, are mitigated, for example through the location of building platforms;

(v) The ability to provide a complying building platform;

(vi) Compliance with NZECP 34:2001;

(vii) Outcomes of consultation with the affected line owner/operator.

(c) Non-compliance

Any subdivision proposed which does not comply with (a) above shall be considered a non-complying activity. The matters listed in (b) above shall be used as a guide for considering non-complying activities.

3. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

9.0 SECTION 8.2 ELECTRICITY TRANSMISSION AND DISTRIBUTION ACTIVITIES

- 9.1. Maintenance, repair and upgrade of the National Grid is essential to ensuring that the National Grid continues to provide for the needs of present and future generations.

- 9.2. Transpower seek to make it clear that transmission lines in place prior to 14 January 2010 are not covered by the PPC44 rules as the NES-ET applies in those situations. The NES-ET does not apply to any new lines.

9. SECTION 8.2 ELECTRICITY TRANSMISSION AND DISTRIBUTION ACTIVITIES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** 8.2.1 Activity Table as follows:

8.2.1 Activity Table

The table below sets out the activity status for electricity transmission and distribution facilities.

In addition to the provisions in the table, the following national environmental standard applies to electricity transmission activities:

- ***The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ET) apply to the operation, maintenance, upgrading, relocation or removal of transmission lines that were operated or able to be operated, on or prior to 14 January 2010. Any rules of the Matamata Piako District Plan do not apply to these activities.***

2. **Amend** 8.2.1 Activity Table – Section 4 as follows:

8.2.1 Activity Table – Section 4

4. Minor upgrading of electrical lines ~~up to and including 110kV (not being part of the national grid).~~

3. **Retain** section 5 of Activity Table 8.2.1 as notified.
4. **Retain** section 6 of Activity Table 8.2.1 as notified.
5. **Retain** section 10 of Activity Table 8.2.1 as notified.
6. **Retain** section 11 of Activity Table 8.2.1 as notified.
7. **Retain** section 12 of Activity Table 8.2.1 as notified.
8. **Amend** performance standard 8.2.2. (i) as follows:

Minor upgrading – Rule 8.2.1.4

(i) Minor upgrading of electrical lines ~~up to and including 110kV (not being part of the national grid)~~ is a permitted activity when undertaken in accordance with the definition of “minor upgrading” in Section 15 of the District Plan.

9. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

10.0 SECTION 11 NATURAL HAZARDS

- 10.1. Transpower consider that the section detailed below contains a typographical error.

10. SECTION 11 NATURAL HAZARDS

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** section 1 of 11.2 Activity Table as follows:

11.2.1 Activity Table

1. Any use, development or subdivision of land within areas identified as Natural Hazard Areas on the planning maps with the exception of upgrading of above and below ground electrical lines listed in 8.2.1 to 8.2-4.7.

2. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

11.0 CONCLUSIONS

- 11.1. The National Grid is recognised as a nationally significant physical resource. Particular provisions are required in PPC44 to protect and provide for this resource. Having reviewed PPC44, Transpower is generally satisfied with the provisions, however has set out in this submission a number of amendments to ensure that the NPSET is given effect to, appropriate recognition is given to the provisions of the NES-ET, and as a result of this appropriate provision is made for the ongoing operation, maintenance, upgrading and development of the network. The provisions sought also reflect changes to the buffer corridor management approach agreed with key stakeholders in rural areas.

12.0 TRANSPOWER WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

13.0 IF OTHERS MAKE A SIMILAR SUBMISSION, TRANSPOWER WOULD BE PREPARED TO PRESENT A JOINT CASE AT ANY HEARING.

14.0 TRANSPOWER COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

DATED 27 November 2013

Signature for and on behalf of
Transpower New Zealand Limited:



Peter Hall
Associate Director/Planner

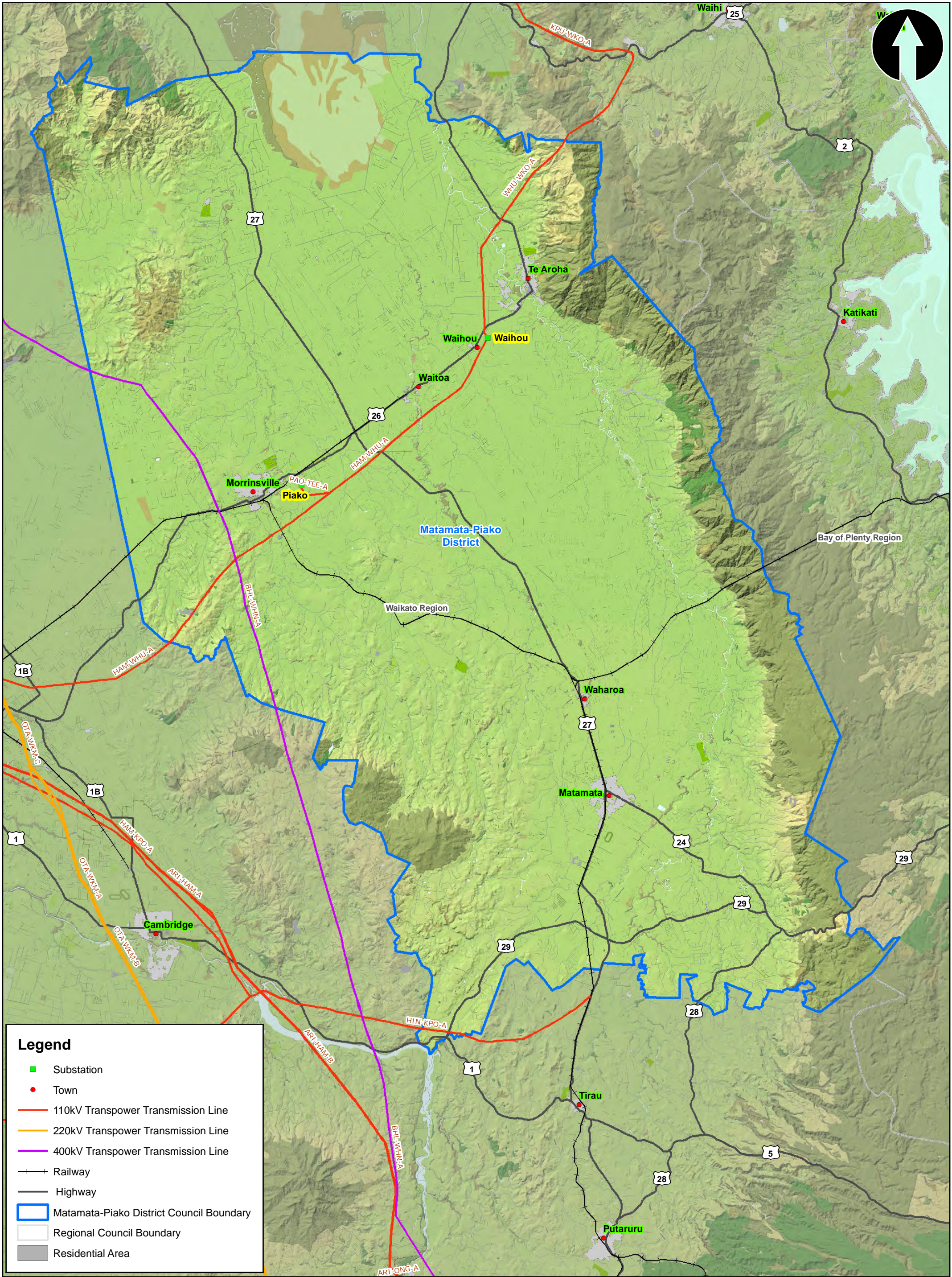
Address for Service: Boffa Miskell Limited
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Attn: Peter Hall / Jo Young

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jo.young@boffamiskell.co.nz

Attachment A: Matamata Piako National Grid Transmission Assets



TRANSPOWER

Transpower Transmission Lines within
Matamata-Piako District

Projection: NZTM 2000 Scale: 1:200,000 Plan Size: A3P

0 5 10 Kilometers

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20-11-2013